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A close-up photograph of a caregiver in a blue uniform assisting an elderly person with their leg. The caregiver is smiling and holding the person's leg, while the elderly person is wearing a blue and white striped shirt. The background is a blurred indoor setting.

Employment rights in social care

Recommendations for the Fair Work Agency
after the Health & Care Worker Visa scheme

Context

In May 2025, the Government announced an end international recruitment in social care, despite a systemic staffing shortage in the sector. **Almost 200,000 care workers came to the UK between 2021 and 2025** under the Health & Care Worker Visa (HCWV), which quickly became associated with **widespread reports of severe labour abuse and exploitation**. This included wage theft and debt bondage due to extortionate illegal recruitment fees, leading to many migrant care workers facing destitution.

Based on interviews with policymakers, trade unions and migrants' rights campaigners, this policy brief outlines why and how the HCWV produced exploitation at such sector-wide pace and scale, and the structural limitations of frontline support services when responding to this. It follows with recommendations for policymakers and the Fair Work Agency (newly established under the Employment Rights Act) to ensure the employment rights of migrant care workers are upheld going forward.

Crisis in social care

The HCWV alone did not create labour abuses in social care. Citizen and migrant care workers alike have long faced low pay, poor working conditions, and insecure hours and contracts. This is linked to the privatisation and fragmentation of the social care's market and compounded by a **long-standing absence of effective labour market enforcement**. These conditions have repercussions for the sector at large, including the exacerbation of a staff recruitment and retention crisis, which the HCWV was introduced to address.

Under the UK's sector-tied visa system, employers act as sponsors for migrant workers. If employment is terminated, migrant workers have 60 days to find a new employer in their sector to sponsor them, after which they risk the legality of their status and removal from the UK. Despite repeated warnings from academics and policy researchers that such restrictions place migrant workers in exploitative employment relationships, rapid uptake of the HCWV occurred with little regulatory oversight. Meanwhile, the scheme's closure and social care's ongoing workforce deficit are likely to cause the deterioration of care quality, consistency, and public trust and confidence in care provision—all of which have grave implications for the sustainability of the sector.

Findings

1. **Migrant care workers were put in direct harm by the Government's focus on tackling 'rogue employers' responsible for labour abuse, which obscured the systemic roots of exploitation.**

The HCWV's structure allowed fraudulent agencies and employers to capitalise on migrant care workers' limited labour market mobility, coercing them into debt. By revoking employers' visa sponsorship licences **without effective support for workers to switch their employers and sponsors**, the Government endangered thousands of migrant care workers further by threatening their legal status in the UK, leaving them vulnerable to immigration control and removal. This reflects a deeper institutional tension between labour market enforcement and immigration enforcement, whose competing objectives continually fail to safeguard and protect migrant care workers facing exploitation.

2. **Exploitation under the HCWV was feminised and included restriction of the right to family life and reproductive freedom.**

Social care is a feminised sector and women employed under the HCWV were particularly vulnerable to **sexual violence** and **pregnancy and maternity discrimination**. This included refusal to renew visas and withdrawal of shifts or sponsorship altogether due to a worker's pregnancy or while on maternity leave. The Government's ban on migrant care workers bringing dependents to the UK also caused thousands of **cases of family separation**, the effects of which remain in place after the closure of the HCWV route. **Children as young as five years old who arrived in the UK prior to this ban taking effect** have received curtailment letters from the Home Office. The psychological implications of family separation are well documented and include increased likelihood of mental health conditions like depression and anxiety.

3. **Access to redress and justice was almost impossible for migrant care workers, due to the intertwining of migration status and employment contract under the HCWV.**

Many interviewees highlighted the complexities of providing accurate legal advice when faced with conflicting employment and immigration laws and policies. Pursuing a legal case in an employment tribunal was often **unattainable due to procedural and financial constraints**, with migrant care workers advised to wait until they had a new employer and sponsor before asserting their rights. Whistleblowing via official channels would lead to the revocation of an employer's licence, loss of employment, and therefore the potential of removal from the UK. This risk was too severe for many migrant care workers, leaving them unable to operationalise their employment rights and without any enforceable protections.



Recommendations

The newfound Fair Work Agency is in place to tackle failures of enforcement and non-compliance. However, serious questions remain about its potential to safeguard migrant workers due to continuing cooperation between labour market enforcement and immigration control. This leaves migrant workers more likely to face exploitation and simultaneously the least likely to report this.

There is widespread international support for the establishment of firewalls between labour market and immigration enforcement, with well-documented evidence presented by the [International Labour Organisation](#) and [European Agency for Fundamental Rights](#). Examples of explicit firewalls are apparent in countries such as [Belgium, Netherlands, and Spain](#).

This brief echoes recurrent [calls from a range of policy experts](#) that a firewall between labour market and immigration enforcement is urgently needed to ensure migrant workers' safety in reporting abuse.

This should be in conjunction with:

1. Specific and accessible guidance on employment rights, including where to seek support for sexual violence at work for migrant care workers who face multi-layered vulnerability to feminised discrimination. This should be disseminated comprehensively through collaboration with trade unions, community organisations, and frontline services. This would ensure more workers are aware of their rights and able to freely exercise them, improving the overall sustainability of the social care workforce.
2. Lobby the Home Office to immediately withdraw curtailment letters sent to dependents of migrant care workers who arrived in the UK prior to the ban on dependents (and cease to send any additional letters of this nature). This would prevent further psychologically traumatising cases of family separation.
3. The Fair Work Agency should ultimately champion the decoupling of employment contract and migration status. In the interim, they should collaborate across departments (e.g. with the Department of Health and Social Care and the Home Office) to immediately establish:
 - a. **A Certificate of Common Sponsorship**, allowing migrant care workers to move freely between employers. This would contribute to improved and simplified staff recruitment and retention in social care, an area that the sector has struggled with for decades.
 - b. A Workplace Justice Visa for migrant workers in all sectors who have experienced labour exploitation, which could operate similarly to schemes in [Australia, Canada, and Finland](#). This would grant workers the right to remain in the UK for at least as long as their original work visa, and lead to increased reporting of labour abuse.
4. Implement bi-annual consultations and evaluations with trade unions, community organisations and other frontline support services (e.g. third sector advisors and legal caseworkers) to ensure their expertise shapes future policy affecting migrant care workers. This should include responding to calls [for fair visas and reversing the extension to Indefinite Leave to Remain](#). This joined-up approach would improve labour conditions and care quality, ensuring the social care sector is fit for purpose in years to come.

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