

WHITE PAPER LEAVES MIGRANT CARE WORKERS EXPOSED IN LIGHT OF THE VISA BAN

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EXECUTIVE SUMMARY

In May 2025, the UK Government published an immigration white paper that removed the Health and Care Worker visa. This means of reducing migration inadvertently assigned poor sectoral conditions to the migrant workforce, clearly displaying the Government's tendency to pull the immigration lever whenever labour market issues emerge. Eliminating this visa route displaces migrant health and care workers, while failing to confront the underlying structural deficiencies within the health care sector.



This policy brief examines systemic labour law shortcomings within the health care sector, evaluates the effectiveness of the white paper's proposals and advances policy recommendations intended to better safeguard a historically underrepresented workforce.

KEY ISSUES

1. THE HEALTH AND CARE WORKER VISA



CURRENT FRAMEWORK

Migrant care workers enter the UK on the Health and Care Worker visa, which ties their immigration status to a single sponsoring employer. Losing that role results in the loss of lawful status unless the worker secures another visa-qualifying job with a licensed sponsor within 60 days. The worker typically pays for the new visa application. The visa also imposes No Recourse to Public Funds, restricting access to Universal Credit, housing benefit, and most social security support, despite workers paying income tax and national insurance.



ISSUES

Dependency on a single sponsor creates a significant power imbalance and exposes workers to predictable forms of exploitation. The 2025 White Paper links poor conditions to rising migration rather than addressing the visa rules that expose migrant care workers to exploitation.[1] Although the 2025 White Paper links rising care-sector migration to exploitation and wage undercutting, it does not address the visa conditions. In a survey of 150 migrant care workers, 1 in 4 paid recruitment fees exceeding £10,000, and 1 in 8 reported contract changes on arrival.[2] Employers commonly impose clawback clauses to recover recruitment or sponsorship costs, with repayment demands reported at over £40,000,[3] including where employment ends through dismissal or redundancy. Limited labour mobility leaves migrant care workers with little realistic option to exit unsafe employment.

2. THE FPA SCHEME

CURRENT FRAMEWORK

Table: Number of filled posts by nationality, 2019/20 to 2024/25

Source: Skills for Care estimates. [7]

	Filled posts					
Nationality	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
British	1,185,000	1,215,000	1,190,000	1,160,000	1,160,000	1,130,000
EU	100,000	100,000	95,000	90,000	90,000	90,000
Non-EU	115,000	120,000	130,000	190,000	295,000	375,000
	Percentage of filled posts					
Nationality	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
British	84.6%	84.5%	84.1%	80.6%	75.0%	70.8%
EU	7.1%	7.1%	6.7%	6.2%	5.9%	5.6%
Non-EU	8.3%	8.4%	9.2%	13.2%	19.1%	23.6%

The Employment Rights Bill plans to establish Fair Pay Agreements (FPAs) within the adult care sector, collectively bargaining for improved employment standards through a negotiating body. The Government's white paper explicitly proposes that social care FPAs will make the sector more attractive to the domestic population, ending a reliance upon overseas workers.[4] They justify this policy by placing responsibility on overseas workers for the holistically poor sectoral conditions, which in turn dissuades British citizens from tolerating similar exploitation.

ISSUES

Instead of addressing the functionality of enforcement bodies, the white paper has opted to pursue FPAs while neglecting systemic power imbalances. Such FPAs could be implemented while retaining overseas workers who are integral to the market's stability, thus revealing the justification's misguidance and FPA's likely futility. In application, the paper's reasoning depends upon a FPA that has not yet been negotiated or fully funded, hoping that if seamlessly ratified will come into action by April 2028. Irrespective of the work vacancies the ban will cause, once the body has negotiated for 6 months it is expected another 6 months will pass before implementation.[5] This timeline is long and rests upon a drastic enough improvement to stimulate an imminent influx of domestic workers. Speculation indicates that this will not be the case: the insufficient £500 million pledged to 1.5 million care workers, given standard work hours, may only result in a 20p pay increase per hour.[6]

KEY ISSUES

3. UNREPRESENTED AND UNPROTECTED

CURRENT LEGAL FRAMEWORK

Migrant care workers have limited trade union representation; an issue the white paper fails to address.

There are some Trade Unions which support migrant workers, such as the UNISON Migrant Worker Network. Nethertheless there are no specific unions which solely focus on them. As care work is fragmented and often in the hands of private companies,[8] employers discourage or block access, resulting in most being deterred from union membership.

ISSUES

Formal legal action is frequently avoided, as migrant workers often struggle to contact and benefit from support from Trade Unions. In addition, many are confronted with threats of dismissal and deportation from their employer when they want to make a claim.[9]

Even if they want to bring a case to an Employment Tribunal, they face strict three to six-month deadlines for initiating a claim.[10] Due to a limited knowledge of their rights, they often miss them, whereby they cannot bring a claim at all. This timeframe is incompatible with the immediate pressure to secure a new sponsor in order to maintain lawful immigration status.

Government re-matching schemes have offered little relief. Between May 2024 and April 2025, only 3.4% of referred migrant care workers were successfully re-matched with non-exploitative employers through the International Recruitment Fund.[11] This proves how inaccessible safer employment options through formal mechanisms are in practice. As a result, workers remain tied to their sponsors.

Consequently, these workers face weak legal protections and limited access to them.



Regional partnership	Enquiries received	Workers rematched	Share of enquiries that led to successful rematch (%)
Yorkshire & Humber	1,499	211	14
West Midlands	2,733	201	7
South-West England	617	31	5
South-East England	1,653	57	3
North-East England	303	39	13
London	2,270	153	7
Lancashire, Westmorland & Furness	113	1	1
Greater Manchester	1,738	53	3
East of England	3,111	82	3
East Midlands	2,178	105	5
Cheshire & Mersey	483	8	2

Table: Work Rights Centre - Source: FOI 1405963 to DHSC - Number of care workers who accessed support via International Recruitment Fund, 2023 - Created with Datawrapper

FOOTNOTES

[1] Home Office, "Restoring control over the immigration system: white paper" (June 2025) <<https://www.gov.uk/government/publications/restoring-control-over-the-immigration-system-white-paper/restoring-control-over-the-immigration-system-accessible>> accessed 6 November 2025

[2] Citizens Advice, Spotlight Report No 1: How Work Visa Design Is Driving Exploitation (Citizens Advice 2024) <<https://www.citizensadvice.org.uk/policy/publications/spotlight-report-no-1-how-work-visa-design-is-driving-exploitation/>> accessed 6 November 2025.

[3] Unseen, 'How to Tackle Exploitation of Migrant Care Workers in the UK' <<https://www.unseenuk.org/how-to-tackle-exploitation-of-migrant-care-workers-in-uk/>> accessed 6 November 2025

[4] Home Office, "Restoring control over the immigration system: white paper" (June 2025) <<https://www.gov.uk/government/publications/restoring-control-over-the-immigration-system-white-paper/restoring-control-over-the-immigration-system-accessible>> accessed 20 November 2025

[5] Department of Health & Social Care, "Fair pay agreement process in adult social care - consultation document" (October 2025) <<https://www.gov.uk/government/consultations/fair-pay-agreement-process-in-adult-social-care/fair-pay-agreement-process-in-adult-social-care-consultation-document#implementation-1>> accessed 28 November 2025

[6] Lucinda Allen, "Social care Fair Pay Agreements: a closer look at the policy and its funding" (October 2025) <<https://www.health.org.uk/features-and-opinion/blogs/social-care-fair-pay-agreements-a-closer-look-at-the-policy>> accessed 25 November 2025

[7] Skills for Care, "The size and structure of the the adult social care sector and workforce in England" (2025) <<https://www.skillsforcare.org.uk/Adult-Social-Care-Workforce-Data/workforceintelligence/resources/Reports/National/The-size-and-structure-of-the-adult-social-care-sector-and-workforce-in-England-2025.pdf>> accessed 1 December 2025

[8] Reclaiming Our Regional Economies (RORE), "Ending extraction in the UK care system" (November 2025) <<https://publication.cles.org.uk/ending-extraction-in-the-uk-care-system>> accessed 8 December 2025

[9] UNISON - the public service union, "Caring at a Cost: A survey of migrant care staff working in the UK" (2025) <https://www.unison.org.uk/content/uploads/2025/02/Migrant-care-worker-report-2025.pdf?utm_source=chatgpt.com> accessed 8 December 2025

[10] Acas - the Advisory, Conciliation and Arbitration Service, "Employment tribunal time limits" (2025) <<https://www.acas.org.uk/employment-tribunal-time-limits>> accessed 8 December 2025

[11] Adis Sehic and Andrei Savitski, "Less than 4% of exploited care workers reported to have found new work by government scheme, FOI data reveals" (July 2025) <<https://www.workrightscentre.org/publications/2025/less-than-4-of-exploited-care-workers-found-new-work-foi-data-reveals/>> accessed 8 December 2025

RECOMMENDATIONS



1

THE HEALTH AND CARE WORKER (HCW) VISA SHOULD BE AMENDED, NOT REPLACED.

The government must decouple the visa from restrictive single-employer sponsorship to permit sector-wide mobility, affording workers the flexibility to unreservedly traverse the health and social care sector; strengthening autonomy without undermining immigration control parameters. [12]

2

THE STATUTORY GRACE PERIOD FOR DISPLACED CARE WORKERS SHOULD BE EXTENDED.

The current 60-day period for securing alternative sponsorship should be increased to 120 consecutive days, mirroring the Australian model, thus reducing undue pressure on workers, and avoiding premature exposure to cruel deportation proceedings. [13]

3

DRAWING FROM ILO “NO-FEES” PRINCIPLES, EMPLOYERS SHOULD ASSUME FULL RESPONSIBILITY FOR RECRUITMENT-RELATED COSTS.

Drawing on Saudi Arabia’s Labour Law Article (40), the initial sponsoring employer will be required to ‘bare the fees of non-UK employees’ including visa, and administrative costs, and serve to prohibit any direct or indirect recovery of such costs from migrant workers through unlawful clawback clauses. [14][15]

4

THE ASCNB AND FAIR WORK AGENCY (FWA) SHOULD ESTABLISH INDEPENDENT INVESTIGATORY COMMITTEES TO ASSIST NEGOTIATIONS AND ENFORCEMENT.

An independent investigatory committee within the FWA should be established with authority to monitor compliance and enforce fair pay standards, with particular attention to migrant workers affected by the HCW visa reforms. [16][17]

5

A PUBLICLY FUNDED SOCIAL-MOBILITY PROGRAMME SHOULD BE FORMED TO SUPPORT MIGRANT WORKERS’ ACCESS TO FAIR TRADE UNION REPRESENTATION.

Modelled on Germany’s Faire Mobilität, the programme should offer multilingual guidance on labour rights and trade union access. Additional governmental oversight of employer conduct would deter interference, bolster worker confidence, and ensure legitimate representation and protection. [18]

[12] Inga Thiemann et al, ‘UK Agriculture and Care Visas: Worker Exploitation and Obstacles to Redress’ (modernslaverypec.org, 11 March 2024)

<<https://www.modernslaverypec.org/resources/uk-agriculture-care-visa-vulnerability-exploitation>> accessed 9 December 2025

[13] BAL.com, ‘Australia: Extended Grace Period for Job Changes’ (BAL Immigration News, July 2024) <<https://www.bal.com/immigration-news/australia-extended-grace-period-for-job-changes/#:~:text=Periods%20when%20visa%20holders%20are,increase%20competitiveness%20for%20skilled%20labor>> accessed 8 December 2025

[14] Saudi Labour Law (Royal Decree No. M/51 of 23 Sha’bān 1426 H (27 September 2005)), art. 40.

[15] International Labour Organization, General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs (ILO.org 2019)

<https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_protect/%40protrav/%40migrant/documents/publication/wcms_536755.pdf> accessed 8 December 2025

[16] Citizens Advice, Spotlight Report No 1: How Work Visa Design Is Driving Exploitation (Citizens Advice.org, 2023)

<<https://www.citizensadvice.org.uk/policy/publications/spotlight-report-no-1-how-work-visa-design-is-driving-exploitation/>> accessed 8 December 2025

[17] FLEX and Justice in Work, Enforcement Briefing (FLEX 2023)

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[18] Faire Mobilität, ‘What Is Fair Mobility?’ (Faire Mobilität.de) <<https://www.faire-mobilitaet.de/en/about-us/what-is-fair-mobility/>> accessed 8 December 2025

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