



**UNU
CPR**



CONCEPT NOTE

Webinar: Visas to empower migrant workers to address exploitation

22 June 2023

2.00-3.30pm London | 9am New York | 4pm Doha | 8pm Bangkok

Governments and businesses cannot disrupt systemic labour exploitation unless migrant workers can report abuses without fear of losing their visa or being deported. Migrant Justice Institute, Solidarity Center, United Nations University - Centre for Policy Research, the ILAW Network, MIDEQ, UNSW and UTS will host a panel discussion on visa settings and migration policy solutions that can empower migrant workers to enforce their labour rights without risking their immigration status.

Objectives

- Disseminate research findings on the ways in which migration settings prevent migrant workers from addressing exploitation and claiming the wages they are owed, and models and examples of potential solutions as outlined in our new Research and Policy Brief, *Avenues for exploited migrant workers to remain in the country of employment to pursue labour remedies*.
- Provide a forum for governments, businesses, advocates, unions and others to learn from developments in other countries, and identify migration policies that could be adapted in their own context to enable migrant workers to securely address exploitation and pursue labour remedies.

Background

Migrant workers commonly suffer wage theft in silence because if they take action, they could lose their visa or be deported. Many only feel safe to initiate a claim for the wages they are owed once their employment, work permit and residence come to an end. However at that point, they are required to leave the country.

Undocumented workers almost never raise labour violations for fear of detection and deportation. Employer-sponsored migrant workers fear reporting exploitation or leaving an abusive employer because if they lose their sponsorship they will be required to leave the country. In general, it is extremely difficult for migrant workers to pursue a claim for unpaid wages once they leave their country of employment. As a result, abusive employers are never held to account, and the vast majority of migrant workers never recover the wages they are owed.

To break the cycle of impunity for migrant worker exploitation, every government must grapple with the challenge of addressing migration law and policy frameworks that prevent migrant workers from taking action. This includes identifying ways to enable exploited migrant workers to leave an abusive employer and stay in the country of employment for a period sufficient to pursue unpaid wages and other labour remedies, and if relevant, find a new sponsor. No government has established a migration framework that comprehensively achieves this. However, recognising the silencing effect of visa conditions and migration enforcement policies, a number of countries have introduced new visas and policies that provide immigration protections for some exploited migrant workers under certain circumstances.

Our new Policy Brief sets out models and examples on which governments and advocates may draw to design migration reforms that will meaningfully reduce the vulnerability of exploited migrant workers who report, and seek to remedy, labour abuses in their country. These reforms are also critical to governments' and business' ability to detect forced labor and modern slavery in supply chains because migrant workers will not report these offences if they fear that speaking up puts them at risk of losing their visa or being deported.

Examples of potential migration reforms include:

- visa portability for exploited migrant workers to leave an abusive employer and remain in the country with work rights for a period sufficient to participate in labour enforcement and find a new sponsor
- short term visas to pursue wage claims at the end of a migrant worker's stay

- deferral of removal (with work rights) for undocumented workers who pursue labour claims, and
- visas for victims of criminal wage theft and exploitation to pursue civil labour remedies.

This panel discussion provides participants with an opportunity to learn more about examples of each of these initiatives and consider migration reforms that could be effectively implemented in their national context.

Program

Moderator: Neha Misra, Solidarity Center

Introduction

Assoc. Prof. Bassina Farbenblum, Migrant Justice Institute & UNSW Law (Australia) | **The problem: how migration policies prevent migrant workers from addressing workplace exploitation**

Speakers

- Shannon Lederer, AFL-CIO | **Deferral of removal for undocumented workers in the U.S.**
- Richard Prosser, New Zealand Ministry of Business Innovation & Employment | **New Zealand Migrant Exploitation Protection Work Visa**
- Silvia Carta, Platform for Undocumented Migrants (PICUM) | **Finland Residence Permit Due to Exploitation**
- Adrian Pereira, North South Initiative | **Lessons from Special Pass in Malaysia**
- Assoc. Prof. Laurie Berg, Migrant Justice Institute & Law Faculty, University of Technology Sydney | **Proposed Workplace Justice Visa in Australia**

Audience Q&A

Close

Prof. Heaven Crawley, United Nations University Centre for Policy Research & MIDEQ | **Concluding remarks**

Registration

Register in advance [here](#). Registrants will receive a confirmation email containing the Zoom link.

Related Documents

[Research and Policy Brief | Avenues for exploited migrant workers to remain in the country of employment to pursue labour remedies and Summary](#)

[Case Study | Protecting noncitizen workers who address labour violations: Recent advances in the United States](#)

[Breaking the Silence: A Proposal for Whistleblower Protections to Enable Migrant Workers to Address Exploitation in Australia](#)