

MIGRATION MATTERS

POLICY BRIEF



“A LITTLE LIGHT IN THE DARKNESS”: QUALITATIVE OUTCOMES OF THE WORKPLACE JUSTICE VISA

THE MIGRANT WORKERS CENTRE

The Migrant Workers Centre Ltd (MWC) is a community legal service that empowers migrant workers in Victoria to understand and enforce their workplace rights. Our activities include free employment law services, education programs to raise awareness of workplace rights, and an advocacy program to amplify and support migrant workers' voices through research and policy development. Since we were established in 2018, we have been working closely with government, unions, and civil society organisations to advance the rights of migrant workers in Australia.

ACKNOWLEDGEMENT OF COUNTRY

The Migrant Workers Centre respectfully acknowledges the Wurundjeri people of the Kulin Nations, the traditional owners and custodians of this land on which we work. We pay our respects to their elders past and present and acknowledge that sovereignty was never ceded.



The Migrant Workers Centre is supported by the Victorian Government.



“A LITTLE LIGHT IN THE DARKNESS”: QUALITATIVE OUTCOMES OF THE WORKPLACE JUSTICE VISA

OVERVIEW

The **Workplace Justice Visa (WJV)** was introduced in July 2024 as a pilot program following extensive advocacy from a coalition of unions, civil society organisations, and lawyers. It is the first measure of its kind in Australia, allowing eligible temporary visa holders to remain in the country while they seek advice and pursue remedies against employers for breaches of workplace laws. For a detailed overview of the pilots, see our companion brief, *In Review: Australia’s visa protection pilots*, the recommendations of which should be read alongside and in addition to this brief.¹

Over the past two years, the WJV has significantly reshaped how migrant worker exploitation is addressed. Accredited Third Parties (ATPs) report receiving a high volume of requests for support, and dozens of workers have secured the visa, giving them the chance to pursue justice and hold exploitative employers to account. The strong level of interest in the visa protection pilots and high approval rates for the WJV demonstrates that they are working as intended – encouraging workers to report exploitation and enforce their rights at work.

Thus far, much of the focus has been on the number of visas granted and how the technical features of the WJV can be improved to better meet the needs of workers. There has been little consideration of its wider qualitative outcomes – the lived, subjective, and relational aspects that are harder to measure but essential to understanding the impact of the WJV on the lives of migrant workers. To fill this gap, we conducted in-depth interviews with seven workers whose visa was certified by the MWC.

The findings show that the WJV is making a real difference in the lives of migrant workers. Securing a WJV disrupts the cycle of exploitation that existing research has long documented,² empowering workers to speak up about their rights at work and hold employers accountable. Beyond its legal function, the WJV also creates space for personal recovery, providing workers with the stability needed to rebuild their lives while pursuing their claims.

However, significant gaps remain in how the pilot is delivered. Access to the WJV is uneven: geographic gaps leave some workers without a local ATP, while capacity constraints have seen others turned away entirely. Information about the WJV is also difficult to find, with workers frequently relying on word-of-mouth or chance encounters rather than clear, accessible guidance. Once workers do secure the WJV, the journey is also far from straightforward. Legal processes routinely extended the visa’s duration, employer delay tactics deepened uncertainty, and mental health support was largely unaffordable. Whether workers felt able to sustain their pursuit of justice depended on resources and support that the WJV alone could not provide.

Migrant workers who report exploitation take significant personal risks in doing so.³ The findings suggest that access to the WJV alone is not enough. Making the WJV a permanent feature of the migration program is an important step, but to effectively protect and empower workers, it must be accompanied by further targeted reform and investment. At a minimum, this includes an expanded ATP network, visa durations that reflect the realities of legal timelines, and sustained legal, material, and psychosocial support to enable workers to pursue their claims.

RECOMMENDATIONS

1. Extend the standard WJV grant period to a minimum of 12 months to better reflect the typical duration of legal proceedings and reduce the administrative burden of repeat renewal applications on both workers and legal services.
2. Extend eligibility for the WJV beyond the 28 days before or after visa expiry.
3. Expand the number and range of ATPs that can certify claims for the pilots.
4. Allocate Commonwealth funding to ATPs and Community Legal Centres with dedicated employment and immigration law expertise to enable them to provide coordinated legal advice and effectively respond to the increased demand for their services generated by the pilots.
5. Provide sustained and ongoing funding for community education about the visa protections for migrant workers, including the Protecting Migrant Workers – Information and Education program.
6. Fund wrap-around support services for workers certified for the WJV to support them while they pursue their legal claims. This should include mental health support, healthcare, financial assistance, and housing.

EVIDENCE BRIEF KEY POINTS

- The Workplace Justice Visa (WJV) allows eligible temporary visa holders to remain in Australia while pursuing legal claims against exploitative employers.
- Little is known about the lived experiences of workers who have secured the WJV, including how it shapes their decisions and outcomes.
- Interviews with seven visa-holders show that the WJV works as intended – it disrupts exploitation, shifts power away from employers, and enables workers to pursue justice.
- However, workers face significant financial and psychological strain, as legal processes often exceed the visa grant period and unfold without adequate income or support.
- Workers also face significant barriers to accessing the WJV, including limited legal services, constrained Accredited Third Party (ATP) capacity, and poor access to clear information.
- The Federal Government must make the WJV permanent and strengthen its impact by expanding legal service capacity, extending visa grant periods, investing in sustained community education, and funding wrap-around support services.

1. WHAT IS THE WORKPLACE JUSTICE VISA?

The WJV is a temporary, substantive visa that allows some temporary visa holders, or recent temporary visa holders, to stay in Australia for 6 or 12 months (on each grant) to take legal action if they have been exploited at work. Repeat WJV grants may be made, depending on the duration of the legal action undertaken by the applicant. The applicant must hold, or have held, a temporary visa with work rights to obtain a WJV. The WJV carries full work rights and there is no application charge.

The WJV is part of a suite of protections introduced by the Albanese Labor Government to fight migrant worker exploitation. It is complemented by the **Strengthening Reporting Protections (SRP)** pilot, which allows some temporary visa holders who have been exploited at work to apply for protection against their visa being cancelled because they have breached a visa condition, provided certain conditions are met.

Together, these visa protections enable migrant workers to enforce their rights and hold employers to account without risking their visa status or being forced to leave the country before their workplace exploitation matter has been addressed through the Australian legal system. For a detailed overview of the WJV and SRP pilots, refer to our companion brief *In review: Australia's visa protection pilots*.⁴ Its observations and recommendations on the pilot settings should be read alongside the findings of this brief.



2. WHAT IMPACT HAS THE WJV HAD SO FAR?

ATPs have reported a surge in interest in the visa protection pilots. Since they were introduced in July 2024, the number enquiries have grown sharply, particularly as awareness has increased through targeted campaigns and outreach. As of May 2026, enquiries about the visa protection pilots (both SRP and WJV) represented 27% of total legal services provided by the MWC.

The data below provides an indication of the WJV's impact to date. The strong level of interest in the WJV shows that it is functioning as intended – workers are coming forward, and the visa is giving them a genuine pathway to enforce their rights. **Table 1** presents data on WJV enquiries and certifications (as of May 2026) reported by the MWC.

Table 2 presents data on the types of workplace exploitation matters reported across both WJV and SRP enquires at the MWC. Pay and entitlements represented the most common issue, followed by unfair dismissal and workplace injury or illness.

While these figures demonstrate strong uptake, numbers alone only tell part of the story. Data on visa grants and enquiries shows that workers are accessing the WJV, but it does not capture their experience of it. It does not tell us whether workers felt supported throughout the process, whether the visa gave them enough time to resolve their claims, or how it affected their financial stability and mental health. Nor does it show whether workers were ultimately able to hold their employers to account.

If the goal of the WJV is to deliver justice for exploited workers, then understanding what workers actually experience is essential to knowing whether it is achieving that goal.

As the pilot approaches its June 2026 end date, this evidence-base becomes urgent. Decisions about whether to expand or redesign the WJV should also be informed by the experiences of those it was designed to protect.

Table 1. WJV enquires and certifications reported by the MWC (July 2024 – May 2026)

WJV ENQUIRIES	WJV CERTIFICATIONS	REPEAT WJV CERTIFICATIONS	CLAIM OUTCOME REPORTED	PENDING OUTCOME*
104	24	3	13	8

*Legal claim unresolved or pending. This may reflect the length of time employment claims typically take to resolve, or factors such as referral to another service.

Table 2. WJV and SRP workplace exploitation matters reported by the MWC (July 2024 – May 2026)

PAY AND ENTITLEMENTS*	UNFAIR DISMISSAL	WORKPLACE INJURY OR ILLNESS	BULLYING	DISCRIMINATION
47	36	20	11	8

*As each enquiry can have multiple issues recorded (not just the primary issue) the totals across categories exceed the number of individual enquiries.



3. HOW WAS THE RESEARCH CONDUCTED?

Very little is known about the experiences of workers who have received the WJV, including what motivated them to apply, what they encountered along the way, and how it affected their lives. To fill this gap, we conducted semi-structured interviews with seven people whose WJV had been certified by the MWC.

Participants were identified through MWC’s client records and contacted by MWC staff, who obtained verbal consent before sharing contact details with the research team. Interviews were recorded with consent and transcribed in English. Three interviews were conducted in-language (Mandarin, Indonesian) to accommodate language needs. Pseudonyms were assigned to the participants, and additional steps were taken to de-identify them by removing or altering any potentially identifying details.

All the participants had received their visa within the previous year, and where legal matters were still ongoing at the time of the first interview, we followed up to capture how their situations had evolved. This timing ensured that participants had sufficient distance from the certification process to reflect on its impact, while also capturing the experiences of those still navigating ongoing legal claims.

We analysed the interviews by looking for patterns and themes across participants’ accounts, paying particular attention to three questions:

- what led workers to apply for the WJV;
- how the visa shaped their ability to pursue justice; and
- what short- and medium-term impacts the visa had on their working lives, mental health, and access to justice.

PARTICIPANT PROFILES

Participants included workers from Argentina, India, Taiwan, Turkey and Timor-Leste, working across industries including mining, childcare, automotive repair, IT, and massage. Visa histories ranged from student and working holiday visas to employer-sponsored visas. Exploitation matters included unfair dismissal, workplace injury, underpayment, and discrimination.

Table 3. Demographic breakdown of workers interviewed

Name	Visa on arrival	Grant period	Workplace Exploitation Matter
Martina	Visitor (600)	1 year	Sexual harassment Discrimination
Rahul	Visitor (600)	1 year	Workplace injury Unfair dismissal
Mei	Student (500)	1 year	Discrimination Workplace health and safety
Adem	Student (500)	6 months	Non-payment
Priya	Student (500)	1 year	Unfair dismissal
Lian	Work and Holiday Visa (462)	6 months	Underpayment
Natalino	Pacific Australia Labour Mobility (PALM) stream (403)	6 months	Workplace injury



4. WHAT WERE THE FINDINGS?

Four themes emerged in the data. Each is presented below with supporting sub-themes drawn directly from participants' accounts. As some participants are bound by confidential settlement agreements, reported claim outcomes have been kept brief and de-identified. These descriptions are not intended to represent the full scope of actual legal outcomes.

THE WJV DISRUPTS THE CYCLE OF EXPLOITATION

Existing research has documented a self-reinforcing cycle of exploitation in which visa precarity and employer misconduct feed each other.⁵ Workers on precarious visas fear that reporting exploitation will jeopardise their status, so they stay silent. That silence allows exploitation to continue unchallenged, and employers learn that visa precarity can be used as leverage to prevent workers from coming forward to enforce their rights or pursue claims. This enables further harm, as workers who do not come forward cannot access remedies, and employers who face no consequences have little reason to change their conduct. The findings below reflect this pattern and demonstrate how the WJV disrupts it.

EMPLOYERS USE VISA PRECARITY AS LEVERAGE

All seven participants experienced exploitation linked to their precarious visa status, which initially discouraged them from speaking out. Workers who were seeking sponsorship or were engaged through labour hire contractors faced additional barriers to reporting exploitation, as these arrangements concentrated power with their employers.

Workers described retaliation after reporting harm. Some were dismissed after raising complaints, pressured into silence, or denied entitlements on the assumption they would soon leave Australia. In several cases, employer actions appeared calculated to foreclose legal remedies:

Participants were acutely aware of the risk of employer retaliation, and the barriers it created to migrant workers speaking out about exploitation. Natalino emphasised that this was not an isolated experience, noting that migrants arriving from many different countries face "a lot of issues like what I have".

"I personally believe that when you're working here on a visa, as someone from overseas, you're treated differently. Employers push you harder because they know you're on a visa and don't want to get involved in any legal issues. They pressure us in ways they wouldn't with Australian citizens. They always use fear, like threatening to take away your work or visa. It's constant pressure, and they exploit us all the time." (Rahul)

"When you are on a visa, you think twice, three times, before you say anything. They keep bringing up sponsorship, like they are doing me a big favour. I think, if I complain, everything will be gone" (Priya)

Many had also experienced multiple forms of exploitation over the course of their time in Australia, some directly related to the matter that formed the basis of their WJV, and some predating or running alongside it. The WJV empowered workers to disrupt the cycle of exploitation – which often begins with visa precarity – giving them the standing to remain in Australia and pursue claims their employers had assumed would lapse.⁶ In doing so, it functioned as a circuit breaker, disrupting the primary lever through which exploitation is sustained and silenced.

Martina worked in a remote mining site through a labour hire company. After reporting sexual harassment, she was dismissed and left without income.

"They cancelled my shift... I say, okay, why did you fire me? Why did you cancel my shift? And they say that the contractor company doesn't want me anymore for what happened."

Rahul reported a workplace injury and was fired the same day in front of colleagues, given twenty minutes to leave. His employer later offered a cash payment in exchange for signing a non-disclosure agreement.

"They tried to offer me money under the table. They wanted me to sign paperwork that said I wouldn't make any claims or talk about the situation to anyone."

Mei's employer terminated her on the final day of her 408 (COVID) visa, during the Christmas holiday period, in an attempt to deliberately push her beyond the eligibility period for lodging an unfair dismissal claim.

"I had no other choice. I was experiencing a mental injury and was worried about being deported."

Natalino raised a workplace injury with his manager, who told him to take painkillers and keep working. When he later produced medical evidence, he was terminated and denied reimbursement for medical costs.

"He just told me, take it easy, just go in, buy painkiller, then finish... the money I have to take out from my pocket. Myself."

MIGRATION MATTERS

MIGRANT WORKERS ARE EMPOWERED TO ACT WITH GREATER AGENCY

The WJV was experienced as deeply empowering, giving workers the ability to remain in Australia and pursue claims they would otherwise have had to abandon. Lian reflected that without it she would have had to return to her country of origin and “might give up [her legal claim] already”, while Mei described it simply as “the only way to remain legal in Australia”. For most participants, it was a last resort and the only viable pathway forward, particularly where the prospect of sponsorship had been lost or their visa was close to expiry:

“[T]hank you to whoever in immigration thought of this visa. It’s saving the lives of overseas workers. If they hadn’t introduced it, people might have resorted to dodgy ways to stay.” (Adem)

“To get that visa is not easy, like very hard, especially for me... my visa will expire soon but I don’t have another way.” (Natalino)

Many participants described reaching a point where they had to choose between leaving Australia and letting their claim lapse or staying to see it through. Departure felt like permanently closing the possibility of justice. Rahul described it as playing a “final card” with “no coming back”. Priya described it as facing a fork in the road; she could either walk away and go home with nothing, or stay and try to see process through, even without knowing where it would lead. Despite the uncertainty of remaining, workers were also driven by a strong desire for accountability. For many, staying was a considered choice to fight employer wrongdoing:

“I thought, if I stay, at least I have a chance. If I go home now, what happens? Nothing. It just gets buried. I did not want to be another person who left and nothing changed.” (Priya)

“I don’t want the bad people to win... I believe in justice. A good person should fight in this situation. I wanted to fix it, so I tried.” (Martina)

Underlying this was a sense of obligation to protect other migrant workers. Participants believed that holding employers accountable could deter future exploitation and demonstrate to others that enforcing their rights was possible. Martina hoped that speaking about what happened would mean “it will not happen to anyone else”. Mei expressed a similar wish that her story would “help others who want to fight their right back”.

“I never gave up... I want to stay here. I want to fight for my rights.” (Adem)

“If you don’t speak, they will do it again to the next person.” (Priya)

QUALITATIVE OUTCOMES OF THE WORKPLACE JUSTICE VISA

THE WJV CREATES SPACE FOR BOTH LEGAL REDRESS AND PERSONAL RECOVERY

The WJV enabled workers to keep their claims viable and achieve positive legal outcomes, while shifting the power dynamic with their employers. It also provided the time and stability needed to begin recovering from the psychological toll of exploitation.

WORKERS USE THE WJV TO MAINTAIN CLAIMS AND PURSUE LEGAL REMEDIES

The WJV enabled participants to pursue legal remedies that otherwise would have been impossible had they been forced to leave Australia. As some participants are bound by confidential agreements or preferred not to disclose details, the following outcomes are described briefly and de-identified, and should not be taken as representative of their full scope.

Outcomes included financial settlements, access to workers’ compensation, recovery of unpaid wages, and a successful unfair dismissal claim. Compensation payouts for workplace injuries, although often modest, were extremely helpful for participants without income or social support. In many cases, the worker’s continued presence in Australia directly shifted the balance of power from employers who had assumed the worker would soon depart:

“Yeah, it’s been really helpful. I’m still getting medical treatment, and I’m covered under WorkCover now. Initially, they didn’t want to give me WorkCover, but they changed their mind when they realised I was still in Australia and had valid working rights under the visa. When my previous visa was about to expire, I emailed them, and they saw I was still here, not going overseas. So, it really put pressure, with me still being here and being able to pursue them.” (Rahul)

Access to free legal support was central to achieving these outcomes. Participants who received consistent, responsive representation described it as essential to navigating complex and often protracted processes:

“The whole process was overwhelming. But my lawyer at MWC went through everything with me, step by step. That made such a difference.” (Priya)

“[MWC lawyer] gave me a lot of tools... she always answered my emails and all my questions, she was there.” (Martina)

For workers with limited income or social support, free legal advice made pursuing a claim viable. It also meant having someone to talk to, ask questions of, and rely on through a process that is often unfamiliar and isolating. This stood in contrast to private legal services, which were financially out of reach for most participants. Rahul noted that private lawyers were “asking for thousands of dollars just to send letters... So I really appreciated the support I got”.

VISA STABILITY SUPPORTS RECOVERY FROM THE PSYCHOLOGICAL IMPACTS OF EXPLOITATION

Participants described significant psychological harm linked to their experiences of exploitation. Feelings of anxiety, depression, and isolation were common, and several workers spoke about the loss of confidence and professional identity that followed workplace violations. These harms extended well beyond the workplace:

"I used to love going to work. Now I do not feel like myself. My confidence is gone." (Priya)

"They fired me in front of everyone, right in the middle of the day. Told me to pack up my stuff in 20 minutes and leave the workshop. I felt awful. I couldn't even sleep properly." (Rahul)

"I was sad, I had depression... I was super lonely... I was alone, lost in that moment. It was disaster, I was sad, I was lost." (Martina)

The stability of status that the WJV provided enabled workers to access support, rebuild routines and confidence, and begin recovering from the personal impacts of exploitation. For many, the ability to remain lawfully in Australia removed the immediate pressure of visa expiry and allowed them to focus on addressing what had happened, and the effects it had on them. Simply having the opportunity to remain in Australia and speak about what had happened to them was meaningful in itself. Participants saw the WJV as both a legal mechanism and as a way of recognising and validating the harms they had endured:

"I don't know how to explain but... very good. That's why I'm proud of myself. Even all of my friends, they're proud of me." (Natalino)

*"Being helped [by the MWC], it was **a little light in the darkness**... I say okay, when I found you, it's a sign you know, it gave me hope." (Martina)*

"When you have like problem or discrimination or exploitation, if you want to get the work done, please find the organisation who is accredited for this certification, find them and try to get help. They will help you." (Natalino)

MIGRATION MATTERS

QUALITATIVE OUTCOMES OF THE WORKPLACE JUSTICE VISA

JUSTICE GAPS AND UNEVEN ACCESS TO THE WJV

Although the WJV created meaningful opportunities for legal redress and personal recovery, access to the visa and workplace justice more broadly was uneven. Capacity constraints meant workers were frequently turned away, passed between organisations, or left to fill the gaps with costly private advice. These challenges were compounded by significant information gaps. Access to the WJV often depended on persistence, informal networks, or chance encounters rather than a clear pathway.

WORKERS NAVIGATE FRAGMENTED SERVICE SYSTEMS AND BARRIERS TO ACCESSING LEGAL ASSISTANCE

Participants often struggled to access legal assistance due to geographic gaps and capacity limits across ATPs and legal services. In some jurisdictions there were no local certifiers, forcing workers to seek help interstate or remotely. Natalino, working in an isolated agricultural setting with limited English, eventually reached the MWC through a referral chain that began with the Timorese embassy and passed through a private lawyer before he found the help he needed.

Even where services existed, demand often exceeded capacity. Several participants reported contacting multiple organisations before finding help, being turned away due to restrictive or catchment-based eligibility criteria, or waiting extended periods before their case could be taken on. Adem described contacting 12-13 organisations before finding assistance, while several other participants were initially refused support several times before eventually receiving help.

Capacity constraints also had consequences for the viability of claims. Time-limited claims require prompt legal advice, and for some workers, certain avenues had already closed by the time they navigated the system *and* managed to find support – both of which can take considerable time. For example, by the time Natalino reached the MWC, too much time had passed to bring an unfair dismissal claim.

Several participants incurred substantial out-of-pocket expenses before being able to access free legal support. For those with limited income or reliant on savings, these costs ate into other essential expenditures, including ongoing mental health support. As Mei explained, without WorkCover compensation, she couldn't "even go to see doctors or seek counselling help".



INFORMATION GAPS SHIFT NAVIGATION BURDENS ONTO WORKERS AND INFORMAL SUPPORT NETWORKS

Information about the WJV and related legal processes was often difficult to locate or poorly understood by organisations expected to assist workers. This information vacuum shifted the burden of navigation onto workers themselves, who describing having to self-research pathways. This burden fell hardest on workers without legal literacy and limited English language proficiency:

"A lot of challenges, a lot of barriers, you come here and there and you cannot really get any help." (Natalino)

"You're in a foreign country, you've experienced all these things alone. In a different language. Yeah, a different language. Everything's foreign." (Martina)

Most workers ultimately discovered the WJV through informal channels such as social media, neighbours, embassies, or community networks, rather than through official government information. Adem noted there was "no clear application on the government website". Informal and community channels were often more effective and far-reaching than official ones. Most participants found the MWC through word-of-mouth, referrals, or social media:

"I did my own research, read every article, and eventually, I found you. You helped me, and I was able to finalise my visa application... it was by chance." (Adem)

As we discuss in **Section 5**, these interviews were conducted prior to the roll out of the Protecting Migrant Workers – Information and Education program, a community education initiative funded by the Department of Home Affairs in mid-2025.



THE WJV PROVIDES A PATHWAY TO JUSTICE, BUT THE JOURNEY REMAINS DIFFICULT

The WJV gave workers the ability to remain in Australia and pursue claims they would otherwise have had to abandon. However, the journey was rarely straightforward, and outcomes were uneven. Legal processes were often protracted, frequently outlasting the visa grant period and leaving participants in renewed uncertainty and anxiety about their status. Employer obstruction compounded these delays. Financial precarity made an already difficult process harder, particularly for workers managing the physical and psychological consequences of exploitation and injury.

LEGAL PROCESSES OFTEN OUTLAST THE WJV GRANT PERIOD

For many participants, the end of the WJV grant period did not mark the end of their legal proceedings. The minimum grant period of six months is often too short to accommodate the full arc of a workplace justice claim. Protracted procedural barriers, mediation processes, and employer delay tactics compounded this, stretching proceedings beyond what the visa period could accommodate.

"Only thing might be longer time, since I am not sure how long the legal process is going to take." (Lian)

"Please, the government, give easy way to get live here, to fight against what they want... it's a good visa, but the problem [is it's] very short." (Natalino)

The resulting uncertainty caused significant anxiety, adding to the trauma of what they had already experienced at work. Martina's case extended beyond her initial one-year grant period, requiring her to apply for a second WJV while her legal matter remained unresolved. She described the time spent waiting to apply again (within 28 days before or after visa expiry) as deeply distressing:

"[T]hat uncertainty is scary, feeling like nothing is clear, not knowing where I stand or where I'm supposed to be... that question keeps coming up in my mind, over and over... What happens if I apply again and they say no, and my case is still open, and nothing's changed? It's been a year already, and still no outcome." (Martina)

"I think maybe there should be more time, more space, without pressure on the person. More time until the case is actually resolved... I hope the government sets up a [certifier] here [in Perth] to support people who are going through this." (Martina)

EMPLOYER OBSTRUCTION AND PROCEDURAL DELAYS INCREASE THE TIME AND BURDEN OF LEGAL PROCEEDINGS

Employer resistance added to the financial and emotional strain workers were already experiencing. Participants described employers disputing claims, offering non-disclosure agreements or under-the-table settlements early, and requesting repeated procedural delays to drag out or undermine proceedings. As discussed above, these tactics occurred in the context of a visa with a limited time duration, which added a further layer of stress and urgency:

"...they say, you don't have proof. And the woman there says, prove it. Of course I don't have a film of that guy trying to assault me." (Martina)

"They even tried to offer me money under the table. They wanted me to sign paperwork that said I wouldn't make any claims or talk about the situation to anyone. In exchange, I'd get the money. But I was like, am I really going to do that?" (Rahul)

These findings are consistent with existing research showing that employers of temporary visa-holders tend to have a high level of awareness of visa limitations and the structural precarity those limitations create.⁷ There is reason to anticipate that the tactics documented here will not diminish over time but become more deliberate and commonplace, particularly as employers develop familiarity with the visa protections and identify the points at which they can be most effectively obfuscated. Strategic delays are typically low-cost for employers, and their effectiveness often depend on time and cost pressures that make prolonged disputes untenable for workers. Potential policy responses that are within the scope of this brief are discussed in **Section 5**.

Administrative delays and limited access to legal support added to these challenges. Workers reported lengthy timelines across multiple agencies, including visa processing delays, postponed conciliations, and prolonged investigations by regulators. These delays often occurred during periods of financial precarity, when workers had little or no income:

They told me... the last communication is that they didn't take the case yet, that they will take it in three or six months. They say in the beginning, they have six months delay, then three months delayed, and now six months." (Martina)



LEGAL CLAIMS ARE PURSUED UNDER CONDITIONS OF FINANCIAL PRECARIETY AND EMOTIONAL DISTRESS

Pursuing legal claims was financially and emotionally burdensome. Participants described paying significant legal fees, visa application costs, or medical expenses while simultaneously losing income due to workplace injury or dismissal. These costs accumulated and became especially stressful for workers who had lost their employment, were unable to work at the same earning capacity, or could not work at all due to injury. Priya attended a few counselling sessions before the cost became unsustainable, stopping after spending several hundred dollars. Others faced costs they struggled to absorb. Natalino received his termination letter while already under severe financial stress after a workplace injury:

"The termination letter was very terrible and very hard for me at the time because I don't have money, even one cent in my pocket, because all the money I have spent for my health already." (Natalino)

Financial hardship compounded the psychological toll of exploitation and injury. Participants described feeling isolated and cut off from social networks that would have otherwise supported them. Many had friends who were also temporary migrants, who had returned home or moved on. This isolation sharpened the vulnerability that participants already felt:

"My friends all left the country because they had other plans. So, I was super lonely, except for the neighbours and the people that I met in the park. It was super hard." (Martina)

Many participants indicated that without work rights under the WJV, they would have been unable to pursue their claims at all. Work rights offered a way to maintain financial stability, but many still struggled. Some relied on family or community networks to get by. Rahul, for instance, moved in with his family after his injury. Natalino credited friends from the Timorese community, who "helped me a lot for everything". For participants without those networks, the situation was considerably harder. Many with ongoing and unresolved legal claims were uncertain how long the process would take and whether they could continue to sustain it.

"If something happened to me, there will be no one here to help." (Lian)

"Mental health support is so important, but so expensive. You are already so stressed, you cannot also do everything alone." (Priya)

ONGOING RELIANCE ON EMPLOYER SPONSORSHIP EXPOSES WORKERS TO EXPLOITATION

While, as we have found, the WJV provides exploited workers with a critical circuit breaker that allows them to pursue remedies against their former employers, the reality for many is that, in order to secure their future in Australia, they must re-enter the employer sponsorship market once their WJV expires.

A significant body of research has documented changes in migration law and policy over the past two decades, moving away from independent skilled migration towards a more central reliance on employer-sponsored pathways.⁸ For instance, the 2025-2026 migration planning levels allocate a total of 77,000 permanent migration places to regional and other employer-sponsored visa categories, and 49,900 to general skilled migration categories.⁹ The reality for most exploited workers is that, after a period on the WJV, an employer-sponsored pathway is effectively the only viable option – particularly for those who have already committed substantial time and resources to securing a future in Australia and who are now part of our communities. As we have documented above, the fundamental imbalance of power created by employer-sponsored arrangements is a key driver of exploitation. This potentially means that the WJV program is cycling workers from one exploitative arrangement into another.

The experiences of the participants illustrate what is at stake when a sponsorship pathway is disrupted by exploitation. Rahul injured his back at work after warning his employer that the equipment he was using was unsafe. He had been working towards employer sponsorship and was “really close” to meeting the criteria when he was injured, with “offers on the table” from different employers:

“Yeah, it was really hard at the beginning. I felt terrible because I was doing everything right. I had a really bright future in front of me. I’m a good mechanic, and a lot of people wanted to offer me jobs. Some even said they’d help me transition my visa from temporary to permanent.”

The injury significantly affected Rahul’s capacity to work in his profession and effectively ended his sponsorship pathway. At the time of the interview, Rahul was focused on his recovery and remained hopeful about returning to work, but described a marked deterioration in his physical and mental health:

“My family helped a bit, my mum’s here, and she’d put ice packs and heat packs on my back so I could get some relief. I didn’t have to do much around the house, but before the injury, I was very active. Now my blood work isn’t great, I’ve gained about 15 kilos, and I get angry over small things. Just sitting at home doing nothing really affected me.”

For other participants, the consequences of exploitation undid years of time spent working towards a sponsorship pathway. Adem had lived and worked in Australia for sixteen years before losing his nomination as a result of employer misconduct. The employer’s sponsorship approval was cancelled and they were barred for 24 months from making applications for approval as a sponsor. Adem described his life as “destroyed” after years of planning:

“I’ve spent five years trying to clean up the mess, five years of my life, of residency and work visa hopes, just gone.”

“I’m not even thinking about how much money I’ve spent. They ruined my life. I can’t even talk about my private life, they’ve destroyed it completely.”

These accounts signal the need for broader, longer-term reforms to address what happens to workers *after* they move on from the WJV, and to take up longstanding calls to overhaul employer-sponsored visa pathways.¹⁰

5. WHAT DO THE FINDINGS TELL US?

The findings presented in this brief focus on the experiences of workers who have managed to access the WJV. As we documented in our previous brief, *In review: Australia’s visa protection pilots*,¹¹ many exploited workers remain excluded from accessing the protections altogether due to limitations in the current policy settings, including:

- The exclusion of bridging visa holders and undocumented workers;
- The narrow definition of ‘workplace exploitation matter’;
- Weaknesses in the SRP, which currently permits ministerial discretion beyond ATP certification, and whose compliance requirements can exclude severely exploited workers;
- Unresolved access issues for PALM Scheme workers; and
- Insufficient prioritisation of the pilots within the Department of Home Affairs.

Many of the policy and design limitations identified in our previous brief have been reinforced by the findings of the present research, particularly in relation to ATP funding and capacity. It is worth emphasising again that because this research was conducted with workers who had successfully accessed the WJV, it cannot speak directly to the experiences of those who were excluded from it. We continue to endorse the above-mentioned recommendations and the need for urgent reform to policy settings to ensure that important categories of exploited workers do not miss out.

For workers who have accessed it, the WJV fills a significant gap in Australia’s response to migrant worker exploitation. It is broadly working as intended, disrupting the cycle of exploitation, shifting the balance of power away from employers, and empowering migrant workers to speak up and enforce their rights. Participants reported achieving positive legal outcomes, though some claims remain ongoing. Workers also described the visa as validating their experiences, restoring a sense of agency, and contributing to psychological recovery after their lives had been upended. These are outcomes that do not appear in administrative data but are essential to understanding the impact of the WJV on workers’ lives.

The findings also point to a number of areas where the program’s design does not yet match the reality of what workers need to see their claims through. These are discussed below and are reflected in the recommendations.

THE GRANT PERIOD DOES NOT REFLECT THE LENGTH OF LEGAL PROCEEDINGS

A consistent finding was that legal claims took far longer to resolve than the standard WJV grant period anticipates. Workers were required to manage repeat WJV renewal applications while simultaneously navigating legal proceedings, often without stable income or ongoing legal support. This caused significant stress and anxiety. It also places additional strain on already stretched legal services, which have to absorb the administrative burden of processing multiple renewal applications alongside their core casework.

This problem is further compounded by the employer delay tactics described above; where employers deliberately delay proceedings, they effectively weaponise the gap between the WJV grant period and the actual duration of claims. Extending the standard grant period to a minimum of 12 months would better reflect the typical duration of proceedings, reduce the leverage that delay tactics give employers, and ease unnecessary pressure on both workers and the legal services supporting them.

The 28-day eligibility window for applying for the WJV presents a related problem. For workers seeking renewal, the window also means being unable to apply again until 28 days before or after their visa expires, leaving them in a period of uncertainty and stress while waiting to see if their legal claims will be resolved.

LEGAL SERVICES ARE UNDER-RESOURCED TO MEET DEMAND

The WJV generates demand for specialised legal advice, particularly those operating at the intersection of employment and immigration law. Participants who accessed legal support through ATPs or employment law centres described that support as critical to their ability to pursue claims. Yet the capacity of those services to respond is constrained, with many turning potential clients away or offering only limited support.

Community legal services are a "cornerstone of access to justice",¹² especially for migrant workers. They are trusted, embedded in community networks, and work in a holistic, client-centred way – which is particularly important for workers facing compounding barriers. The findings show that lawyers and advocates within the community sector were central to affirming workers' claims and sustaining them through often lengthy and difficult processes. Their services are also free, removing a barrier that would otherwise put legal advice out of reach for workers who often have limited means and social support to pursue claims.

Beyond individual casework, community legal services draw on a range of early intervention and preventative strategies, including systemic advocacy, community legal education, and community engagement, that address the structural conditions that expose migrant workers to exploitation in the first place.

RECOMMENDATION 1

Extend the standard WJV grant period to a minimum of 12 months to better reflect the typical duration of legal proceedings and reduce the administrative burden of repeat renewal applications on both workers and legal services.

RECOMMENDATION 2

Extend eligibility for the WJV beyond the 28 days before or after visa expiry.

RECOMMENDATION 3

Expand the number and range of ATPs that can certify claims for the pilots.

RECOMMENDATION 4

Allocate Commonwealth funding to ATPs and Community Legal Centres with dedicated employment and immigration law expertise to enable them to provide coordinated legal advice and effectively respond to the increased demand for their services generated by the pilots.

INFORMATION ABOUT THE VISA PROTECTIONS IS NOT REACHING WORKERS WHO NEED IT

Workers who are most vulnerable to exploitation are often least connected to formal channels and forms of support. Several participants only became aware of the WJV through informal networks, referrals, or by chance through word-of-mouth or social media. Many reported that they could not find much information about the WJV. It is likely that many workers have missed out on applying for the WJV due to a lack of information.

It should be noted that most participants secured the visa prior to the full rollout of the *Protecting Migrant Workers - Information and Education program*, a community education initiative funded by the Department of Home Affairs in mid-2025. The program has since considerably extended the reach of information about the visa protections through in-language resources, community education, and community development initiatives. The organic reach of organisations like the MWC and unions has helped extend awareness of visa protections and available services in ways that formal government communication alone cannot. Sustained funding for community education programs of this kind is essential to ensuring the WJV reaches the workers it is designed to protect.

WORK RIGHTS ALONE ARE NOT ENOUGH

A consistent thread running through participants' accounts is that the work rights attached to the WJV, while necessary, were not sufficient on their own. The financial and psychological toll of exploitation had a significant impact on workers' ability to sustain their legal claims. Participants continued to manage injury, trauma, isolation, and financial hardship throughout the claims process, often relying on family or community networks to survive. Those without such networks experienced significant financial insecurity and emotional distress.

The visa restores the right to work, but for workers who are unable to work due to injury and psychological distress, or who have no or limited income while their claims are being resolved, that right offers limited relief. Work rights are a necessary foundation – but without access to accompanying welfare supports, workers are left with limited means to sustain themselves and their claims.

RECOMMENDATION 5

Provide sustained and ongoing funding for community education about the visa protections for migrant workers, including the *Protecting Migrant Workers - Information and Education program*.

RECOMMENDATION 6

Fund wrap-around support services for workers certified for the WJV to support them while they pursue their legal claims. This should include mental health support, healthcare, financial assistance, and housing.



6. ENDNOTES

1. Migrant Workers Centre (MWC), *In review: Australia's visa protection pilots* (Policy brief, June 2025).
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4. MWC (n 1).
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6. MWC, *Visa on Arrival and Migrant Worker Exploitation: 2023-24 survey findings* (Report, 2024).
7. MWC, *Insecure by Design: Australia's migration system and migrant workers' job market experience* (Report, March 2023).
8. Brendan Coats, Trent Wiltshire, and Tyler Reysenbach, *Short-changed: How to stop the exploitation of migrant workers in Australia* (Report, Grattan Institute, May 2023).
9. Department of Home Affairs, 'Migration Program Planning levels' (Department of Home Affairs, September 2025) <<https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>>.
10. Martin Parkinson, Joanna Howe, and John Azarias, *Review of the Migration System: Final Report* (Commonwealth of Australia, March 2023) 81–88.
11. MWC (n 7).
12. Amanda Alford, 'Community Legal Centres Making Rights Real: Legal Assistance as a Cornerstone of Access to Justice' (2019) 154 *Precedent* 4.