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I welcome the opportunity to submit to the New Zealand Productivity Commission's 'Immigration – Fit for the Future. Preliminary Findings and Recommendations' draft report.

My submission pertains to Recommendation 8.

**Recommendation 8** The Government should remove visa conditions that tie temporary migrants to a specific employer. These conditions increase the risk of exploitation and limit the ability of workers to find better job matches, which can promote wellbeing and productivity. Where there are concerns about displacement of New Zealanders, work rights could be limited to specific regions, occupations, industries or accredited employers.

## **1. BACKGROUND**

I have been researching the exploitation of temporary migrant workers in New Zealand for a decade. During this time, I have been involved in four key research projects:

1. Beginning from 2011, my colleagues and I researched forced labour and human rights abuses towards migrant workers on South Korean fishing vessels operating in the New Zealand fishing industry's foreign charter vessel sector.
2. I began researching, in 2014, the exploitation of migrant workers in other sectors on behalf of the Human Trafficking Research Coalition. The report titled 'Worker Exploitation in New Zealand: A Troubling Landscape' was released in 2016.
3. In 2019, with Francis Collins (University of Waikato), I undertook research for MBIE into the exploitation of temporary migrant workers in New Zealand. With Snežina Michailova (University of Auckland), I undertook a desk review into the exploitation of temporary migrant workers in countries New Zealand compares itself to - Australia, Canada and the United Kingdom. In total, we produced three reports for MBIE.
4. More recently, with colleagues at the Centre for Research on Modern Slavery (CRMS), University of Auckland Business School, I am researching the exploitation of migrant workers in the liquor industry.

## **2. RECOMMENDATION 8 - Visa conditions that tie temporary migrants to a specific employer**

This submission draws primarily on the research I undertook for the 'Worker Exploitation in New Zealand: A Troubling Landscape' report. I conducted 105 semi-structured interviews with predominantly temporary migrant workers from various industries.

Many of those I interviewed were exploited while on an employer-sponsored visa. They were required to work excessive hours, were not paid or were paid below New Zealand's minimum wage, and were denied their legal entitlement to holiday pay and leave. Some employers confined their workers to their accommodation or place of work. The migrants were particularly vulnerable because of their visa status. Employers took advantage of their vulnerability controlling the migrants through threats of reporting them to Immigration New Zealand or dismissing them, meaning they would be in violation of their visa conditions. One of my interviewee's commented, "I feel like they own me because of visas". Some were implicitly or explicitly told that if they complained about their employer (who was from the same co-national group), they would not obtain employment from others within the co-national group. Some of those unfairly treated accepted their situation as the norm because their employer promised to assist them with their residency application.

Associated with employer-sponsored visas is a cash for residency scheme. (Such a scheme, however, is not necessarily constrained to just the employer-sponsored visa category.) Employers will offer temporary migrants employment (or a job on paper) that will qualify them to apply for residency. They charge a significant fee; my initial findings were that the price ranged from \$20,000 to \$40,000, but more recently, some can pay up to \$80,000. The scheme can operate informally or formally with intermediaries facilitating negotiations (Stringer, 2016<sup>1</sup>). The cash for residency scheme was seen to be increasingly "normalised".

Research in other countries has also identified that tying a temporary migrant work visa to a specific employer can lead to unequal power dynamics, thereby creating precarity (e.g. Chartrand and Vosko, 2020<sup>2</sup>; Knott and Marschke, 2020<sup>3</sup>; Strauss and McGrath, 2017<sup>4</sup>; Vosko, 2020<sup>5</sup>).

Allowing migrant workers to change employers reduces the risk of exploitation and, importantly, can provide an opportunity for them to obtain employment that better matches their skills and experience.

I fully support Recommendation 8, removing visas that tie a temporary migrant worker to a specific employer. There are other options available.

We must do more to address the exploitation of temporary migrant workers in New Zealand.

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<sup>1</sup> Stringer, C. 2016. *Worker Exploitation in New Zealand: A Troubling Landscape*. [www.htrc.nz/research](http://www.htrc.nz/research).

<sup>2</sup> Chartrand, T. & Vosko, L. 2020. Canada's temporary foreign worker and international mobility programs: charting change and continuity among source countries. *International Migration*, 59(2), 89-109.

<sup>3</sup> Knott, C., & Marschke, M. 2021. Flagpoling: Inter-provincial Mobility of International Migrants within Canada's Temporary Foreign Worker Program. *International Migration*, 59(2), 25-40.

<sup>4</sup> Strauss, K., & McGrath, S. 2017. Temporary migration, precarious employment and unfree labour relations: Exploring the 'continuum of exploitation' in Canada's Temporary Foreign Worker Program. *Geoforum*, 78, 199-208.

<sup>5</sup> Vosko, L. F. 2020. Temporary labour migration by any other name: differential inclusion under Canada's 'new' international mobility regime. *Journal of Ethnic and Migration Studies*, 1-24.