



Precarious by design: how the Seasonal Worker Scheme can drive irregularity

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 by or at risk of exploitation and by promoting best practice responses to labour exploitation through research and evidence-based advocacy.

Summary

This briefing analyses how the design and functions of the UK's Seasonal Worker Scheme can drive workers outside of the UK's visa structure and, therefore, into irregular migration status and employment. This creates significant risks of exploitation for workers and removes options to access decent work and/or enforce their rights in the UK.

1. Introduction

UK public and government discourse around irregular migration and employment often vilifies migrant workers, framing migration as a public “crisis,” and criminalising and blaming workers for falling outside of the immigration rules. This negative rhetoric around migration is not a new phenomenon, and has only increased in recent years, with both Conservative and Labour Governments placing greater emphasis on securitised narratives and border control when discussing migration.¹

There has also been a greater focus in recent years on framing migrants as either “good” or “bad,” depending on the perceived level of benefit to the state. This has resulted in increasing levels of dehumanisation and

¹ Vahid Ghafouri, Robert McNeil, Teodor Yankov, et al., ‘[Framing Migration: A Computational Analysis of UK Parliamentary Discourse](#)’, *arXiv Preprint arXiv:2509.14197*, 2025.

othering of migrants with irregular migration status² and those in low-paid roles.³ An example of this is the recent consultation on “earned settlement” in the UK,⁴ which argues that for workers on low-wages, for example, those on the Health and Care Worker Visa, it is “only right that we apply more stringent controls for this group before they qualify for settled status.” Further, the consultation also states that the “government believes it is right that those who do not comply with immigration laws should expect this to impact on their pathway to settlement and that, even where breaches do not have the consequence of resulting in outright refusal of an application, they should result in their qualifying period being extended.”

It is essential to note, however, that the factors leading to irregular migration are complex and varied. Many individuals who are classified as having irregular migration status in the UK have entered through formal migration routes and then lost their status through no fault of their own. This includes situations where people are misled by their sponsors or are given wrong immigration advice or cannot afford this advice. Further, in a significant number of cases, irregularity is directly connected to the government’s design of migration routes (e.g. people losing their status due to having to leave abusive or exploitative situations).

There have been limited efforts by successive UK Governments to address the root causes of how people on UK migration routes end up with irregular status, including by analysing how poorly designed systems can leave people in situations where they have no options and are pushed outside of the system. This is of particular importance, as having irregular migration status in the UK can greatly expose people to different forms of exploitation and multiple perpetrators, including at work, at home, and elsewhere. This is largely due to the UK’s “Hostile Environment” policies, including the Illegal Working Offence, which deems working without the correct permit a criminal offence. This can carry imprisonment, confiscation of assets, detention, and removal from the UK. Even though those found to be employing people irregularly may also face penalties, they can get their fines reduced if they cooperate with Home Office immigration enforcement. As the evidence shows, these measures result in a power imbalance that perpetrators may take advantage of to exert abuse, either by seeking to exploit those without the right to work, or by threatening those who do with removal from the UK. Working irregularly can result in people being forced to accept conditions or practices that they would otherwise challenge or walk away from, in order to avoid destitution, imprisonment, or removal, for example, because they need to pay off large amounts of recruitment debt and cannot afford to travel back home.⁵

Within this context, one route that has received media attention for workers falling outside the scope of their visa is the Seasonal Worker Scheme (SWS). Given the severe implications, working outside the scope of their visa is not a desirable choice, nor a decision taken lightly by workers on this route. This raises the question, why is there evidence of seasonal workers becoming irregular in the UK? Why would they choose to lose the safety of having a lawful immigration status and employment rights protections? As the reader may already imagine, this is never a free choice.

2 While there is no universal definition, within this briefing, irregular migration status refers to people that are in a country without the legal right to remain or those that are not adhering to their visa conditions. This in practice, covers a complex and diverse range of situations, including people that enter a country without proper authorization, overstay a visa, and subsequently have no leave to remain, and those in breach of conditions attached to residency, and are, therefore, subject to removal.

3 Maria Madalina Ciocoiu and Rowan Voirrey Sandle, ‘[You Are Not My Type: A Critical Discourse Analysis of UK Media Representations of Immigration, before and Post Brexit](#)’, *Psychology of Women & Equalities Review* 4, no. 1 (2021).

4 Home Office, [A Fairer Pathway to Settlement: A Statement and Accompanying Consultation on Earned Settlement](#) (London, 2025).

5 Labour Exploitation Advisory Group (LEAG), [“So I Decided to Carry On...”: The Continuum of Exploitation in Practice](#) (Focus on Labour Exploitation (FLEX), 2024).

This briefing shows how the UK Government's design and implementation of the SWS and its interactions with "Hostile Environment" policies, and barriers to accessing support, can push workers into irregular migration status.⁶ In the following sections, this briefing explains in detail how working irregularly is a situation that workers on the scheme continue to face, due to the lack of appropriate safeguards on the scheme, and for victims of Modern Slavery, a lack of support and barriers to entering the National Referral Mechanism (NRM).

2. Recruitment and debt

Current rules allow scheme operators to recruit workers from any country in the world. Over the last few years, the majority of workers have been recruited from countries in Central Asia, and face high travel costs to work in the UK. This can result in significant levels of debt for workers participating in the scheme. The need to pay off debt can lead to workers staying in coercive employment arrangements or seeking employment outside of the terms of their visa. This is especially true for workers who have been left without work or are earning less than promised, an issue largely connected to the design and implementation of the SWS.

Workers on the SWS are expected to cover all costs associated with migrating to the UK, where they will earn low wages for a period that can only last up to a maximum of 6 months, with many, and women in particular, reporting having received an inaccurate picture of how much money they could expect to earn during this period.⁷

Despite the UK Government previously stating that "Governments should advance responsible recruitment policies and practices", including by supporting initiatives such as the EPP, there is currently no requirement to apply an Employer Pays Principle (EPP) for the SWS.⁸ Scheme operators and retailers have previously expressed being open to the idea of some form of EPP on the SWS, dependent on a few conditions (e.g. the government mandating EPP in scheme rules, and the cost being spread over the supply chain).⁹ Further, in 2024, Defra commissioned an EPP Feasibility Study within the Horticulture Value Chain, which outlined several models of how EPP could be applied to the scheme.¹⁰ However, in reference to this study, a spokesperson from Defra stated that the government "has no plans to impose EPP for seasonal workers" and that "to suggest otherwise is completely false."¹¹

Consequently, workers on the SWS are usually required to cover most of the costs of being recruited into the UK. This can result in severe consequences, such as being unable to challenge poor working conditions or returning home with more debt than when they first come to the UK.

6 Section SE3.16 of sponsor guidelines states that scheme operators will normally have their license revoked if within any 12-month period "fewer than 97 percent of your sponsored workers who obtain entry clearance (a visa) leave the UK at the end of their permitted stay" or if "3 percent or more of your sponsored workers who obtain entry clearance (a visa) fail to arrive at their place of employment." This briefing does not analyse the percentage of workers who do or do not meet the criteria set out in the guidelines, but instead looks at some factors that can drive workers into irregular migration status.

7 Focus on Labour Exploitation (FLEX), [Uneven Fields: Women Workers' Experiences of the Seasonal Worker Scheme](#) (London, 2025).

8 Home Office and The Rt Hon Victoria Atkins MP, '[UK Agrees Principles for Tackling Modern Slavery in Supply Chains](#)', GOV.UK, 25 September 2018.

9 Focus on Labour Exploitation (FLEX), [Bearing Fruit: Making Recruitment Fairer for Migrant Workers](#) (London, 2024).

10 Alma Economics, [The Employer Pays Principle Feasibility Study, within the Horticulture Value Chain](#) (London, 2025).

11 Emiliano Mellino, '[Farms and Supermarkets Could Pay Seasonal Workers' Recruitment Costs, Says Report](#)', The Bureau of Investigative Journalism, 3 June 2025.

“People are risking their assets and are even selling their belongings or anything they can to be able to come here with a hope to earn more money than they have just invested by selling their stuff. A lot of people have done that, sold their stuff, took out loans. Everyone here on the farm has taken out a loan from the bank in their country of origin to get here.”

SWS worker recruited from Kazakhstan. 2023.¹²

Unsurprisingly, debt resulting from the recruitment practices introduced by the SWS, is one of the key factors that can push workers into irregularity. People on the scheme are being brought into a pathway that is generally putting them at risk of a level of debt so high they might not be able to pay it back, let alone make their time and work in the UK a meaningful investment. In view of this, workers may find themselves with no choice other than to try to recuperate the money they owe, even if this is at the cost of putting themselves at risk by working irregularly.

3. Earnings and lack of guaranteed income

Linked to issues around debt is the lack of guaranteed income for workers on the SWS. In April 2023, the SWS introduced a rule change to help reduce some of the risks around debt on the route. From this date, workers have, according to the immigration rules, been required to be paid a minimum of 32 hours per week, averaged over their pay period. Under scheme guidance, workers must receive the 32 hours for the full duration of their stay, including periods where they are not placed with growers (e.g. if awaiting a transfer).

However, the MAC’s review of the SWS¹³ highlighted that scheme operators were only provided clarification on the application of this rule by the Home Office around a year after first introduced. In this review, the MAC states that prior to this clarification, scheme operators had interpreted the 32 hours per week as only applying to the time workers were on site at farms. This review also highlighted that the introduction of this rule may also have unintended consequences, such as workers being sent home before the end of their visa if there is no work immediately available for them to transfer to.

FLEX research data has also found issues and widespread confusion among workers on the implementation of the 32-hour rule. In a recent survey conducted by FLEX with returned workers from Kyrgyzstan and Kazakhstan,¹⁴ around one in ten (Total:8.5%; Women:10.2%; Men:7.7%) workers reported not being paid at least 32 hours on average over their pay period since the rule was introduced, while a further one in five did not know (Total:19.2%; Women:26.8%; Men:15.8%).

Further, workers on the SWS are not guaranteed employment for the duration of their visa¹⁵ and can be dismissed at any point during their employment, at which point they no longer continue receiving the 32 hours per week. This can occur through no fault of the worker, for example, if there is not enough work available due to bad weather, for not meeting unclear picking targets, or because they are injured at work.¹⁶

12 Years included in worker quotes in this briefing refer to the most recent time the worker was in the UK at the time they were interviewed.

13 Migration Advisory Committee, [Review of the Seasonal Worker Visa](#) (2024).

14 Based on 411 responses from workers. Survey data was collected in 2025 and only those that were in the UK following the rule change answered the question.

15 As of November 2025, six months in a 10-month period.

16 Environment, Food and Rural Affairs Committee, [Oral Evidence: Fairness in the Food Supply Chain, HC 160](#) (House of Commons, 2024),

“When the seasonal work ended, there was no more work available. Some people came, worked for just one or two months, and were then sent back to Kazakhstan.”

SWS Worker recruited from Kazakhstan, 2024.

In addition, as almost all workers are housed in employer or sponsor accommodation and have no access to public funds, they are at risk of destitution if they are dismissed and kicked out of their accommodation.

Consequently, in situations where work is cut short, workers may then feel compelled to find work in the UK outside of their employment and in breach of their visa conditions to pay back debt and/or to avoid destitution. This can also be the case for workers who have purchased return flights and are unable to purchase new flights due to their stay being shorter than planned.

4. Transfer systems and tied work

Workers on the SWS are tied to a specific scheme operator and can only be employed in certain roles and only where their scheme operator places them. The seasonal worker visa is non-renewable, and workers are unable to switch to another work visa route while in the UK. This makes workers highly dependent on their operator to provide them with enough work. The UK government has attempted to delegate many of the responsibilities around worker welfare to operators, and under scheme rules, they are required to “undertake robust and comprehensive monitoring of all the workers” that they sponsor and to ensure their welfare.

Under scheme rules, workers can put forward a request to their operator to be transferred to another farm. Operators are required to establish “a clear employer transfer pathway, including transparent criteria for making a transfer request and a process for considering such requests. This should be communicated to workers before they start to work on the farm.” They must also not normally refuse transfer requests “unless there are significant reasons not to permit this (for example, their visa will imminently expire and the duration of the necessary training requirements would make such a move impractical).” Further under section SE3.6 of the scheme guidelines, if a relevant agency (e.g. the Health and Safety Executive, or the Gangmasters and Labour Abuse Authority (GLAA)) identifies issues with a grower that impacts the well-being or safety of a worker, the scheme operator must, as appropriate, transfer the worker to an alternative grower. However, in practice, various research studies have highlighted concerns about how the transfer system is operating in practice (see box on the following page).

The dependency on their operator, which the scheme rules and guidance creates, can cause major issues for workers, especially when conditions are not as expected or as promised. Workers on the SWS have limited options to withdraw their labour, which severely hinders their ability to safely leave exploitative conditions. Workers are then faced with the decision of staying in these exploitative conditions, leaving the UK, which may result in serious financial consequences due to debt taken on, or working outside of the terms of their visa to avoid becoming destitute.

Another major cause of concern for workers’ rights is the lack of protection in scheme rules if a scheme operator has their license suspended or revoked. This is a situation that has happened on multiple occasions on the SWS. In practice, it appears that the UK Government has facilitated the transfer of some workers to other scheme operators following suspensions or revocations. However, this has been done on an ad hoc basis, with the Government stating that they have no plans to update guidance to officially allow workers to switch sponsors in these circumstances.¹⁷

17 Lord Hanson of Flint, ‘[Written Answer: UIN HL1287](#)’, UK Parliament, 21 October 2024.

In August 2024, one of the scheme operators on the SWS had their license revoked. The Grocer¹⁸ reported that this led to some workers spending weeks without clarity on their right to stay in the UK. In the absence of official guidance from the UK Government, it was reported that the workers' scheme operator communicated Home Office visa rules to workers, which state that workers have to leave the country within 60 days.¹⁹

While it was reported that most workers were moved to a new operator, the Grocer stated that there were still some workers who, weeks on from the revocation, had not received information either from the UK Government or another operator on whether they would be transferred to another operator. This uncertainty, resulting from a lack of guidance permitting workers to change scheme operators, can cause a great deal of confusion and stress for workers. Further, because workers have no guarantee that they will have ongoing employment if enforcement action is taken against their scheme operator, it may reduce their likelihood of reporting issues about their operator.

This policy gap may leave workers with no practical choice but to stay in the UK and work outside the terms of their visa, especially where purchasing new flights to return home may be too expensive, and/or if they have high amounts of recruitment-related debt to pay off.

Longstanding issues with the SWS' transfer system

Workers reported a wide range of issues related to the SWS' transfer system in recent interviews conducted by FLEX.²⁰ These included but were not limited to, workers not being aware that they could request a transfer, being told they could only request a transfer for specific reasons, despite this not being required under scheme rules, having transfer requests ignored, and not requesting transfers as it could damage their relationship with their scheme operator and reduce the likelihood of being able to return to the scheme.

“At the end of the season, we tried to transfer to another farm because our working hours were reduced. We contacted the operator, and they told us to contact the company [grower]. We wrote an application, but never received a response.”

SWS worker recruited from Kyrgyzstan. 2025.

[if you request a transfer] next year they would take it into account, saying that he doesn't know how to work, is looking for easy ways out [...] Because of this, they might not call you next year — they think you're a weak worker.

SWS worker recruited from Kazakhstan. 2025.

It is also critical to note that documented issues on the SWS' transfer system are longstanding and widely documented. FLEX and FMF's research into the SWS,²¹ the very first research into the scheme conducted

18 Grace Duncan, '[Most Ethers/Telpasc Seasonal Workers Now with New Operator](#)', The Grocer, 30 August 2024.

19 Section C10.10 of sponsor guidelines states that if a person has their license revoked they “will normally cancel (shorten) their permission so they have only 60 calendar days' left”. Section C10.11 states that the UK will “take enforcement action against any sponsored worker who was granted permission under the Worker or Temporary Worker routes and remains in the UK after their permission has expired. This may result in the worker being detained and removed from the UK and any application they make to come to the UK within the next 10 years being refused.”

20 Based on 47 interviews with returned workers from Kazakhstan and Kyrgyzstan conducted in 2025.

21 Focus on Labour Exploitation (FLEX) and Fife Migrants Forum (FMF), [Assessment of the Risk of Human Trafficking for Forced Labour](#)

in 2020 when it was a pilot, already found that most workers interviewed reported making unsuccessful attempts to transfer, with some noting that they had been told when recruited that transfers were not possible. The Independent Chief Inspector of Borders and Immigration (ICIBI),²² in their investigation of the scheme, found that not all workers were advised of the right to transfer. Within Defra's survey data,²³ around a third of workers that requested a transfer from the 2023 (30%) and 2024 (38%) surveys reported having this request denied, and 30% in 2023. Within FLEX survey data, over half of workers (55%) who requested a transfer reported having their request refused.²⁴ Similarly, in interviews from this same study, workers reported widespread practices of operators refusing or ignoring transfer requests. This was leading to a culture where workers would no longer ask to change farms, due to having low confidence that their request would be acted upon.

The Work Rights Centre²⁵ have also found transfer issues to be a common concern amongst their service users, noting that there was a low understanding of how to make a request. A study by the Modern Slavery Policy and Evidence Centre²⁶ found that workers were not adequately informed about their rights concerning transfers or who to contact to start the process of changing their employer.

5. Barriers to seeking and accessing support

Outside of the transfer system on the SWS, workers can also attempt to resolve issues through other avenues of support from scheme operators or retailers. Industry representatives interviewed by FLEX spoke about there being a wide range of complaint mechanisms available to workers, including apps, hotlines, and speaking with agents back home, as well as WhatsApp channels, emails and phone lines.²⁷ However, interviews with workers as part of this same study, highlighted the limited effectiveness of these channels, pointing to the need for independent advice, such as in the form of a hotline. This included workers not knowing who to direct complaints to, language barriers, and feeling ignored by farm management or their scheme operators. Workers also often did not understand which support structures were available to them or who to contact, had a low knowledge of employment rights and conditions, had limited knowledge of trade unions, had a lack of faith that complaints would be acted upon when raised, and feared being punished for complaining (e.g. losing shifts or their job).

Workers can also seek assistance from support organisations (e.g. for employment advice, or immigration advice, if properly accredited). However, the level of access for workers will vary greatly depending on the

[on the UK Seasonal Worker Pilot](#) (Focus on Labour Exploitation (FLEX), 2021).

22 David Neal, [An Inspection of the Immigration System as It Relates to the Agricultural Sector: May - August 2022](#) (Independent Chief Inspector of Borders and Immigration, 2022).

23 Department for Environment, Food, & Rural Affairs and Home Office, '[Seasonal Workers Survey Results 2024](#)', GOV.UK, accessed 10 March 2026; '[Seasonal Workers Survey Results 2023](#)', GOV.UK, accessed 10 March 2026.

24 Based on 128 workers that had requested a transfer.

25 Adis Sehic and Olivia Vicol, [Evidence Submission: Migration Advisory Committee – Seasonal Worker Scheme \(SWS\) Visa Inquiry \(Representative Organisations\)](#) (Work Rights Centre, 2023).

26 Inga Thiemann, Konstantinos Polomarkakis, Natalie Sedacca, Manoj Dias-Abey, and Joyce Jiang, [UK Agriculture and Care Visas: Worker Exploitation and Obstacles to Redress](#) (Modern Slavery & Human Rights Policy and Evidence Centre, 2024).

27 Focus on Labour Exploitation (FLEX), [Not Here for the Weather: Ensuring Safe and Fair Conditions on the UK's Seasonal Worker Scheme](#) (London, 2024).

capacity of organisations at the time, and the language of the worker and where they are located. There are a large number of languages spoken on the SWS, making it harder to access information about where to seek support in the first place. This can leave workers with difficulties in getting advice. Further, since the introduction of the LASPO Act in 2013, there has been a significant decrease in legal aid firms and law centres providing legal aid work, which has created large advice deserts throughout the UK.²⁸ This reduction in legal aid firms has also led to an increase in demand for charities to provide immigration advice, and some struggle to cope with the increased demand.

Moreover, even when workers manage to go to a support organisation for advice, these organisations may find it difficult to get workers the support they need, or it is not always evident where the support organisation can signpost them. One support organisation explained that when trying to seek assistance for a worker, they were constantly being passed on to different government departments/agencies, with nobody knowing who was responsible:

“We spoke to the GLA[A]. They told us it was Defra [that we needed to speak with]. We tried to get through to Defra. We contacted the local authority. We were told that, oh, it’s not their problem, you need to ring – not emergency services but – the police. So, we contacted modern day slavery organisations. So, we spent, just on one person, about three days [...] it’s so frustrating [...] And I just couldn’t believe that, you know, you’ve got GLAA and Defra both saying the other person, the other organisation. I mean, how does that work? Do they not know who is responsible [...] There just was no support. Basically, for us trying to support that person, there was no support from any of the statutory organisations. There were no other voluntary organisations that could help. And nobody would accept responsibility for that person, or situation.”

Support organisation. 2023.

These difficulties in accessing support may also be in part due to the complicated network of responsibilities on the route, with enforcement responsibility for the scheme area spread across a number of different Government agencies/departments.²⁹ Launched on 7 April 2026, the new Fair Work Agency (FWA) combines the HMRC’s national minimum wage enforcement team, the GLAA, both with remit of SWS workers, and the Employment Agency Standards Inspectorate. The FWA has the potential to bring some clarity around this fragmented Labour Market Enforcement (LME) system and approach, and help offer greater protection to workers, provided it is well-designed and well-resourced (see box below).

As explained in this section and in section 4, a lack of effective redress and enforcement for workers on a highly restrictive visa route, such as the SWS, can be a significant factor in driving irregularity.

Priority areas for the FWA to be effective

- 1. Ensure secure reporting** – workers must not have their immigration status checked or considered as part of any reporting of complaints or during labour inspections. Labour inspections should be independent of immigration enforcement.
- 2. Have sufficient resourcing** – evidence drawn from the labour market should be used to assess resourcing. The structure should comprise a central body with regional hubs that hold expert, localised knowledge of their area, to ensure there are no enforcement deserts in the UK.

28 The Law Society, [‘Legal Aid Deserts’](#), 9 June 2025; The Law Society, [‘LASPO Act’](#), 28 January 2025.

29 Neal, [An Inspection of the Immigration System as It Relates to the Agricultural Sector: May - August 2022](#).

- 3. Meet international standards for labour inspection** – international best practice must be followed in resourcing and in practice. Enforcement must not only be reactive following complaints, but also proactive, based on risk assessments. The World Bank recommends a ratio of 60% proactive versus 40% reactive inspections, and the ILO recommends a ratio of 1 inspector per 10,000 workers.
- 4. Provide fair and efficient remediation** – workers’ cases must be dealt with fairly and efficiently. An effective Fair Work Agency should also meet workers’ immediate needs, for example, through the provision of accommodation referrals and bridging visas.
- 5. Be gender responsive** – enforcement strategies and responses must recognise that gender inequalities significantly affect the experiences of people in the labour market, both in terms of the types and levels of abuse and discrimination.
- 6. Include meaningful worker participation** – workers themselves and their representative organisations, such as trade unions and migrant groups, should be involved in the design of UK labour market enforcement, changes to it and evaluations of it.

6. Lack of support and barriers to entering the National Referral Mechanism

Outside of the above-mentioned systems, workers can also, in theory, seek assistance through the NRM if they are a victim of Modern Slavery. This is the UK’s framework for identifying, referring and supporting victims of Modern Slavery. This system provides support for individuals, including legal aid for immigration advice, but not for employment-related issues (e.g. unpaid wages or breaches of employment contract). However, even when victims and survivors meet the threshold for entering the NRM, the gaps in support in the system may halt recovery, re-traumatise survivors, and create vulnerabilities.³⁰

In practice, many victims choose not to consent to entering the NRM.³¹ This is due to a wide range of factors, including fears of immigration repercussions, challenges around self-identification, fear of repercussion from exploiters, lack of understanding of the NRM, questionable benefits available through the NRM, and the fact that even a positive decision as trafficked is unlikely to come with a grant of leave. Out of the 4,240 non-British nationals that were confirmed to be victims of trafficking in 2024, only 176 were granted permission to stay in the UK (4%). Further, Home Office data suggests that the number of potential victims choosing not to consent to enter the NRM is rising.³²

In the case of the SWS, entering the NRM may result in losing access to work. Those on the SWS who enter the NRM can work while awaiting a conclusive grounds decision, but only while their visa is valid. If their visa then expires, they no longer have the right to work.³³ Given that those on the SWS only have a visa for a maximum of 6 months, and because they are tied to work with their scheme operator, they would have limited or no access to continued work in practice. Consequently, workers who took on debt to come to the UK may be

30 Labour Exploitation Advisory Group (LEAG), [“So I Decided to Carry On...”: The Continuum of Exploitation in Practice](#).

31 Adults need to provide consent to be referred to the NRM. However, child victims do not need to give consent to be referred into the NRM and must first be safeguarded before being referred into the NRM process.

32 Laura Sawyer, [Refusal to Consent: Factors Influencing the Uptake of Modern Slavery Support under the National Referral Mechanism](#) (University of Nottingham Rights Lab and the Independent Anti-Slavery Commissioner (IASC), 2025).

33 Kalayaan, [Granting the Right to Work for All in the NRM](#), no. 1, Ready, Willing and Able: The Cost of Not Letting Survivors in the NRM to Work (2024).

stuck in a situation where earning something, even in highly precarious work outside of the terms of their visa, is better than entering the NRM and not being able to earn at all.

The need for a UK bridging visa

Bridging visas allow people to maintain their migration status during situations where they would be pushed out of status, for example, when escaping exploitative conditions or when their employment is terminated.³⁴ Bridging visas have been implemented in several countries. Australia has a Workplace Justice Visa, which allows workers to stay up to 12 months to pursue workplace exploitation claims. Similarly, the Republic of Ireland has a Reactivation Employment Permit Scheme, which provides a pathway to re-employment and migration status where workers have fallen out of employment and regular migration status through no fault of their own or who have been exploited or treated poorly by their employer. It is important to note that these systems have not been without critique. In the case of Australia, insufficient funding for and numbers of Accredited Third Parties (ATPs) to certify exploitation claims, restrictive time scales that prevent people from accessing support, and a limiting definition of what is defined as a “workplace exploitation matter” have restricted the effectiveness of the Workplace Justice Visa.³⁵

To help protect the rights of victims of exploitation, the UK should introduce a bridging visa that learns from these experiences. This includes ensuring that it has a sufficient array of organisations able to certify claims of exploitation, that there is wide enough time period in which individuals are eligible for a bridging visa, and that the definition of “exploitation” is broad enough to ensure that all workers can access these rights. If this is achieved, a UK bridging visa would assist in ending the current race to the bottom in standards, and enable the full range of employment rights to be enforced for workers, while at the same time taking pressure from the NRM and first responders.

7. Conclusions

Labour migration routes should not be designed in a vacuum, with consideration given as to how key contextual factors shape risks of exploitation for workers, such as the effectiveness of local labour market enforcement agencies and the barriers to accessing the justice system. This is particularly important when labour migration routes are introduced without giving proper consideration to the wider context in which workers are brought into.

This briefing has highlighted several ways in which the UK Government’s poor design and implementation of the SWS and its interactions with LME and support systems, and “Hostile Environment” policies, can push workers into irregular migration status and employment. This includes the high amounts of debt that workers may need to take on to be recruited into the UK, the lack of guaranteed income on the route and the fact that workers can be dismissed at any point during their stay (despite shouldering the costs of coming to the UK), and the lack of practical avenues workers have available to withdraw labour and seek alternative employment or redress when conditions are not as promised. Further, FLEX data shows that among some of these issues (e.g. debt), women may be facing increased risks in comparison to men.³⁶

34 The Labour Exploitation Advisory Group (LEAG), [Border Security, Asylum and Immigration - Public Bill Committee Submission](#) (2025).

35 Labour Exploitation Advisory Group (LEAG), [Fair for All Workers: How Learning from Australia's Workplace Justice Visa Can Support Access to Workers' Rights in the UK](#) (Focus on Labour Exploitation (FLEX), 2026).

36 Focus on Labour Exploitation (FLEX), [Uneven Fields: Women Workers' Experiences of the Seasonal Worker Scheme](#) (London, 2025).

Workers face high risks when working outside of the terms of their visa due to the UK’s “Hostile Environment” policies and focus on immigration enforcement over defending workers’ rights and access to justice. Working irregularly is not a situation that workers should ever be coerced into, and it is important that workers should not be punished when it occurs due to systemic issues. Instead, the UK Government must recognise that it is its own systems that are driving these risks, and that it takes the appropriate steps to address these gaps, including by enacting the following measures:

- 1.** The SWS must be overhauled in its entirety to uphold the rights of workers. This includes but is not limited to the visa design, making it renewable where employment is ongoing, the need for improved independent monitoring of the scheme, including working and accommodation conditions, increased labour market enforcement of the scheme as well as transfer opportunities, pathways for redress and ensured access to rights for workers.
- 2.** Repeal Section 34 of the Immigration Act 2016 and Section 24B of the Immigration Act 1971, which criminalise the act of working without required documentation in the UK (the illegal working offence).
- 3.** As has been introduced in Australia and the Republic of Ireland, introduce a bridging visa/Migrant Justice Visa to ensure that migrants with work visas who experience either labour exploitation, or loss of their employment or immigration status through no fault of their own, have a route to remain and settle in the UK, to enable them to leave abusive work situations and access justice.
- 4.** The Fair Work Agency must be accessible to workers in practice, and provided with robust enforcement powers. These reforms must be grounded in the principles of protected reporting, evidence-based resourcing, compliance with international standards at a minimum, fair and efficient remediation, gender sensitivity, and meaningful worker participation.