

CSA's Summaries of Rotational Labor Programs in Other Developed Countries

The following is a subjective ranking of the quality and success of these modern rotational (and seasonal) labor programs around the globe, based on various design aspects. These design aspects include things like recruitment mechanisms, treatment of workers, and visa cap adjustments, among other things. In addition, each program has been evaluated concerning its overall "success". Based on this evaluation, the programs are ranked here from "best" to "worst", or "most successful" to "least successful".

RANKING

1. South Korea Employment Permit System (EPS)
2. Australia Pacific Labor Mobility (PALM)
3. Japan Specific Skill Visa (SSW)
4. New Zealand Recognized Seasonal Employer (RSE)
5. Singapore work permit system
6. USA au pair (J-1 visa)
7. Canada Seasonal Agricultural Worker Program (SAWP)
8. Canada Temporary Foreign Worker Program (TFWP)
9. Spain Collective Management of Hiring in Origin (GECCO)
10. UK seasonal worker visa
11. USA H-2A & H-2B program
12. Japan Technical Intern Training Program (TITP)
13. Malaysia foreign worker program
14. Taiwan foreign worker program
15. Germany Gastarbeiter
16. UK Care Worker Visa
17. US Bracero program
18. Gulf States kafala (sponsorship) system

South Korea Employment Permit System (EPS)

Overview

2004-present

South Korea's EPS system allows workers from around 17 sending countries to come work in the country for 3-5 years. The program is internationally acclaimed and often cited by the UN and the World Bank.

The program's strengths include its government-to-government model eliminating private recruitment corruption, as well as its low recruitment costs, legal protections for workers, departure incentives with financial safety nets, language requirements, and a centralized database.

The program's weaknesses include restricted job mobility (although it's still more than other programs), some (although little) mistreatment of workers, and a "revolving door" that quickly cycles through workers with accumulated skills.

Key lessons learned from this particular system are as follows:

- Government-managed recruitment is less corruptible than privately-managed recruitment
- Granting workers legal status as workers protects from abuse
- Incentive mechanisms like departure guarantee insurance work
- Restricting job mobility empowers employers and hurts workers

Deep Dive

South Korea designed the Employment Permit System (EPS), a UN award-winning system for rotational labor. The system eliminates private recruitment agencies by working government-to-government. Prospective workers from 17 countries take a Korean language proficiency test, after which the sending country creates ranked lists of qualified worker candidates for Korean employers.

Before being allowed to apply for an Employment Permit to hire a foreign worker, employers must first apply to the Employment Security Center to recruit a Korean national. The recruiting period where the Job Center posts the job for Korean nationals lasts 3-7 days, after which the ESC issues a document verifying that the employer cannot find Korean nationals to fill a job. The ESC also has to verify that the company has not had an employment adjustment within two months, and no delay in payment of wages for at least five months. Employers must be SMEs with 300 workers or less, with a workaround if an ineligible company obtains a Certificate of Small and Medium Enterprise Confirmation.

Workers, once selected, can view standard labor contracts before departing. These workers enter Korea on an E-9 Visa for three years, which is extendable to almost five. Compliant workers can re-enter for another term. Program workers go into manufacturing, construction, agriculture, stock-breeding, fisheries, and services, with large companies being excluded entirely from the program. Only SMEs with 300 workers or fewer qualify.

Foreign workers are protected under Korean labor laws, meaning that the Minimum Wage Act applies to them. These workers are entitled to the same minimum wage as Korean nationals, and receive wage bonuses for particular hours worked. However, it's been found that EPS workers do get paid less, with some having their wages withheld. Workers may change their employer up to three times during a three-year contract for specific reasons, such as employer abuse. In the case that a worker loses employment in the country, they must find a new job within a limited period (usually three months) or be deported.

The visa allocation quota is decided yearly by the government based off of human resource supply and demand. In recent years, the quota has been declining.

EPS uses mandatory insurance to incentivize departure. Employers contribute the equivalent of around 8% of worker's salary to the Department Guarantee Insurance, which can be claimed by the worker just before they leave Korea. Workers must purchase Return Cost Insurance, preventing workers from overstaying by covering their return expenses upon the expiration of their stay. Workers can buy this up to 3 months after their effective date of the employment contract. They also have a Happy Return Program which helps returning workers to obtain job referrals and help in their sending countries once they return. It's also built in structurally so that foreigners can work in Korea for 3 years with renewals coming just short of 5 years to prevent qualification for permanent residency.

Australia Pacific Labor Mobility (PALM)

Overview

2022-present

PALM is a system created by the merged SWP and the PLS. It has two streams: a shorter stream that allows migrant workers to obtain seasonal placements up to 9 months before a 3 month mandatory offshore period, and a longer term stream that permits 1-4 year placements followed by a 6 month off-shore requirement period.

The program's strengths include workers earning 3-10 times their previous income. There are massive remittances going to families in sending countries. The World Bank has also found that there is a net positive economic and social impact for communities, households, and workers involved.

The program's weaknesses include employers found withholding workers' wages. There have also been a notable amount of worker deaths and incidents. Many workers have also absconded, surging asylum applications (almost all of which are rejected). Deductions have been criticized as being too large. Brain drain has also been a concern of some.

Key lessons learned from this particular system are as follows:

- Countries using temporary worker schemes become reliant on them, they become integral to the workforce
- Rigorous independent evaluation should be done when changing, merging, or considering visa programs
- Onshore asylum systems can create a path for disengagement from a scheme while retaining some work rights

Deep Dive

Australia's PALM program is modeled after other Pacific rotational labor systems. Workers, under government-to-government channels, can apply through Labor Sending Units, which screen, prepare, and present them to approved employers. Hired workers enter Australia on a Subclass 403 visa, working in the following industries: agriculture and related food-manufacturing, aged care, hospitality and tourism, fisheries and aquaculture, forestry, and maintenance. Currently, the program is piloting early childhood education and care. There is no formal cap for the country, with number of workers fluctuating based on demand. However, individual new employers face initial caps, usually around 40-80 workers and adjustable by the DEWR.

Employers can become Temporary Activities Sponsors through the Department of Home Affairs. They then apply to the Department of Employment and Workplace Relations with the necessary checks, and sign the Palm Deed of Agreement. New direct employers can hire a maximum of 40 PALM workers (80 for larger companies). Employers are recruited through government-to-government channels. Participating countries operate Labor Sending Units, preparing eligible candidates.

There is mandatory labor market testing for every recruitment application, the evidence of which is valid for twelve months. Employers must show real attempts to hire native Australians through Workforce Australia.

Australia has MOUs with each participating country (of which there are 10). There is also PACER the Plus Labor Mobility Arrangement (implemented 2020) which established a regional discussion forum (Pacific Labor Mobility Annual Meeting). Sending countries maintain LSUs, fund Country Liaison Officers, and encourage workers' return. Australia provides support for sending countries through funding LSU positions, technical advisers, recruitment databases, social impact studies, and the PALM. The PALM framework has recently been expanded to include Vietnam in a labor mobility arrangement.

Workers are screened and presented to approved employers. These workers must be 21 or older, have a valid passport, and check health/background checks. They must also show their intention to return home. Workers are not charged recruitment fees.

Program workers must be paid the same as any Australian worker in the same role, adhering to applicable laws. For short-term workers, there is a flat 15% withholding tax, while long-term workers generally pay Australian income tax rates with a threshold, like for citizens. A chief complaint has been the significant deductions on pay that come from flights, accommodation, and insurance, which with taxes greatly reduce a worker's gross weekly wage.

Portability can only be employer-initiated, and workers must go through their employer and DEWR to obtain permission. Leaving one's employer can lead to a worker facing visa cancellation. Different types of portability exist, including on-shore, offshore, and temporary secondary placements.

Short-term program workers must spend 3 months offshore after each 9-month placement, with long-term program workers leaving for 6 months after a 4-year period. There are no enforcement bonds, but disengagement rates have dropped. Home Affairs cancels visas when employers report disengagement. Through ballot, the Pacific Engagement Visa offers up to 3,000 permanent visas, providing some of these workers with a permanent migration pathway. Sending countries/communities are meant to encourage return.

Program workers' rights are protected by the National Employment Standards, the same as native workers. Employers must have approved accommodation plans which are audited, a welfare and wellbeing officer who meets with workers at least fortnightly and lives nearby. In addition, employers must provide accommodation for the full duration of short-term workers, and for the first year of long-term workers. They must also have regular pay and incident reporting. Pacific nations appoint Country Liaison Officers who stay in Australia to provide culturally specific support to workers. Recent reforms include pay parity requirements, a minimum of \$200 a week of take-home pay, and mandatory invitations of union representatives to workplace orientations. There are also complaint services, and other trade unions and bodies. Lastly, DEWR conducts mandatory visits with a risk-based assurance framework.

Japan Specific Skill Visa (SSW)

Overview

2019-present

Japan's SSW program was built upon the TITP, and established through amendments of Japan's Immigration Control Act. TITP trainees who complete 3 years are able to transition

to SSW1 without any kind of exam. They are then eventually able to apply for SSW2, which requires demanding exams, leading to very low certification rates. The system is being restructured.

The program's strengths include its ability to address Japan's critical labor shortage, the legitimate legal pathway for blue-collar foreign workers, the equal pay requirements and portability, the program's expansion to different sectors.

The program's weaknesses include its inheritance of exploitation issues from TITP (like debts to brokers), and practical barriers to job changes (document withholding from brokers/employers) despite legal rights. Migration costs are still very expensive, especially for Vietnamese workers. In addition, initial uptake on the program fell very short on targets due to the Covid pandemic.

Key lessons learned from this particular system are as follows:

- Even if a system is well-designed, issues from an attached corrupt system can leak
- Broker control can persist even when legally or formally eliminated
- Legal protections can only do so much to protect workers from fees, exploitation, etc

Deep Dive

Japan's SSW program is a pathway for temporary workers to secure more work for longer periods of time, as well as for new foreign temporary workers. There are two residence statuses. SSW1 allows a worker to come for up to 5 years with no family and no direct path to permanence residency. SSW2 allows for unlimited renewals, family, and a path to permanent residency. To progress from SSW1 to SSW2 (which is very rare), the worker must pass higher level sector-specific exams for their skills, with around 2-3 years of supervisory experience.

For SSW1, there are 16 designated fields, including nursing care, building cleaning management, industrial product manufacturing, construction, shipbuilding and ship machinery, automobile repair and maintenance, aviation, accommodation/hospitality, automobile transportation, railway, agriculture, fishery and aquaculture, food and beverage manufacturing, food service, forestry, and wood/timber industry. Resource recycling, linen services, and logistics warehousing are planned to be added.

For SSW2, there are 11 fields, including most of SSW1's sectors.

To be hired, there are two pathways. Direct recruitment includes a sector-specific Skill Evaluation Test and a Japanese language test. These tests are available to prospective workers in both Japan and overseas multiple times a year. In contrast, workers transitioning from TITP who have satisfactorily completed 3 years of TITP from both exams are exempt. The governments of sending countries manage pre-departure procedures,

certify organizations that are sending, and register approved recruitment agencies. It is illegal under Japanese law for recruitment agencies to charge workers fees, although employers can charge fees. Overseas organizations, however, continue to charge fees. Workers are able to change employers within the same sector, a right guaranteed under Japan's Constitution. Workers do not need employer permission, and SSW visa holders do occasionally change jobs. Barriers still exist, including employers and brokers withholding required documents, workers' 3-month unemployment limit before their visa is revoked, few alternative employers in rural areas, and difficult job searching in Japan. Moving across transfers requires passing a new sector's skills exam.

There are no nationality restrictions on SSW participations. However, Japan does have MOUs with 17 countries. MOCs exist to establish information sharing, elimination of malicious parties, and reporting of problematic organizations.

There is no labor market test for employers to attempt domestic recruitment before hiring through SSW.

Employers must provide workers with remuneration equal to or greater than native Japanese workers in similar positions, thanks to equal pay provisions. Premiums apply to these workers as well, including 125% for regulate overtime, 150% beyond 60 hours/month, and 135% for rest-day work. There are deductions for standard reasons, like social insurance, taxes, and housing costs. Employers cannot demonstrate any immigration or labor law violations within five years. They must be able to support foreign workers in a language they can understand. For SSW1, employers are required to create a comprehensive support plan over the 20 mandatory categories: pre-arrival orientation, airport assistance, housing, life orientation, administrative assistance, language learning, consultation and complain handling (in the worker's language), community integration, job change support for a worker terminated for the employer's reasons, and regular interviews that include government reporting. Employers in the construction sector have other requirements from the Ministry of Land, Infrastructure, Transport and Tourism. If an employer cannot fulfill all support obligations, they can use Registered Support Organizations (RSOs). SSW workers have access to full coverage under Japanese law (classified as workers, and not "trainees", like in TITP). Workers must have equal pay, and discrimination based on nationality is prohibited. Workers must have social insurance the same as Japanese workers.

SSW1'S cap has adjusted over the years, starting out at 345,150 workers and later being revised a few times, ending up at 805,700. Each sector is allocated its own cap within the larger cap. There is no numerical cap for SSW2. Numbers are constrained by the demanding requirements, with staggeringly low numbers achieving SSW2 status.

At expiry, SSW1 holders must leave Japan unless transitioning to a SSW2 or change visa qualification. Workers who remain unemployed for more than 3 months face visa revocation. Employers and RSOs are meant to provide departure assistance.

New Zealand Recognized Seasonal Employer (RSE)

Overview

2007-present

New Zealand's RSE Limited Visa allows for workers from several Pacific Island countries to come work seasonally, usually for 7 months in an 11-month period.

The program's strengths include its extremely low overstay rates (less than 1%), its huge increase in New Zealand's export earning for horticulture, its benefit to employers, the productivity of its workers, the remittances that largely contribute to Pacific nation economies and the sending communities in many different ways (household income, schooling, living standards), community accountability when sending workers, real industry buy-in, and compliance incentives.

The program's weaknesses include mistreatment of workers (such as unreasonable pay deductions, overcrowded housing, etc.), employer-tied visas, barriers to complaints/critiques of employers, and the 4-week average pay instead of minimum wage law.

Key lessons learned from this particular system are as follows:

- Having several compliance incentives from different angles is better than any one incentive on its own
- Community accountability leads to sustainable hiring for the worker and the employer
- Employer-tied visas can always create exploitation
- Reducing worker protection for whatever reason can reduce a program's efficiency

Deep Dive

New Zealand has the Recognised Seasonal Employer scheme, appraised as being an ethical model for labor migration. The RSE is specifically for horticulture and viticulture, and is aligned with Pacific development goals. The program permits workers from several Pacific island nations to work for up to seven months in an eleven-month period. RSE is aligned with Pacific development goals, and workers come from 10 different Pacific Island countries. Inter-Agency Understandings exist with each participating Pacific country. These countries have Labor Sending Units. Many workers send home remittances, which are used as a development tool with this program.

The RSE's effectiveness has been praised by many institutions, with figures showing that over 10% of the male working-age population in at least three of the included island nations has participated in New Zealand and Australia labor mobility programs.

RSE's recruitment is government-framed. Employers must apply to Immigration New Zealand, which verifies that the employer's finances, workplace, human resources, and immigration/employment law compliance are in place. Employers must also prove their commitment to hiring New Zealanders. Employers must re-apply for this recognition every two years. INZ tells employers how many RSE workers they can bring in each season. Before this recruitment can take place, employers must apply for an Agreement to Recruit, and make reasonable efforts to hire New Zealanders.

Employers must show there are no suitable New Zealand workers available by actively attempting to recruit workers. Employers work with the government to attempt to employ New Zealand workers. If they do this, they receive annual approval from the RSE Agreement to Recruit (ATR), which is ongoing. These measures are comparatively structured to other countries'.

To recruit workers, employers either travel to a given country and pick workers themselves, oftentimes returning to villages they've hired from before, even hiring groups, creating connections with these villages. They also recruit through an agent or labor hire company based in the sending country or New Zealand. Many nations also have labor-sending units that work with employers to coordinate worker lists, as well as vetting and paperwork.

Workers are guaranteed at least 30 hours per week, paid, and half of a worker's return airfare is paid for by the employer, and employers are to provide safe and suitable accommodation that workers pay fair rent and living costs for. Employers are also required to pick up workers from the airport. Different mandates are in place to ensure worker welfare, such as health and safety standard.

Workers do not have full portability, as they are tied to a specific employer. However, transfers are allowed in the case that there is no more work, the employer doesn't meet obligations, or RSE has a legitimate labor need. Employers can also directly coordinate transfers, and transfers can also be coordinated through the system or approved by authorities. Portability is used as a safeguard for workers.

Foreign-born workers are paid at least minimum wage with a core rule being that hiring RSE workers should not undermine wages and conditions for New Zealand workers. Foreign workers are guaranteed at least 30 hours per week (averaged over four weeks, so 120 hours in a 4-week period), with employers still paying even if no work is to be done. In some areas, workers can be paid by output as long as they are still able to earn at least minimum

wage. As of 2024, workers returning in their third or more season must be paid 10% above the minimum wage, while others need only be paid at least the minimum wage.

Caps are adjusted annually based on economic conditions, and can be adjusted mid-cycle as needed.

The program permits workers from several Pacific island nations to work for up to seven months in an eleven-month period. The program has less than 1% overstay rates. They use community accountability (meaning villages can be banned for 2-5 years if a worker misbehaves), an incentive for workers who return reliably to get reinvited (no limit on seasons), and employers pay for return airfare. There is no protection visa pathway that workers can use to stay in NZ.

Singapore work permit system

Overview

Around 1990-present (underlying permit system pre-dating)

Singapore's Ministry of Manpower (under the EFMA) issues work permits, allowing migrants to come work in-country for up to two years with the possibility of renewal. It's a three-tiered system, using different Passes for different pay brackets and industries

The program's strengths include worker levies and dependence ratio requirements, allowing the government to control the labor supply without directly allocating. Because program is market-based and flexible, it encourages productivity and increasing government revenue.

The program's weaknesses include its treatment of workers, particularly during the Covid-19 pandemic, where program workers living in crowded dormitories accounted for most of Singapore's cases, and were locked down for months. The program has also had some history of low, uprising wages for construction, with advisory for more cuts coming from MOM.

Key lessons learned from this particular system are as follows:

- Innovation to catch up with the scale of a program needs to be enacted quickly enough to be effective
- A system can be completely effective in the market and still mistreat workers, putting the cost on them

Deep Dive

In Singapore's work permit system, a work permit from the Ministry of Manpower, and IPA letter together allow a foreign worker to come work in Singapore, in construction,

manufacturing, marine, services, or domestic work. Private recruitment agencies from both the sending country and Singapore approve workers. While worker fees are capped in Singapore, workers are often charged higher fees from agencies in their sending countries. Employers apply directly to MOM for work permits.

Employers must register on MOM's digital platform and purchase a \$5,000 security bond for every foreign worker. They must also pay monthly levies for these workers (the price depending on the sector, skill, and tier). Singapore has the Fair Consideration Framework, which requires employers to advertise for two weeks before hiring on Employment Passes, however this does not apply to Work Permit positions.

Employees must provide medical insurance and housing for foreign workers, as well as repatriation. There are sizeable penalties for employers who violate inspections, including phantom worker schemes that have been discovered. However, labor inspections for things like overtime and salary issues are, in most part, non-existent. In addition, workers are not allowed to marry Singaporeans without MOM approval. Workers must also complete mandatory pregnancy tests, risking deportation.

Changing employers can only happen within a sector and requires the consent of the current employer for most cases. There have been cases of employers blocking transfers by canceling permits, or even repatriating workers. Singapore has criminal penalties for overstaying, even including caning for males. Females are also mandatorily repatriated if they become pregnant (involving mandatory testing).

There is no universal minimum wage, although a Progressive Wage Model is being rolled out for some sectors. Pay differs from sector to sector, with Foreign domestic workers earning much less than Work Permit holders in some. Singaporean native workers make significantly more than foreign workers in most cases.

Singapore is known to be reluctant about signing formal bilateral agreements for labor. They tend to use informal administrative arrangements.

In terms of visa caps, Singapore uses a dependency ratio ceiling system. Tiered levies also increase as companies approach their ceiling. This is more market-responsive, as exists in lieu of caps.

USA au pair (J-1 visa)

Overview

1986-present

The US au pair program allows 18-26 year olds to come live with a host family on a J-1 visa to provide childcare, and complete 6 semester hours of academic credit.

The program's strength resides more in its role as a cultural exchange to provide foreigners with experience inside the US.

The program's weaknesses include the tension between the applicability of au pairs for minimum wage or not.

Key lessons learned from this particular system are as follows:

- Ambiguity about the nature of a program can lead to exploitation
- Ensuring the fair treatment of workers can lead to less employers' participation

Deep Dive

The USA's au-pair program operates through the J-1 visa, technically defined as a cultural exchange. Ambiguity is found in the fact that while being a cultural exchange, participants do work, leading to questions about the applicability of labor laws and minimum wage. There are numerical caps. Time as an au pair is limited, without a direct pathway to citizenship within the program.

Sponsor agencies screen and select host families, as well as au pairs, to ensure their legal compliance, and match them. These agencies are designated by the State Department. Host parents must be US citizens or legal permanent residents who speak fluent English. They are also often expected to pass a background check, pass an interview, and provide the au pair with a private room. Au pairs are also always placed with families within an hour of the local organizational representative.

The decision of where to place a worker is two-sided, meaning both the applicant and the host family must agree to the arrangement. Host families are expected to provide a weekly stipend of around \$200, as well as up to \$500 toward the au pair's required academic coursework. They cannot have an au pair work more than 10 hours per day (or 45/week). They must also provide two weeks of paid vacation and one full weekend off each month. While sponsors are responsible for ensuring that host families meet these obligations, they are financially dependent on host families, and some suggest that violations are not meaningfully investigated.

Au pairs are able to change host families if approved by their sponsor, who will then have to formally rematch them in a limited time window (usually around 2 weeks). This works as a protection against abuse and exploitation by an employer. However, au pairs are tied to their sponsor agency, which can create vulnerability and pressure, especially with the window to find a new family being so limited.

No formal bilateral agreements exist for the J-1 visa, although certain bilateral MOUs and MOCs do exist. None required, as it is a cultural exchange.

Program participant should receive a stipend of \$195.75/week for up to 45 hours of work, which is below minimum wage (although the program is classified as a cultural exchange, courts increasingly treat it as employment, for wage purposes). In a recent case, *Capron v. Attorney General of Massachusetts*, the First Circuit ruled that state minimum wage laws apply.

Canada Seasonal Agricultural Worker Program (SAWP)

Overview

1966-present (with expansion in 1974)

Canada's oldest temporary worker program, in which workers come for up to 8 months per year for agricultural work.

The program's strength lies primarily in its low overstay rates. The repeat-hiring also creates a measure of stability for both employers and workers.

The program's weaknesses include its creation of "permanent temporariness". Closed worker permits also create imbalances, and severe mistreatment of workers as well as housing and health violations have been raised as issues.

Key lessons learned from this particular system are as follows:

- Bilateral government systems and unlimited circular returns result in a stronger system and lower rates of overstaying
- Closed work permits create vulnerability and mistreatment

Deep Dive

Through the SAWP, a program worker enters Canada with a permit, as well as either an entry visa or an eTA. These workers come to work on-farm in primary agriculture, exclusively for commodities on the National Commodity List, including fruits, vegetables, greenhouse, livestock, apiary, tobacco, and nursery.

Employers are required to advertise to Canadians on Job Bank, as well as two other methods (this rule was suspended from 2022-2025, but has since been reinstated) before hiring foreign workers. Employers are able to apply for a foreign worker to fill a position through a Labor Market Impact Assessment (LMIA) that is submitted to Employment and Social Development Canada (ESDC). This is facilitated by F.A.R.M.S. in Ontario and FERME in Quebec. After being hired as an employer, the ESDC inspects employers up to 6 years,

and penalties for violations range from \$500 to \$100,000. Employers can be banned from 1-10 years or even permanently. The biggest cause of non-compliance is housing violations. liaison officers from sending countries visit farms.

Canada has Memorandums of Understanding (MOUs) with Mexico and Caribbean countries, who meet annually to evaluate the program. SAWP operates under a standard and non-modifiable government contract.

Workers are selected by their own sending countries' governments. In Mexico, their Secretaría del Trabajo y Previsión Social (STPS) manages it, and in the Caribbean, the labor departments manage it.

The program is excluded from Canada's 10% low-wage workforce cap as well as other restrictions applied to the Temporary Foreign Worker Program (TFWP). This means that although under Canadian law no more than 10% of a staff can be low-wage, SAWP workers don't count, as Canada needs more agricultural workers.

Workers are able to transfer between SAWP employers without obtaining a new work permit during the season, with the consent of all parties. For workers experiencing abuse, an Open Work Permit for Vulnerable Workers (OWP-V) is available. Workers re-applying for a new season can always apply for a different employer from their previous season(s).

For their fprogram workers, employers are required to provide inspected housing, paid round-trip transportation, a guarantee of 240 hours of work within six weeks, and pay at or above wage rates.

The program is completely demand-driven, meaning there is no numerical cap. SAWP has some of the lowest overstay rates in the world. SAWP also has no pathway to permanent residency.

SAWP has a mandatory Dec 15 departure, as well as a requirement for employers to pay for return transportation, and the incentive from their home government that workers who overstay will lose selection priority (normally, those who have participated in the program before have higher priority for re-entering the program).

Canada Temporary Foreign Worker Program (TFWP)

Overview

1973-present

Canada's Temporary Foreign Worker Program (TFWP) is an umbrella program run by the ESDC and the IRCC. Work permits allow migrants to work usually up to 2 years.

The program's strength is the lengths gone to ensure that it does not prevent Canadians from being hired, or their wages from being undercut.

Weaknesses of the program include the closed work permit as a facilitator for exploitation, and the many reports of unsafety, exploitation, and severe mistreatment of workers.

Key lessons learned from this particular system are as follows:

- Labor Market tests and on-site inspections need to have genuine verification to become helpful
- Expanding and contracting a program without ever changing closed work permits and expanding enforcement leads to predictable abuse

Deep Dive

Foreign workers participating in Canada's TFWP need an employer-specific work permit. Workers can be hired in all industries, including high-wage, low-wage, Primary Agriculture, Global Talent, and Caregivers. Employers hoping to hire program workers are able to apply for through a Labor Market Impact Assessment (LMIA) that they submit to Employment and Social Development Canada (ESDC). Unlike for SAWP, employers must pay a \$1,000 LMIA fee.

While submitting an LMIA, employers that hire for high-wage positions must submit a transition plan to eventually hire Canadians. For low-wage jobs, employers must advertise a job for a minimum of 4 weeks before applying for an LMIA. While advertising the job, they must use three recruitment methods, including the national Job Bank. The program's low-wage cap has been reduced from 30% to 10%. The low-wage employment duration was cut to 1 year.

For low-wage workers, employers must provide or make available housing, with no housing obligations to high-wage workers. Work permits are closed, meaning that a worker hoping to change employers need a new work permit, while their new employer needs a new LMIA. They can begin work while this process is pending. Like SAWP, an OWP-V is available for abuse situations, with limited uptake.

There is no government-to-government recruitment or liaison officers from sending countries. Private recruiters recruit workers. There are no bilateral agreements, and workers can be from any country.

While there are no express caps, temporary residents included in immigration level plans (82,000 net new TFWP permits annually for 2025-27).

The program used to have a 4 years maximum, 4 years out ("4-and-4") rule, but was abolished in 2016. Workers must leave Canada when the permit expires, but unlike SAWP, these workers can apply to extend/renew their work permit from within Canada (if their employer obtains a new LMIA). Their sending country government doesn't have a role, it is all through employers and the IRCC. This being said, there is no sending-country mechanism that enforces return (unlike SAWP where they must return home for a renewed permit). If a worker overstays, they become non-status, and face removal orders, inadmissibility findings, and even bars to future entry.

Spain Collective Management of Hiring in Origin (GECCO)

Overview

2000-present

Spain's Gestión Colectiva de Contrataciones en Origen is a seasonal worker program. It is governed under Organic Law 4/2000 on foreigners' rights, implemented through a Royal Decree and annual ministerial orders. Workers, authorized for four years, can come work up to 9 months. The program is run through bilateral agreements.

The program's strengths include its extremely low overstay rates with a strong incentive structure through the repeatera system, the 4-year authorization reducing bureaucratic hold-ups, and paths to longer-term residency.

Included in the program's weaknesses is the 2018 exposure of four Moroccan women who had experience sexual harassment, non-payment of wages, 10-hour working days, and verbal and physical abuse in the Huelva strawberry fields. A Spanish court wouldn't investigate under the claim that exploitation couldn't exist under the government's bilateral agreement. In addition, there have been reports of poor housing conditions, labor right violations, and intersectional discrimination (especially in regards to hiring women with dependents). Workers' tie to their employers creates a window for abuse.

Key lessons learned from this particular system are as follows:

- Nominative returns provide a high incentive for workers to return to their sender country once their time is up
- Government-sanctioned bilateral agreements do not necessarily eradicate the possibility of exploitation
- Targeting those with dependents at home to work is effective for return rates, but ethically questionable

Deep Dive

Spain's GECCO program focused on hiring foreign workers in agriculture, with the majority of contracts going to Huelva's strawberry and red berry harvest. The program also included agricultural jobs working with citrus, olives, and other fruits/vegetables. As of recently, the program also includes hospitality and logistics, with occasional other occupations.

To participate, employer organizations collectively submit offers. The FUTEH coordinates among city governments, employer associations, trade unions, and NGOs. Employers who hire are required to cover return travel costs, provide adequate housing and medical coverage, and comply with labor laws (including anti-harassment protocols). They must also be current on tax and social security obligations.

The program is built off of the Spain-Morocco bilateral labor agreement. ANAPEC is the central implementing partner. The program includes bilateral agreements with several other countries, as well as cooperation instruments with more than a dozen more. These agreements are meant to regulate migration and protect workers' rights.

ANAPEC is in charge of recruitment, involving pre-selection, pre-departure preparation, and coordination with Spanish authorities and employers for hired foreign workers. There is a pre-departure orientation that covers job specifics, contract clauses, regulations, and country culture. There is also the WAFIRA program, adding entrepreneurship training and financial education. Both new and returning workers can participate, with a preference for returning workers.

Spain's national employment situation requirement mandates employers to demonstrate unavailable domestic labor before hiring workers through GECCO. In addition, SEPE must certify inability to supplement candidates. Financial crises have led to lower GECCO recruitment when native and migrant workers take up those jobs. Jobs where public employment services can't fill vacancies bypass the individual labor market test.

In terms of hiring, rural women with farming experience and dependent children are favored, leading to scandals in the past when Moroccan workers at a strawberry farm endured abuse and mistreatment without proper investigation.

Workers maintain the same labor rights as native Spanish workers under the law. This includes minimum wage, social security, occupational safety, and anti-harassment protections. These standards are enforced by the Labor and Social Security Inspectorate. Trade unions also participate. Monitoring, however, has been labelled as insufficient.

Workers are bound to a specific employer who sponsors their contract. Workers cannot switch employers. Switching employers is grounds for termination from the program. This is likely tied to more abuse and lower wages.

Workers are supposed to be paid at least Spanish minimum wage. Piece-rate systems allow fast workers to earn 20-30% above the minimum wage, but risk underpayment for unrealistic quotas.

No fixed cap. Numbers are determined annually based on employer demand and employment situation certification. The program has seen its fair share of fluctuation due to financial crises, the inclusion and exclusion of some countries, and economic situations.

The program has very high return rates, contrasting the high overstay rates near the program's beginning. Failure to return leads to the termination of a worker's authorization, and their permanent exclusion from future participation. Most notably, compliant workers get nominative recall, creating incentive for a worker to return back to a sending country, for future employment. An ethically contested mechanism for ensuring return has been hiring women with dependent children still in their sending country.

UK seasonal worker visa

Overview

2019-present

This program uses the Temporary Worker route of the UK's Points-Based Immigration System. Allows migrant workers to stay up to 6 months per visa (6 months of the year, maximum).

The program's strengths include its ability to fill the critical gap in the UK's labor workforce shortage, and workers' overall positive experience. There is also structure (such as the SWS Taskforce and the April 2025 rule prohibiting sponsorship fees) that protect workers from exploitation.

The program's weaknesses include the fact that most migrant workers have to borrow money to cover cost. In addition, most workers earn significantly less than promised to them, and most do not get paid for everything that they pick. There is no guarantee of minimum income, and workers cannot switch placements because of visa-ties, leading to exploitation. In addition, there is a conflict of interest because of the lack of independent monitoring (bodies that are being assessed conducting the worker surveys themselves).

Key lessons learned from this particular system are as follows:

- Scaling needs proportional enforcement, or it creates a breeding ground for exploitation

- Programs need clear definitions of who holds employers and sponsors accountable to standards. In this same vein, monitoring should be independent from sponsors and employers, without conflicts of interest
- If operators are paid by producers and simultaneously responsible for worker welfare, it creates a conflict of interest
- Multi-stakeholder taskforces collaborating on worker welfare prove effective in protecting workers

Deep Dive

Participating workers enter UK with a certificate of Sponsorship and visa, working in horticulture and poultry processing.

Farms contract via Home Office approved scheme operators to hire workers. These operators must hold sponsor and GLAA licenses. In theory, this should create accountability, but some argue that it causes the state to be out of touch with working conditions. There is no labor market test. It is claimed that domestic workers aren't attracted enough to seasonal agriculture work.

Scheme operators, contracted with farmers, handle recruitment. Operators use agencies in sending countries (who cannot be held responsible by the UK as they are outside of the country), which oftentimes charge prospective workers huge amounts for which they have go into debt. Workers apply for a Certificate of Sponsorship through the operator. Operators are paid by farms, creating a conflict of interest wherein operators are motivated to supply farms regardless of worker welfare.

The responsibility of holding employers accountable is spread across so many different departments and organizations that it was unclear whether they are really being held responsible. As of now, there are no confirmed regular inspections, although there are many worker complaints.

Workers are tied to their scheme operator rather than the employer, however workers cannot change operators or seek a new work. Many workers need transfers, and about half of workers get their transfer requests denied. Workers overstaying more than 30 days leads to a 10-year visa ban for all UK visas.

Workers are paid the National Living Wage. Piece-rate systems are required to average at least the minimum wage per hour. Deductions for accommodations lead to much lower pay. Some industries have higher wages. Enforcement of wage upholding is questionable.

There are no bilateral agreements involved. Scheme operators deal with relationships directly, sometimes involving labor ministries of these source countries.

The UK sets an explicit number of visas annually, and consistently runs below caps.

USA H-2A & H-2B program

Overview

H-2A: 1952-present (split off from H-2)

Allows for migrant workers to come stay for up to one year (with the possibility of one year extensions up to 3 years) working in agriculture.

H-2B: 1990-present (created alongside H-2A from H-2 split)

Allows migrant workers in specialty occupations to come up for 3 years initially, extendable to 6.

The program's strengths include its intent (although contested) to decrease unauthorized immigration.

The program's weaknesses include mistreatment of workers (many legal violations and unpaid wages, debt and retaliation threats), workers' tie to a single employer, a lack of a path to permanent residency, slow application processing, a low visa cap for the demand, and a lack of accountability for employers.

Key lessons learned from this particular system are as follows:

- Valid legal channels can help reduce illegal immigration
- Growth without a growth of enforcement leads to exploitation
- A lack of accountability for employers leads to exploitations
- Reforms without statutory foundation are weak and can be easily reversed
- Program inconsistencies can create tiers of exploitation

Deep Dive

H-2A and H-2B are temporary work visas. H-2A covers agricultural labor service sectors that are temporary or season seasonal, such as crop planting and harvesting, nursery and greenhouse, range herding, and livestock. There are no year-round agriculture such as dairy and poultry. H-2B covers temporary but non-agricultural jobs.

Potential employers must submit a job order to State Workforce Agency 60 days before their need, and file temporary labor certification with the Department of Labor 45 days before. If approved, employers file an I-129 petition with the USCIS. Employers must also provide housing that passes pre-occupancy inspections, and maintain their foreign-born workers' compensation insurance.

The DOL's Wage and Hour Division conducts investigations on employers. If found in violation of standard, penalties include civil money penalties and debarment. In January 2025, DHS created a final rule allowing the USCIS to deny petitions from employers that have serious labor violations.

Workers have historically been tied to one employer, however the 2025 DHS rule established portability permanently. Workers can file a petition and begin working for a new employer even before their petition is approved. Workers also have a 30-day post employment grace period.

Workers are primarily recruited through private labor recruiters in sending countries. Employers cannot charge recruitment fees, although illegal fees ranging from about \$1,000-\$25,000 remain widespread and can create debt bondage. As of the January 2025 rule, there is are no eligible country lists, with employers now able to hire from any country.

While there are no bilateral agreements, there are compliance-based checks to ensure that countries cooperate with US immigration.

The 50% rule requires employers to hire qualified US workers who apply until half the contract elapses. EPI and other investigative reports found systematic discouragement of domestic applicants. For H-2A, Adverse Effect Wage Rate (AEWR) govern wages, which are adjusted by state. In October 2025, Trump admin made an interim final rule, shifting AEWR methodology from USDA Farm Labor Survey to BLS OEWS data, and using two skill tiers, lowering rates for many workers (this is at least partly due to Labor Department's new calculations of housing costs for H-2A workers, causing deductions). H-2B employers obtain a prevailing wage determination from the DOL, which is determined by the average wage paid to workers in the area of employment.

H-2A visas are uncapped. For H-2B, the 66,000 statutory cap hasn't changed since 1990. Caps are consistently reached early. Congress has annually authorized supplemental increases (since FY2017) in appropriations. From FY2024-2026, around 64,000 additional visas were authorized (20,000 reserved for workers from Central American and Caribbean countries). Very low overstay rates (less than 2%). Future participation depends on voluntary return, encouraging it. Workers must depart for a minimum of 60 days after three years. There are no formal wage-withholding or bond mechanisms.

Japan Technical Intern Training Program (TITP)

Overview

1993-now being replaced (beginning June 2024) with the training and employment program

Meant to allow migrant trainees to come in Japan and learn skills, ended up being a low-skilled labor supply. One year initial stay, extendable to 3 years with some reforms allowing 5 years.

The program's strengths will mostly be found in the system that is replacing it in order to address its many issues. Strengths of the TITP program itself include limited skill and language development for workers, low unauthorized immigration, and the sheer scale of the program in addressing Japan's labor work force needs.

The program's weaknesses include its fiction of training and international development, which were a guise for what ended up being a guest worker program to fill economic gaps. The biggest issue is its severe mistreatment of trainees, even leading to disappearances and death.

Key lessons learned from this particular system are as follows:

- Dishonesty about or divergence from a program's claimed purpose leads to severe framework issues and even failure
- Visas tied to employers lead to exploitation
- Debt accumulation prior to departure leads to debt bondage, hence the need for bilateral agreements
- Small employers are harder to regulate

Deep Dive

The Technical Training intern visa allows workers to come work in specific occupations where Japan said it has skill shortages, including industries such as manufacturing, agriculture, fisheries, construction, textile and garment, building cleaning, food services, and other technical trades. These have all framed as "skills training".

Originally designed to promote international cooperation, the Technical Training Program Act set out to avoid influencing the supply and demand of Japan's work economy. Its promise of transferable skills was found to be void, as workers returning to their home countries rarely found work in the sector in which they were trained in Japan, 77.8% of participant employers admitted to hiring from TITP because it was easier than hiring a Japanese native. The program was designed to hire outside of Japan.

During the programs lifespan, supervising organizations acted as intermediaries between employers and workers. For an employer to participate, they had to apply to Japan's Organization for Technical Intern Training (OTIT) and apply to the immigration authorities. They had to prove legitimate qualification, financial stability, capacity to provide formal training plans, and prove safe working and living conditions without labor law violations.

Employers were subject to regular inspections by supervising organizations and audits by OTIT (as well as immigration checks). They could lose certification or be banned if found in violation. However, 73.3% of TITP's inspected workplaces violated standards of the Ministry of Health, Labor and Welfare. These issues included things like safety standard failures and unpaid overtime. There have also been issues of passport confiscation, a sizeable wage gap against Japanese workers, and even trainee death. Trainees were unable to change employer, except in unavoidable situations. This caused exploitation and forced labor, as well as disappearances and debt bondage.

TITP trainees were covered by Japan's Labor Standards Act, meaning that they were meant to have the same standards as Japanese workers (over minimum wage, equal pay for equal work, following legal rates). Wages typically started around minimum wage with very little increase. Many of the deductibles or things like housing fees and taxes were inflated and non-transparent. Workers often owed large fees to recruiters in home countries.

Workers would pay excessive fees to organizations in home countries that send them (around \$4,000 to \$5,000). Japan worked with approved sending organizations in these countries. The Japanese employer would reach out to supervising organization, who would reach out to the sending organization, who would send workers.

The base cap was tied to company size, with intake limits on how many could be onboarded a year. Rules were often framed as ratios from trainees to regular employees. Organizations deemed as high-quality could increase their caps. TITP visas were initially 1 year, but could extend to 3-5 years. No pathway to permanent residency, and limited ability to switch visas. Return incentives like security deposits and forced savings (withholding wages until completion/return home) did exist. Sending organizations also kept track of workers. The system had structural dependence that discouraged overstaying.

The program is now being replaced with a more promising system, which is expected to weed out the exploitation and abuse ingrained in TITP.

Malaysia foreign worker program

Overview

1991-present

This program allows migrant workers to come work to fill labor shortage, with a 2 year stay (renewable up to 5 or 6 years depending) on lower-skilled jobs in construction, plantation,

agriculture, manufacturing, services, domestic work, and other niches. Permits remain valid for 12 months, and are renewable for up to 10 years

The program's strengths include the government revenue raised through levies (debatably), the filled labor shortages, and some limited attempts to formalize undocumented workers (semi-successfully).

The program's weaknesses include its very irregular immigration, its huge amount of undocumented workers, the "stop-go" policymaking caused by the government's switch-ups, the issues caused by private recruitment agencies, forced labor conditions, and systemic mistreatment of workers.

Key lessons learned from this particular system are as follows:

- Recruitment privatized to politically connected agents can breed exploitation
- Employers without an incentive won't comply (for example, when undocumented labor is cheaper)
- Government incoherence (like splitting governance across several ministries) creates a framework without a single authority in charge
- Enforcement on workers but not employers creates an imbalance

Deep Dive

Malaysia uses a Temporary Employment Pass (TEP), also known as a Visit Pass for work permits issued to foreign workers for low-skilled jobs. These permits remain valid for 12 months, and are renewable for up to 10 years. These workers work in sectors such as construction, plantation, agriculture, manufacturing, services, and domestic work.

The Malaysian government allows private agencies to manage recruitment. Malaysia has signed bilateral agreements (MOUs) with several countries, with some countries having recruitment restricted to specific agencies. Employers must get approval from Malaysia's immigration and labor authorities, meeting certain qualifications. Employers must sign a formal contract, pay a levy (tax) per worker to the government, provide housing, and cover certain costs for the workers. They often bear recruitment fees (although these are frequently passed on to workers).

Employers are generally expected to show that they have tried to recruit Malaysians and been unable to fill the positions. Employers must advertise jobs. Labor authorities review this. There is more flexibility in certain sectors, like construction, plantations, and manufacturing. In general, this part is often treated as a formality.

Workers are issued a Visa With Reference (VDR) by Malaysian missions abroad, and then once in-country get a medical exam and a TEP sticker (ePass). Workers are subject to immense recruitment fees from recruitment agencies, employers, processing, medical exams, and more. Minimum wage applies and workers are protected under labor laws.

There have been many cases of passport confiscation by employers, which is illegal in Malaysia. Work conditions have been found to be exploitative, inhumane, and below standard, resulting in the US State Department downgrading Malaysia to Tier 3 in 2021 and 2022. Much of the issue lies in the workers' dependence on their employer for a visa. However, in May 2025 the government began to approve cross-sector employer transfers.

There are around 2 million documented workers residing in Malaysia on Temporary Employment Visas, with an additional estimated 1.2-3.5 million undocumented workers. Employers carry the financial incentive for ensuring the return of workers, as they must use the official Check Out Memo (COM) process in order to reclaim their security bond. This system is called the Foreign Workers Insurance Guarantee. Failure to repatriate a worker can load fines, forfeited bonds, and even blacklisting from recruitment onto an employer. Malaysia mandates several other insurances tied to foreign workers and their eventual repatriation. There is the Foreign Workers Hospitalization and Surgical Scheme (SPIKPA), the Foreign Workers Compensation Scheme (FWCS), and its phasing replacement, SOCSO for national employment injury (since 2019, includes migrant workers).

Taiwan foreign worker program

Overview

1989-present

Allows migrant workers to come work for 3 years initially, sometimes renewable.

The program's strength was its ability to fill labor gaps in Taiwan.

The program's weaknesses include the high fees charged to workers by sending country and receiving country recruitment agencies, often leading to workers' debt bondage. In addition, domestic caregivers are exempt from the Labor Standards Act (no minimum wage, limits, rest days, etc.) In the fishing industry, there are reports of forced labor with abuse, low wages, document confiscation, and even death. There are also many foreign workers across industries that have become undocumented in-country after fleeing exploitative conditions.

Key lessons learned from this particular system are as follows:

- Private brokers in both sending and foreign countries can create exploitation and debt bondage (even when regulated)
- The government may be able to better squash corruption by replacing hiring services rather than regulating them
- When given the choice, employers will always opt for cheaper labor, even if it leads to exploitation

Deep Dive

Taiwan's foreign worker program is a permit system, that covers occupations in manufacturing, construction, agriculture, slaughterhouse work, fishing, and caregiving.

Employers must demonstrate labor shortages, then obtain hiring permits from the Ministry of Labor. However, the system is broker-mediated, meaning that employers must typically use private agencies to navigate the process. Taiwan has MOUs with many sending countries, focused usually on logistics, and not workers' rights.

Hiring happens through both an agency in Taiwan and one in the sending country. Employers can apply to the Ministry of Labor for a hiring permit. Recruitment is then handled by brokers. While Taiwan's agencies have fee caps, agencies in sending countries do not, leading to frequent debt bondage. Although the government does offer a Direct Hiring Service Center to employers at a lower cost to workers (without involving brokers), it is seldom used. Taiwan plans to open a government-run recruitment center in the Philippines.

Taiwan requires domestic recruitment documentation for industrial sectors, with exemptions for caregiving and fishing employers. There is little inspection done, especially for domestic caregivers.

Workers can switch employers in specific circumstances, such as employer death, the closure of their job, or proven wage violations. In cases such as these, these workers have a 60 day deadline to find new employment or otherwise be deported. There are brokers who charge copious amounts of illegal fees to facilitate these transfers.

Minimum wage applies to foreign workers, exempting live-in caregivers, who receive well below minimum wage for long hours and usually no time off.

Taiwan uses ratio-based quotas. Recently, a change allows a trade-up mechanism where employers can hire more migrant workers if they raise local workers' salary a certain amount per foreign worker.

There are very high overstay fees, especially considering increasing absconding migrant workers. However, in 2024 the MOL began considerations to allow some 80,000 undocumented workers to remain legally.

Germany Gastarbeiter

Overview

1955-around 1973

A demand for more workers led to the employment of approximately 14 million workers in Germany, meant to address labor shortages. Stays were intended to last 1-2 years. The program is known for increasing undocumented migration, failing to create a framework that kept workers rotational. The recruitment stop was triggered by the oil crisis.

The program's success was union-secured equal pay.

This program's weaknesses include its failure to maintain rotation because of its ineffectiveness for employers, the stopping of the program that led to an increase in permanent settlement because of increased fear of terminated residency, the lack of integration policy (no language training, social programs, etc.), Germany's continued denial that it was an "immigration country", and the lack of reform (eventual reform was very slow to come).

Key lessons learned from this particular system are as follows:

- Restricting workers' return and closing the door firmly will create more undocumented permanent settlement
- If employers interests are not aligned with rotational policy, they will override it
- Deferring integration policy will lead to greater immigration issues

Deep Dive

During the program's lifespan, participating workers enter Germany on a temporary work permit and a short-stay document, then would receive their work and residence permit once arrived.

The Bundesanstalt für Arbeit had central authority over the process, with its local branches verifying employers' genuine needs, and forwarding employer requests to German liaison officers abroad. Employers could choose from which country they took their workers. The process to be hired involved an application, a screening, assessments, and travel.

Employers were required to guarantee housing for recruited workers (written into later bilateral agreements). Equal pay was a cornerstone. For workplace safety, Factory Inspectors, Statutory Accident Insurance Institutions, and labor courts managed safety concerns and disputes. However, enforcement has been described as inadequate, with less than 1% of guest workers holding salaried positions, as well as serious hiring discrimination.

A mandatory labor test was done before any employer could recruit abroad to ensure whether there were suitable German workers. The labor office made the determination. The check, however, was often a formality, because Germans often refused the heavier

industrial jobs. This labor market test was abolished for nationals from the EEC over time. While the labor market test remained outside of that, labor offices nodded to impracticality of replacing experienced foreign-born workers. Workers were supposed to be paid equally to German workers, however loopholes because of job classification caused workers to receive lower wages. Workers also experienced wage deductions because of housing and social security.

Migrants took the lowest-paid and most dangerous jobs, in areas like mining, construction, and manufacturing, while German workers held more supervisory roles without working up the chain of command. The system was employer demand driven. German companies could submit a formal request at a local employment office, asking for a certain number of foreign workers and specifying the work, wages, and other details. The local Arbeitsamt served as the only lawful intermediary between employers and foreign workers.

Portability expanded very slowly, freezing after 1973. Mobility was constrained to begin with, with some foreign workers having more mobility than others. Eventually, a two-tier system emerged, with nationals from countries like Italy and Greece (EEC member countries) enjoying full labor market freedoms, and nationals from countries like Turkey, Yugoslavia, Morocco, Tunisia, Portugal, and Spain staying dependent on employer-tied permits until they had enough years of employment to qualify for a special work permit. Germany maintained bilateral agreements with Italy, Spain, Greece, Turkey, Morocco, South Korea, Portugal, Tunisia, and Yugoslavia. The program didn't have formal numerical caps.

Workers were intended to remain for short periods (typically one to two years), then return to their home country, after which they would be replaced by another foreign worker. This was quickly found to be uneconomic and ineffective for employers. Employers constantly requested extensions for their workers, leading to great leniency about "temporary" stays. When Germany shut down its rotational labor, migrants stayed in Germany, fearing that they would not be let back in if they left. Mechanisms for ensuring that they did leave included the fact that a work permit becoming expired would jeopardize the residence permit.

UK Care Worker Visa

Overview

2022-2025

The UK Care Worker Visa was opened to accommodate for the growing need of care workers in the UK, but quickly became vulnerable to corruption and exploitation, and was effectively closed off to overseas hiring in a matter of years. Initially allowed up to 5 year stay for migrant workers.

The program's strength was its ability to fill tens of thousands of vacancies during the care sector's crisis-level shortage.

The program's weaknesses included its drastic mistreatment of workers (including modern slavery, debt bondage, unpaid wages, threats), corrupt agencies that charged workers obscene amounts in recruitment fees. During its shutdown, workers were left with 60 days to find a new sponsor or be deported (the rematching scheme had a 3.4% success rate).

Key lessons learned from this particular system are as follows:

- Employer-sponsorship models can lead to massive exploitation
- Impact assessments and slow progress with safeguards are necessary even in dire circumstances
- Applying immigration policy to sectoral workforce strategy leads to failure
- Monitoring systems must come before a program

Deep Dive

During its short-lived lifespan, care workers could enter the UK on a visa through a sponsor. In 2021, the sponsor license approval rate was 99%. Many sponsors had allocated more visas than they needed, essentially 'selling' the extra visas. The UK opened up its Care Worker Visas to accommodate the 185% increase in registered sponsors. This rapid and relatively unregulated change led to an extreme level of systemic exploitation. Migrant hopefuls paid thousands of pounds to agencies in their sender countries, far above the 284 pounds that it takes to apply for the visa. These costs led to many of these workers selling assets and accumulating massive debt.

Employers had to be licensed by the UK Home Office. Employers were subject to audits, record-keeping, and compliance checks. Violations can lead to fines, license suspensions and revocation, and bans on hiring immigrants.

There were no formal bilateral labor agreements, with recruitment being mostly market-driven through private agencies. Government-to-government cooperation was limited. , There was no formal labor market test.

Workers were meant to be paid at least minimum salary or sector pay rates (whichever is higher). However underpayment, unpaid hours, and illegal recruitment fees persisted as issues.

Workers were tied to a specific sponsor/employer, only able to switch jobs with a new licensed sponsor. Because the workers were dependent on their employer for their visas, whistleblowing proved difficult. After the exploitation was discovered, the plan to rematch these displaced workers resulted in only 3.4% finding new jobs. Workers were also given an extremely small window of time (around 60 days) to locate a new employer.

The program had no numerical caps. The visa could lead to permanent residency after five years, so there was no forced return mechanism. However, return was to be ensured by visa expiration and loss of status, removal, or re-entry bans if a worker overstayed outside of visa conditions.

US Bracero program

Overview

1942-1964

System was put in place during World War II to meet the US' labor shortages. Mexican workers could come for a few months to do temporary agricultural jobs.

The program is known for its many issues concerning labor rights and exploitation.

The program's strength was its help to agribusiness.

The program's weaknesses included its extreme mistreatment of workers, who were unable to change employers or protest conditions. Workers were promised withheld wages in savings upon their return home, however the money transferred was a small fraction of what was owed (Mexico was later required to settle workers' unpaid money, but many have still not received it due to stringent requirements and filing). In addition, during the program, for every bracero worker who entered, there was also a parallel undocumented worker entering the country.

Key lessons learned from this particular system are as follows:

- Temporary work programs have the capacity to set permanent migration patterns
- Closing a corrupt system leaves a labor demand
- Creation of a legal mechanism to move into a country does not necessarily stifle undocumented entries
- Little or no administration from government to employers leaves workers with fewer protections
- Forced savings can lead to wage theft without accountability
- Regardless of promised protections, employer-tied visas create conditions for exploitation

Deep Dive

This system operated through a temporary work visa for agriculture, with a period of railroad work.

Recruitment was run government-to-government. Prospective workers could register with Mexican labor authorities, and then be selected and taken to border reception centers. The US government processed them from there, including medical inspections, contract signing, and employer assignments. Mexican officials often times demanded bribes for workers to be placed, Mexicans from rural areas oftentimes had to wait weeks at their own expense.

The US eventually did make an agreement with Mexico involving non-discrimination, wage protections, a savings fund, and even the ability to blacklist states that were discriminatory. Power eventually shifted to the US, with powerful growers having more power than Mexico in influencing agreements.

Before working, employers were required to have DOL certification that they had tried and couldn't find domestic workers. Although employers were required to certify domestic labor shortages, wages were set by employers at low rates that did not attract workers, allowing employers to claim shortages to participate in the Bracero program.

The wage was depressed by grower-controlled wage boards. Wages fell despite protections. Savings were never returned to workers. While employers originally had obligations concerning housing, transportation, and wages. The administration shifted, weakening these enforcements. Inspections were weak. In addition, workers complaining about conditions could be blacklisted from future contracts. Because employers could request workers, repeat workers were hired more, and workers had motivation to not report corruption. In addition, there was no portability, with workers being bound to one employer.

The program had no numerical cap, being driven mostly by employer demand and certification. There was also found to be a positive correlation between legal admissions and unauthorized migrants, suggesting that although the program provided a legal pathway to temporary immigration, it propagated undocumented entrants into the country. Workers leaving assignments became undocumented automatically.

Gulf States kafala (sponsorship) system

Overview

1950s/60s-present (some modifications and phasing out)

In Gulf countries, migrant workers can come work for 1-2 years initially (renewable with sponsorship).

The system's strengths are its ability to meet the demand of the receiving countries' economies, and provide sending families with remittances.

The program's weaknesses include the segmented labor markets where migrant workers make significantly less than domestic workers even within the same occupation. There is also severe mistreatment of workers, often equating to modern slavery, even resulting in deaths. Abuses include wage theft, debt bondage, passport confiscation, confinement and exclusion of domestic workers from labor laws.

Key lessons learned from this particular system are as follows:

- Legislative reform without consistent enforcement doesn't protect workers
- If workers cannot assemble and advocate for themselves, they will not be safe
- Immigration controlled by private employers creates a power imbalance outside of the government's reach

Deep Dive

Gulf states' kafala system allows workers, on a work visa, to fill occupations in all industries, including construction, domestic work, and more. Recently, there have been exceptions for high-skilled investors.

Gulf states have previously signed MOUs and bilateral labor agreements with some sending countries. However, there is doubt as to whether these provide protections for workers.

Nationalization programs work as domestic hiring quotas, causing a possibility of business closure to do compliance costs. Nationals are unwilling to do many of the jobs, hence the sizeable migrant workforce.

Any citizen or citizen-owned company can be a sponsor. In Saudi Arabia's Nitaqat system, companies are sorted based off of nationalization quotas, affecting ability to obtain work permits.

Recruitment is handled by private brokers who often charge huge fees on either side. Employers can receive penalties for violations as administrative fines. Illegal passport confiscation and unpaid work is rampant.

In order to change employers, workers are required to present their sponsor with a No Objection Certificate from the current employer, giving them veto power over a worker's mobility. Some countries have shifted to allow job switches without employer consent, but it remains difficult for a worker to switch jobs.

Some countries have a non-discriminatory minimum wage with food and accommodation stipends available. Some countries have no universal minimum wage. Although there has been an introduction of Wage Protection Systems for electronic salary transfers, it is doing little to protect workers' wages. There is widespread wage theft.

There are no specific numerical caps. Visa allocation is tied to nationalization compliance. Some countries require a minimum percentage of nationals, with noncompliant employers barred from obtaining new work permits.

Workers must have exit permits showing permission from employers to leave. Some countries have gotten rid of exit permits, but some have them. Illegal passport confiscation is also rampant.