

NOTE: This version was updated on 10 January 2024
There may be an updated version on the website at righttoremain.org.uk/toolkit

Illegal Migration Act 2023

A new law called *The Illegal Migration Act 2023* has recently come into force. The Act has brought about significant changes to the UK asylum and immigration system for people who arrive in the UK on or after 20 July 2023. We are in the process of updating the Toolkit to reflect these developments. For now, please be aware that some of the information in the Toolkit may be out-of-date for people who arrived in the UK after that date. To stay up to date with any changes to the Toolkit, please sign up to our newsletter.

Work Exploitation and Migrant Workers' Rights

On this page, you will find the following information:

[What is work exploitation?](#)

[Where does work exploitation take place?](#)

[What can work exploitation look like?](#)

[How does having insecure immigration status increase a person's risk of work exploitation?](#)

[Visa sponsorship system](#)

[Threat of immigration enforcement](#)

[No Recourse to Public Funds](#)

[What rights do I have as a migrant worker?](#)

[What can I do if I am experiencing work exploitation?](#)

What is work exploitation?

Work or labour exploitation is the abuse of a person in a workplace for profit (this means for money).

It is helpful to think of work exploitation as more than just one example, because it can happen in many different ways. This means that we should view work exploitation as several different experiences which can include:

minor labour law violations (such as poor pay, poor conditions),
major labour law violations (withholding pay, violating rights),

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extreme exploitation (such as human trafficking and modern slavery).

This page is about work exploitation (not modern slavery and entry into the NRM (National Referral Mechanism), which is when someone's work exploitation is so severe that it amounts to modern slavery).

Work exploitation is part of the labour market (which is also inherently exploitative), not separate from it.

Where does work exploitation take place?

Work exploitation can take place in many different places of work. Sometimes work exploitation is visible, but often work exploitation is made invisible, and hidden from view.

Work exploitation may take place while you are working in someone's house as a domestic worker, as a nanny, cleaner, cook or chauffeur. It may take place while you are working in a hotel, a care home, a restaurant, a nail shop, or even a cannabis farm. It may take place while you are working on a farm or another site as an agricultural worker, or on a building site.

Some areas of work are at particularly high risk for work exploitation, such as domestic work, and agriculture.

What does work exploitation look like?

Work exploitation can take many different forms. For example, it can include:

- Withholding of salary
- Insecure hours and pay
- No time off or breaks
- Low quality, unsafe, or cramped and overcrowded accommodation
- Not enough safety equipment
- Your employer has taken your identity documents
- You are being threatened or abused
- Your employer takes money from you to cover a 'debt' they say you owe them

How does having insecure immigration status increase your risk of work exploitation?

Migrant workers are at higher risk of work exploitation.

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Having insecure immigration status increases the likelihood and severity (this means extent) of the work exploitation a person can experience.

This is because having insecure or precarious immigration status can make it harder to report and get protection from work exploitation when it happens. We explain the reasons for this in the sections below – keep reading.

Visa sponsorship system

One reason for migrant workers being at higher risk of work exploitation is because the UK has an immigration system based on sponsorship. This means that in order to get a work visa to enter the UK, you need to find an employer who will agree to sponsor your visa. This process can also be very expensive, and some people who require a work sponsor go into debt in order to pay for a visa to enter the UK.

Read our online 'Visas' Toolkit page to learn about different types of visas.

If you want to leave your employer who is also your visa sponsor, you have just 60 days to find a new employer and pay another set of fees so that you can continue working in the UK legally. Equally, if you are dismissed from a job, your sponsor must inform the Home Office and you have only 60 days to get a new job. If your sponsor loses their licence, your visa will also be affected.

This is incredibly difficult. It creates dependency (reliance) on sponsors (employers). Some employers might threaten to cancel your sponsorship or your colleagues' sponsorship if you complain about working conditions. As pointed out by this report by the Work Rights Centre, this 'entrenches the power imbalance between migrant workers and employers'.

<https://www.workrightscentre.org/media/1367/final-systemic-drivers-of-migrant-worker-exploitation.pdf>

The threat of immigration enforcement

Another reason why having insecure immigration status can increase your risk of work exploitation is because of the threat of immigration enforcement. Immigration enforcement is part of the Home Office, and is the operational branch which aims to ensure compliance with immigration laws. They do this by carrying out workplace raids (where they sometimes detain people), or right to work checks.

If immigration enforcement teams find people working without valid leave to remain (this means a valid visa or travel document), those people might face the threat of detention and removal.

This threat of immigration enforcement reduces the ability of migrant workers to challenge and report work exploitation and abuse when it happens.

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This report from the Work Rights Centre finds that the UK government focuses on immigration enforcement, over labour enforcement, and checking that sponsors are responsible employers. The UK is prioritising immigration enforcement over worker's rights.

Read the report here: <https://www.workrightscentre.org/media/1367/final-systemic-drivers-of-migrant-worker-exploitation.pdf>

No Recourse to Public Funds (NRPF)

Another reason that having insecure immigration status increases the risk of work exploitation is because of the lack of access to state support (like benefits).

Many migrants in the UK have an 'NRPF' condition on their visa. NRPF stands for 'No Recourse to Public Funds' and is an immigration condition often imposed on grants of limited leave to enter/remain. It is a visa condition which stops the person from being able to access publicly defined funds, like benefits such as Universal Credit.

If you have children and are struggling with not being able to support your family because of an NRPF condition, have a look at Project 17's resources, here:

<https://www.project17.org.uk/advice-support/advice-for-people-with-nrpf/>

You may be eligible to have your NRPF condition lifted. For information about how to apply to do this, see information from the Unity Project here:

<https://www.unity-project.org.uk/makeanapplication>

What rights do I have as a migrant worker?

Migrant workers have the same employment rights and entitlements as British workers, such as the right to being paid at least the minimum wage and being free from discrimination in the workplace. Read this guide to rights at work by the Citizens Advice Bureau:

https://www.citizensadvice.org.uk/Global/Migrated_Documents/adviceguide/e-migrant-workers---rights-at-work.pdf

If you are in London, and are looking for advice about your rights as a migrant worker, see this list of advice centres in your area here: <https://www.london.gov.uk/programmes-strategies/communities-and-social-justice/employment-rights-hub-0/find-advice-near-you>

It is illegal to employ someone who does not have permission to work in the UK, and it is illegal to work if you do not have permission to do so. If you are working illegally, you do not have the same work rights as someone who has the right to work. If you are in this situation, it is a good idea to get legal advice on your immigration status by visiting your nearest Citizens Advice Bureau, or a Law Centre near you.

To learn more about migrant workers' rights, and to join the movement in advocating for their rights and fair treatment, or receive further support, you can look to the work of the following organisations:

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Focus on Labour Exploitation (FLEX) – read their briefing on how immigration policy must be changed to protect migrant workers from exploitation

Migrants' Rights Network – especially their #ChallengeTheChecks campaign.

Refugee Action – especially their #LiftTheBan campaign to give people seeking asylum the right to work in the UK which you can read more about here.

The Joint Council for the Welfare of Refugees (JCWI) – you can access and print out their flyers in support of migrant workers' rights. JCWI also lead the #WorkItOut campaign in support of migrant workers' rights.

Migrants at Work – an organisation that seeks to prevent #HomegrownSlavery, protect migrants in the workforce, and empower migrant workers. You can read their blog post about right to work checks here.

What can I do if I am experiencing work exploitation?

If you need help with a specific issue about your work, you can contact the Work Rights Centre. You may also want to visit a Law Centre near you for free legal advice.

If you are a domestic worker and need advice, contact Kalayaan.

See this guide to work exploitation by Migrants Rights Network here:
<https://migrantsrights.org.uk/resources/know-your-rights/exploitation/>

For information about on specific types of work exploitation, such as for agricultural workers in Scotland, and for workers in the cleaning sector, see the guides from Focus on Labour Exploitation (FLEX).

You may also want to consider joining a trade union. A trade union is an organisation made up of workers, and serves to protect workers interests at work collectively. Most unions have reduced membership fees for people on lower incomes.

If you have received an offer of employment, but then it was withdrawn, you may be able to challenge it. See this guide here if this has happened to you:
<https://righttoremain.org.uk/applying-for-permission-to-work-asylum/#yourrights>