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Dear James,

Thank you for your correspondence of 11 May about the Seasonal Worker visa route.

The Government welcomes the establishment of the Seasonal Workers' Scheme Taskforce. As you will be aware, the Department for Environment, Food and Rural Affairs (DEFRA) is taking the lead in co-ordinating this engagement on behalf of the Government, and this is the most appropriate avenue to raise and discuss these issues.

The policy intent for the Seasonal Worker route is to support the UK agricultural industry, to enable the continued functioning of the food supply chain, and to provide short-term seasonal work opportunities for overseas workers. The route is not intended to offer long-term periods of employment in the UK or to provide a route to settlement.

The Home Office operates a global immigration system and does not determine where operators recruit workers from. Furthermore, the UK Government has no legal jurisdiction to regulate recruitment taking place outside of the UK and is in no way obligated to enter into bilateral agreements with other countries. Although the Gangmasters and Labour Abuse Authority (GLAA) has no remit to investigate labour abuse and exploitation in other countries, it nonetheless works through our embassies to put relevant regulatory bodies in contact with their opposite numbers.

The Scheme Operators are responsible for managing all aspects of the recruitment and placement of workers on UK farms and ensuring their welfare in the UK. As a condition of their sponsor license, they are required to be licensed by the GLAA and follow ethical recruitment practices, in line with GLAA regulations. The operators are responsible for supporting workers throughout their stay, including paying the required minimum hourly rate, and ensuring that living and working conditions are of a suitable quality.

The sponsor licence regime places a broad range of responsibilities on Scheme Operators to ensure that the rights of migrant workers are protected. Non-compliance with the guidance could result in the revocation of their sponsor licence. We keep these protections under close and ongoing review, and the route has seen ongoing enhancements to its worker welfare protections throughout its lifetime.

Sponsors, and by extension the growers hosting these workers, also have a duty of care to their workers and are expected to comply with the sponsor guidance which requires them to give workers time off and proper breaks and to ensure that the workers' work environment is safe and complies with relevant health and safety requirements.

With regard to guaranteed periods of employment, the Home Office cannot compel a private organisation to continue sponsoring workers it does not wish to sponsor. We do, however, expect the Scheme Operators to maximise the work opportunities for participating seasonal workers and we will continue to monitor this situation closely.

Workers are permitted to move employers as stated in SE3.7 of our published guidance, Sponsor a Seasonal Worker: *“you must 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.”*

We do not permit workers to switch to different Scheme Operators as it would make it very difficult to keep track of their movement of individual workers, which would place them at risk. We currently have five Scheme Operators for horticulture who are responsible for 45,000 workers. We carefully manage the allocation each Scheme Operator receives to ensure that it is commensurate with their scale, capabilities and experience. Allowing workers to move freely between Scheme Operators is incompatible with this important safeguard and could potentially result in an unmanageable burden being placed on individual Scheme Operators. This could in turn place individuals at greater risk of exploitation.

The Home Office and DEFRA monitor the scheme closely to ensure Scheme Operators adhere to the stringent requirements set for ensuring the safety and wellbeing of the seasonal workers. This includes changes made on 12 April 2023, introducing rules ensuring seasonal workers are guaranteed a minimum number of 32 hours' paid work each week. We have also increased UKVI compliance capacity to monitor welfare.

In addition to the work the Government is doing to strengthen the immigration rules and guidance for the route, we are also considering how we can better prepare and educate workers before they enter the UK. For example, the Foreign, Commonwealth and Development Office (FCDO) have been working with the International Organisation for Migration to provide additional funding to deliver pre-departure training courses for Uzbekistani workers in the British Embassy in Uzbekistan. This will improve the understanding of the workers of their rights in the UK and how to access help and support.

It is the Government's policy that those who use and benefit most from the immigration system should contribute towards the cost of operating the system, reducing the burden on the UK taxpayer. The Home Office keeps fees under review and does not make a profit from applications where the fee is higher than the estimated unit cost. All income generated above the estimated unit cost is used to fund the wider migration and borders system. If you require further information, the published fee and estimated unit cost table is available at: <https://www.gov.uk/government/publications/visa-fees-transparency-data>.

Yours sincerely,



Rt Hon Robert Jenrick MP
Minister of State for Immigration