

Research Briefing

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Seasonal Worker visas and UK agriculture



Summary

- 1 The UK's agricultural workforce
- 2 History of agricultural worker visa schemes
- 3 The Seasonal Worker visa scheme today
- 4 Working conditions for migrant workers
- 5 Does the Seasonal Worker scheme meet farmers' needs?

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Summary

There are 467,000 people in [the UK's agricultural workforce](#). A significant proportion of this – at least 55,000 – is seasonal or casual labour. Farmers rely overwhelmingly on workers coming from abroad to fill these seasonal roles.

UK farmers have relied on European migrant workers for decades

A visa scheme for migrant farm workers was in place in some form between 1945 and 2014. Participants were typically students from European countries.

The most recent incarnation, the Seasonal Agricultural Workers Scheme (SAWS), was restricted to Romanian and Bulgarian citizens from 2008. SAWS was then scrapped altogether in 2014. The Government considered that demand could be met by EU workers allowed to come to the UK without visas, particularly from Eastern European countries.

Following reports of labour shortages and concerns about the effect of ending EU free movement, [a new Seasonal Worker Pilot scheme was announced in 2018](#). The Migration Advisory Committee said “if there is no such scheme it is likely that there would be a [contraction and even closure of many businesses](#)” in the horticultural sector.

The current Seasonal Worker visa scheme is in place until 2024

The new Seasonal Worker scheme launched in March 2019 initially had a quota of 2,500 places per year. The quota has increased every year since 2019. [In 2022, there are 38,000 visas available](#) (plus another 2,000 for poultry workers).

When the pilot began, workers mostly came from Ukraine and Russia. In 2022, a wide range of nationalities are represented, including from Central Asian countries such as Uzbekistan and Tajikistan. They are allowed to do certain types of work (such as crop harvesting) in edible and ornamental horticulture for up to six months in any year.

The Johnson Government said that [the Seasonal Worker scheme would be in place at least until the end of 2024](#), but that the quota would be reduced to 30,000 in 2023 and 28,000 in 2024. By contrast, during her Conservative leadership campaign Liz Truss promised to increase the quota.

There has been no confirmation that an increase will be pursued under the Sunak Government. Nor has there been an announcement on the future of the scheme beyond 2024.

The visas are temporary, with limited rights and extra safeguards

Seasonal Worker visas are issued by the Home Office. [The criteria are set out in the Immigration Rules](#). Visa holders are not allowed to remain in the UK long-term, claim benefits or bring their families.

The Government has authorised only a small number of recruitment companies, known as ‘scheme operators’, to arrange Seasonal Worker visas. Farmers must hire their overseas workers through those companies and must demonstrate that they are actively trying to recruit UK-based workers as well. They cannot sponsor Seasonal Worker visas directly.

As part of the visa sponsorship arrangements, scheme operators have explicit duties to look after workers’ welfare and make sure they are paid properly.

There are concerns about exploitation of migrant workers

The Government recognises that Seasonal Worker visa holders “may be more vulnerable and open to exploitation than other workers”. Its review of the 2019 pilot phase [identified no instances of modern slavery but some potential welfare issues](#).

The main agency involved in the welfare of seasonal workers is the [Gangmasters and Labour Abuse Authority](#). Scheme operators must have a licence from the Authority and can have it revoked if they failed to abide by certain standards. But the regulator [does not routinely carry out inspections on farm premises](#) and some critics say it lacks the resources to police abuses of workers’ rights.

Government policy is to reduce reliance on overseas workers

Farming industry representatives remain concerned about labour shortages. The National Farmers' Union says "the outlook for farming labour is tight and likely to remain so for the foreseeable future".

The Government wants farmers to gradually replace overseas workers with domestic labour and machines. A review of automation in horticulture has [recommended that the Seasonal Worker scheme continue to play a major role](#) until technology such as robot crop pickers become widely available.

An [Independent Review into Labour Shortages in the Food Supply Chain](#) is due to report in spring 2023. Its findings will inform decisions on the future of the Seasonal Worker scheme beyond 2024.

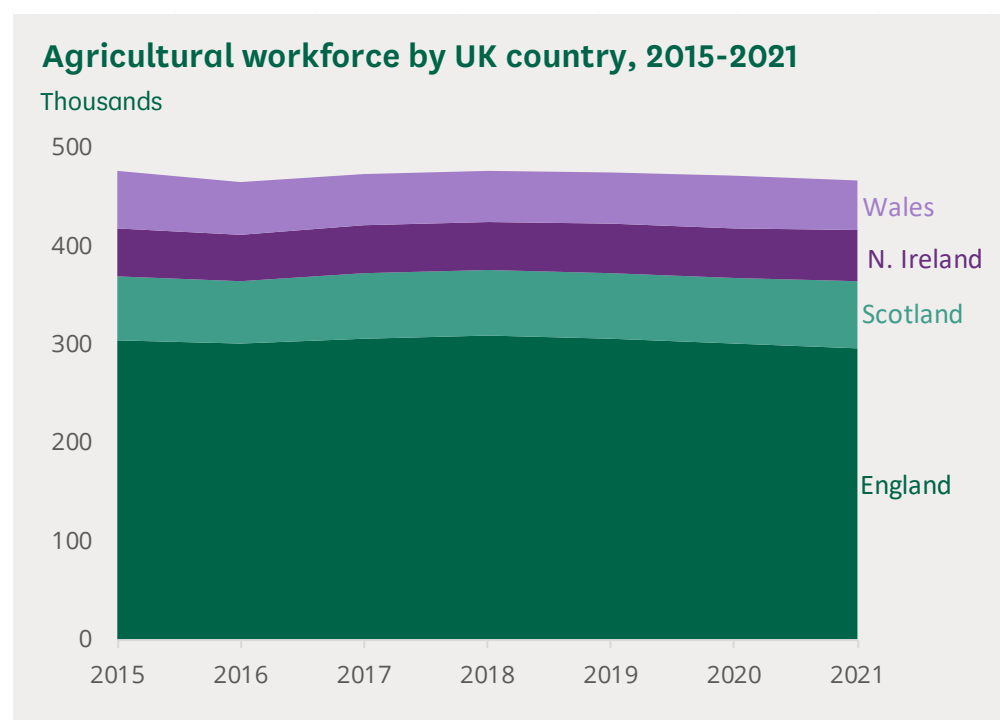
1 The UK's agricultural workforce

1.1 Total workforce

In 2021, the [agricultural workforce in the UK](#) was **467,000**. This had decreased by 1% from **472,000** in 2020.¹

The majority (**64%**) of this workforce was in England with **297,000**, followed by Scotland with **67,000 (14%)**, Northern Ireland with **52,000 (11%)** and Wales with **50,000 (11%)**.

The total agricultural workforce across all four countries in the UK has remained fairly stable from 2015 to 2021.



Source: Defra, [June Survey of Agriculture: Annual time series](#), UK and England geographical breakdowns, accessed 31 October 2022

¹ Department for Environment, Food & Rural Affairs, [Structure of the agricultural industry in England and the UK at June](#), 10 October 2022. All figures are rounded to the nearest 1,000.

Age of holders

Agriculture typically has an aging workforce. In the United Kingdom, around a third of all holders (**38%**) were over the typical retirement age of 65 years while the proportion of young people aged less than 35 years was around **3%**. The holder is defined as the person in whose name the holding is operated.

In 2016, the average age for holders in the UK was **59 years old**. This is the median average: the middle value when all holders' ages are ranking in order.

Proportion of holders in each age group, 2016

	Number of holders	Percentage of holders
Under 35 years	5,362	3%
35-44 years	14,130	8%
45-54 years	39,806	22%
55-64 years	50,797	28%
65 years and over	68,555	38%
All	178,649	100%

Notes:

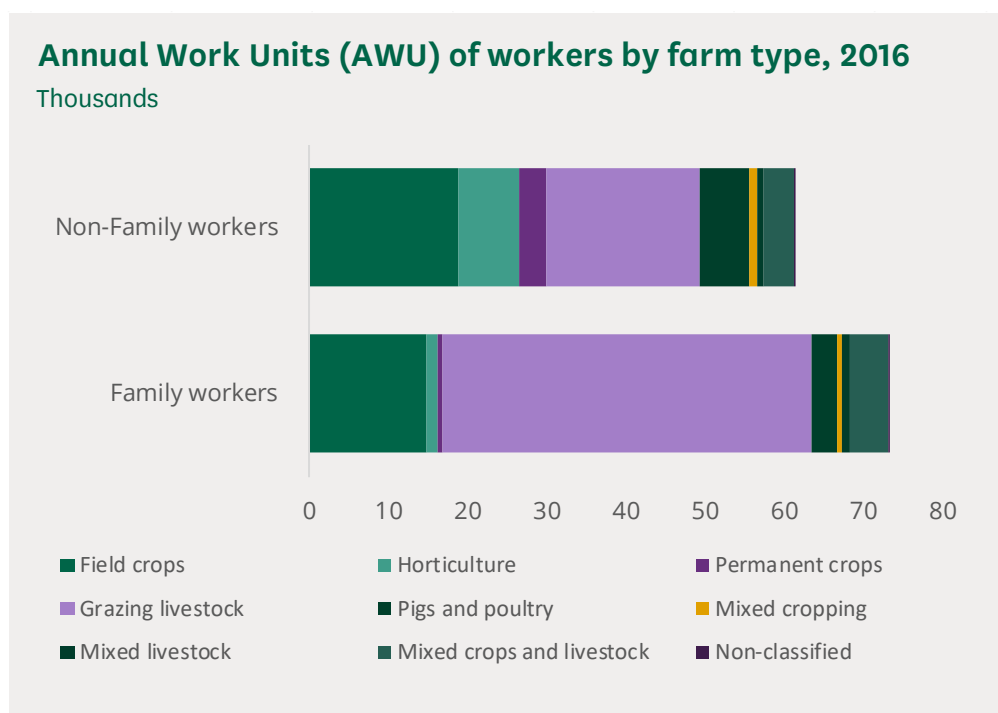
- a) The data in this table relate to all holders whether or not the holder is also the manager of the holding.
- b) Holdings run by an organisation (such as limited companies or institutions) do not have a holder and are therefore excluded from these figures.
- c) Figures relate to commercial holdings only.

Source: Defra, [Farm Structure Survey 2016](#), Agricultural labour in England and the UK

Workers by farm type

Each holding is classified to a farm type depending on the main economic activities of the holding. The [Farm Structure Survey](#) collects farm type data on workers who are family (holder and member of the holder's family), non-family (regular and non-regular) and contractual (workers not directly employed by the holding).

There is a considerable degree of part-time working in agriculture and the working time of each person who works on the farm is therefore measured in Annual Work Units (AWU). One AWU corresponds to the work performed by a person engaged in full-time agricultural work. The annual working time of such a worker is 1,800 hours (225 working days of 8 hours per day).



Source: Defra, [Farm Structure Survey 2016](#), Agricultural labour in England and the UK

According to AWUs in 2016, the largest proportion of workers were on grazing livestock farms, followed by field crop farms. For family workers, **64%** worked on grazing livestock farms, **20%** on field crop farms and **4%** on pigs and poultry. Non-family workers had greater variety: **32%** worked on grazing livestock farms, **31%** on field crop farms and **13%** on horticulture farms.

Annual Work Units (AWU) of workers by farm type

Thousands (1000s)

	Family workers		Non-Family workers	
	AWU	Percentage	AWU	Percentage
Field crops	14,744	20%	18,766	31%
Horticulture	1,344	2%	7,749	13%
Permanent crops	705	1%	3,344	5%
Grazing livestock	46,723	64%	19,371	32%
Pigs and poultry	3,188	4%	6,315	10%
Mixed cropping	459	1%	1,012	2%
Mixed livestock	1,130	2%	752	1%
Mixed crops and livestock	4,863	7%	3,978	6%
Non-classified	66	0%	152	0%
All	73,221	100%	61,438	100%

Source: Defra, [Farm Structure Survey 2016](#), Agricultural labour in England and the UK

1.2

Reliance on seasonal workers

A significant proportion of the agricultural workforce is defined as seasonal, casual or gang labour. As shown in the chart below, such workers make up 15% of the total in Northern Ireland, 13% in England and 12% in Scotland. Data is not available for Wales.

In 2021, **64%** of the total agricultural labour force (**467,000**) comprised of farmers, business partners, directors and spouses (**301,000**) and **36%** comprised of regular employees, salaried managers and casual workers (**167,000**).

Northern Ireland had the highest proportion of the workforce comprising of farmers, business partners, directors and spouses (**77%**), followed by Wales (**75%**), Scotland (**64%**) and England (**60%**).

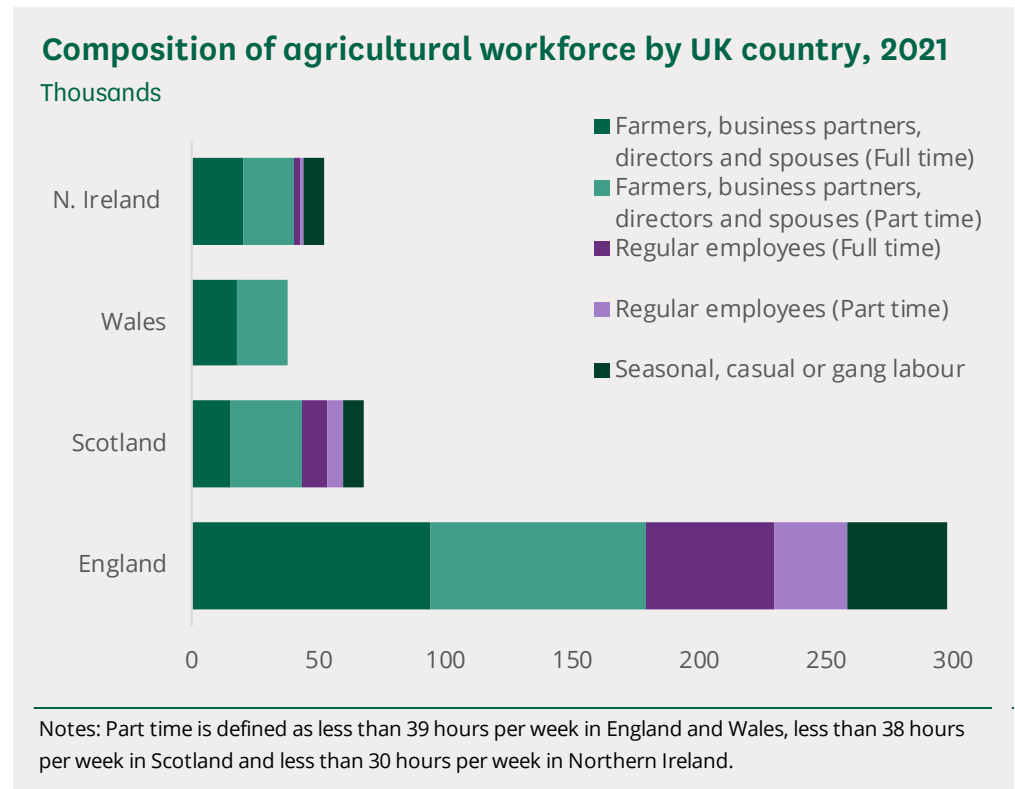
Composition of agricultural workforce by UK country, 2021					
Thousands (1000s)					
	England	Scotland	Wales	N. Ireland	UK
Total labour force (incl. farmers and spouses)	297.4	67.4	50.4	52.2	467.4
Farmers, business partners, directors and spouses	179.0	43.3	38.0	40.4	300.6
Full time	94.0	15.2	17.8	20.3	147.3
Part time	85.0	28.0	20.2	20.1	153.3
Regular employees, salaried managers and casual workers	118.4	24.1	12.4	11.8	166.8
Regular employees	79.5	16.1	n/c	3.8	..
Full time	50.6	9.9	n/c	2.2	..
Part time	28.9	6.3	n/c	1.6	..
Seasonal, casual or gang labour	38.9	8.0	n/c	8.0	..
Notes:					
a) Part time is defined as less than 39 hours per week in England and Wales, less than 38 hours per week in Scotland and less than 30 hours per week in Northern Ireland.					
b) n/c signifies that data has not been collected					

Source: Defra, [June Survey of Agriculture](#), Annual time series

Out of the farmers, business partners, directors and spouses in the UK, approximately **half** worked full time and **half** worked part time. Scotland was the exception, with **35%** working full time and **65%** working part time.

Out of the regular employees, approximately **60%** worked full time and **40%** worked part time in England, Scotland and Northern Ireland. The data for Wales was not collected.

There were **39,000** people working as seasonal, casual or gang labour in England, and **8,000** in both Scotland and Northern Ireland.



Source: Defra, [June Survey of Agriculture](#), Annual time series

The government estimates that between 50,000 and 60,000 seasonal workers are needed annually to bring in the harvest across the UK.²

1.3 Foreign seasonal workers

It is difficult to estimate what proportion of the seasonal workforce is from overseas. While visa data provides figures for those coming from abroad (see section 3.4), there is no official data collected on domestic recruitment.

The EFRA Committee has said that:

It is a matter of concern that there continues to be no single, agreed figure for the aggregate number and the breakdown by nationality of seasonal agricultural workers, given the importance of this data for the formulation of policy.³

² PQ HL946 [[on Horticulture: Seasonal Workers](#)], 14 June 2022

³ Environment, Food and Rural Affairs Committee, [The UK's new immigration policy and the food supply chain](#), HC 231 2019-21, 22 December 2020, p33

National Farmers' Union (NFU)

The National Farmers' Union (NFU) Supply of Seasonal Labour data is the only data source that identifies the nationality of all seasonal agricultural workers. It does this by asking recruiters where their seasonal workers are recruited from.

According to the NFU's 2022 mid-season survey, the proportion of seasonal workers that were domestic was 3.3%. It was between 1-7% at the end of 2021 and between 6-9% at the end of 2020.⁴

This is an increase on pre-pandemic levels. The NFU estimated that 99% of horticultural seasonal labour was provided by EU workers in 2017. Its survey for that year found that over two-thirds (67%) of the seasonal labour force were EU2 nationals (Romanians and Bulgarians) and nearly one-third (32%) were EU8 nationals (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia and Slovakia).⁵

UK citizens accounted for less than 1% of the horticultural seasonal workforce when employed through an agency or labour provider in 2017. However, it is likely that the true proportion recruited from the UK is slightly underestimated by the NFU survey as labour providers predominantly recruit from Europe.

Defra

Defra, in its Food Security Report 2021, agreed that almost all seasonal workers come from outside the UK.⁶

⁴ Economic Affairs Committee, [UK labour supply. Ev 24](#)

⁵ ONS, [Labour in the agriculture industry. UK: February 2018](#), 6 February 2018

⁶ Department for Environment, Food & Rural Affairs, [UK Food Security Report 2021](#), 16 December 2021

2 History of agricultural worker visa schemes

2.1 The Seasonal Agricultural Workers Scheme, 1945-2014

1945-2008: European students

The UK has a long history of reliance on foreign seasonal agricultural workers. The first Seasonal Agricultural Workers Scheme (SAWS) was introduced in 1945 in response to labour shortages after World War 2.

The Migration Advisory Committee, or MAC, [gave a brief history in a 2013 report](#). It noted that participants historically tended to be students from European countries providing short-term labour during harvest time:

The scheme originated after the Second World War and was designed to facilitate the movement of young people from across Europe to work in agriculture, primarily as an additional source of labour in peak season. It was originally set up as an opportunity for cultural exchange for young people but has developed and changed with trends in demand and supply of labour as well as the policy environment.

[...]

While there have been changes in the eligibility rules, quota size and operation of the scheme, the scheme has remained essentially the same, enabling workers (usually students) to come to the UK for short periods, specifically to live and work on farms during peak seasons. A number of labour providers became operators for the scheme and came to have an increasingly important role by recruiting participants, allocating them to employers and monitoring pay and conditions.⁷

In 1949, for example, Minister of Labour George Isaacs told the House that 20,000 foreign agricultural workers had been recruited under “official schemes” the previous year (not counting German former prisoners of war).⁸

Comprehensive historical statistics are not available, but the MAC obtained and published some comparatively recent data for its 2013 report. They show that the annual quota rose from 5,000 in the mid-1990s, to 10,000 in the late

⁷ Migration Advisory Committee, [Migrant seasonal workers](#), 1 May 2013, paras 3.6-3.8

⁸ [HC Deb 24 March 1949 c586](#)

1990s, and then rapidly to a peak of 25,000 in 2004. The quota figures do not necessarily represent the actual uptake, though.

Detailed figures are available from 2004. That year, the main nationalities taking up SAWS visas were Ukrainian, Bulgarian, Russian, Belarussian, Polish and Romanian.⁹

Also in 2004, Poland joined the European Union along with seven other Central and Eastern European countries (the so-called 'A8'). Citizens of those countries, who accounted for one third of SAWS take-up, could now work in the UK visa-free. In response, the government reduced the SAWS quota by a similar proportion, from 25,000 to 16,250.¹⁰

More broadly, the Government decided to phase out the SAWS and similar quota-based schemes, as the need for lower-skilled workers could be met by migration from the expanding EU.¹¹ Bulgaria and Romania joined in 2007, although the Labour Government opted to apply transitional restrictions to Bulgarian and Romanian workers' free movement rights. It also limited SAWS eligibility to citizens of those two countries from the beginning of 2008. As the Minister of State for Immigration and Borders, Phil Woolas, told the House:

from 1 January 2008, the SAWS was restricted to nationals of Romania and Bulgaria. In addition, the requirement to be in full-time education was lifted, to open up the pool of available labour. That was of course a break with a tradition going back to the 1940s.¹²

Successful applicants received a work card permitting them to work in the UK, for a specific employer, for a maximum of six months.

2008-2014: Bulgarians and Romanians only

In response to reports of labour shortages, the MAC recommended that the quota increase to 21,250, which was implemented in 2009. Over the next few years, roughly 20,000 Romanian and Bulgarian workers came to the UK each year (a take-up rate of well over 90% of the quota). They were particularly concentrated in Kent, Herefordshire, parts of the East of England and the east coast of Scotland.¹³

Under EU law, transitional restrictions on visa-free migration of Romanian and Bulgarian workers could only be kept in place for a maximum of seven years. The Coalition Government decided to keep restrictions in place for the full seven years, such that they would expire on 1 January 2014.¹⁴ The question

⁹ Migration Advisory Committee, [Migrant seasonal workers](#), 1 May 2013, figure 3.2

¹⁰ As above, para 3.10

¹¹ Home Office, [Controlling our borders: Making migration work for Britain](#), Cm 6472, 7 February 2005, p16

¹² [HC Deb 5 November 2008 c103WH](#)

¹³ Migration Advisory Committee, [Migrant seasonal workers](#), 1 May 2013, para 13

¹⁴ See Commons Library briefing SN/HA/06606, [Ending of transitional restrictions for Bulgarian and Romanian workers](#)

then became whether to retain a version of the SAWS, opening it back up to non-EU nationals, or to rely on EU citizens to fill the relevant jobs.

The Coalition Government tasked the MAC with considering the impact of allowing the scheme to expire. In its 2013 report, the committee concluded that closing the scheme was unlikely to cause problems in the short term but that farms could face recruitment problems over time:

We found little evidence that, following the closure of the current scheme at the end of 2013, the current supply of seasonal workers from Bulgaria and Romania and the A8 countries will decline in the short term. However, in the medium term, farmers are likely to experience increasing difficulties sourcing the required level of seasonal labour from the EU (including the UK) labour market. A new source of seasonal labour is likely to be required, or the horticulture sector will need to consider alternatives if increased labour costs cannot be absorbed without impacting on its size [...] to secure long-term investments in horticulture, it would be helpful for farmers to know what the Government will do post-2013 as soon as is practicable.¹⁵

In September 2013 Mark Harper, the Minister of State for Immigration, announced that the Coalition Government did not intend to open a new Seasonal Agricultural Workers Scheme for non-EU workers upon the lifting of transitional restrictions on Bulgarians and Romanians. The Government's view was that there should be sufficient workers from within the UK and EU labour markets to meet the needs of the horticultural industry. The Minister promised to keep the situation under review:

The government recognises that the SAWS has for many years provided an efficient supply of labour for the horticultural sector. The Department for Work and Pensions has been working with JobCentre Plus, LANTRA (the sector skills council), the National Farmers' Union and others, including growers and horticultural recruitment firms, to help unemployed UK residents into horticultural work through training and guaranteed interviews. A pilot scheme to encourage unemployed UK residents to apply for, train and secure jobs on arable farms has shown encouraging results with a high proportion of participants going on to secure employment in the sector. We want to build on this and other innovative approaches. The government, including the Department for the Environment Food and Rural Affairs, the Department for Work and Pensions and the Department for Communities and local government, looks forward to working with the sector to monitor and address the issues, and will keep the situation under review.¹⁶

The SAWS duly closed from the start of 2014. The Government also ended a similar scheme for the food processing sector, which had been in place since 2003 and later restricted to Bulgarians and Romanians only.¹⁷ The Department for Environment, Food and Rural Affairs (Defra) established a 'SAWS Transition Working Group', subsequently renamed the 'Seasonal Workforce Working Group', to monitor the supply of seasonal labour.¹⁸

¹⁵ Migration Advisory Committee, [Migrant seasonal workers](#), 1 May 2013, para 24

¹⁶ [HC Deb 12 September 2013 c60WS](#)

¹⁷ Migration Advisory Committee, [Migrant seasonal workers](#), 1 May 2013, chapter 2

¹⁸ PQ 129968 [on [Seasonal Agricultural Workers' Scheme](#)], 27 February 2018

2.2

No seasonal worker scheme, 2014-2019

Between 2014 and early 2019, there was no seasonal worker visa. EU free movement was possible throughout this period. It would not ultimately end until 31 December 2020.¹⁹

Calls for a SAWS replacement

Nevertheless, there was debate during this period about the desirability of re-establishing a seasonal work scheme for non-EU nationals. In March 2016 the National Farmers' Union called on the government to allow agricultural students from all over the world to undertake seasonal harvest work in the UK. The request followed an NFU survey showing growers struggled to source an adequate supply of seasonal workers to meet their needs.

The survey had revealed:

- Those employing a higher number of seasonal workers experienced more problems securing an adequate supply, with the labour-intensive fruit sector being most affected;
- The top three problems experienced by respondents were:
 - Insufficient numbers;
 - Problems with quality and/or reliability of workers;
 - Problems with retention or acquiring staff late in the season.²⁰

These discussions took on a renewed urgency following the referendum vote in June 2016 and possible end of free movement as a result.

In response to a Parliamentary Question in November 2016, Defra said:

With regard to seasonal labour, until we leave the EU, there are no changes to labour movements. Defra is very aware that migrant workers from other EU countries will be one of the complex issues that will have to be resolved as part of our exit negotiation and future relationship with the EU.²¹

The NFU renewed its call for a “global, seasonal agricultural workers scheme” in December 2016. Describing the labour shortages as a “red alert”, NFU deputy president Minette Batters warned that fruit and vegetable crops would be “rotting in the fields” without action.²²

¹⁹ Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, s1

²⁰ National Farmers' Union, [NFU End of Season Labour Survey 2015 \(PDF\)](#), 29 March 2016

²¹ PQ HL3098 [on [Agriculture: Seasonal Workers](#)], 8 November 2016

²² [“NFU issues warning on potential labour shortage”](#), Farmers Weekly [online], 2 December 2016

Similar problems and concerns were reported by the salad growing industry. In a survey for the BBC, fruit and salad growers said they might not have enough migrant workers to harvest their crops:

We asked [growers] if they had enough seasonal workers for the start of the main picking season:

- 32% said they weren't sure
- 18% said they had slightly fewer than they needed
- Just over 3% reported having many fewer than required
- 42% said they had just enough
- 1% said they had more than enough
- Meanwhile, 78% of respondents said recruitment had been more difficult than last year, with 20% saying it had been the hardest for years²³

Migration Watch, however, argued that a new seasonal agricultural workers' scheme should be a "last resort" following Brexit.

Importing seasonal labour perpetuates low productivity in the agricultural sector and denies opportunities to British workers who are unemployed or are seeking part time work. If it were to be considered in the context of the Brexit negotiations any scheme should be transitional and tapered.

[...]

Immigration is not an optimal solution to agricultural labour shortages. Alternative policy options have been suggested by a range of respected specialist organisations...²⁴

Ministers initially declined to revive SAWS in the immediate post-referendum period. A [July 2017 Library briefing](#) reported "the Government has been consistent in saying that there ought to be no new Seasonal Agricultural Workers Scheme whilst the UK remains part of the EU".

In debate on 6 July 2017, the Shadow Minister for Farming and Rural Affairs, David Drew, called for "another SAWS". The Minister of State, George Eustice, replied that the department had kept labour shortages "under review" since SAWS closed and that the post-SAWS working group had recently discussed "anecdotal reports that things are getting harder". He added "the Home Office intends to commission the Migration Advisory Committee to do a major piece of work in this area".²⁵

At the end of July 2017, the Home Secretary commissioned the MAC to report on immigration from the EU and on "the role of migration in the wider

²³ ["Fruit and veg farmers facing migrant labour shortages"](#), BBC News [online], 22 June 2017

²⁴ Migration Watch UK, [MW 393: The Seasonal Agricultural Workers Scheme](#), 18 October 2016

²⁵ [HC Deb 6 July 2017 cc211WH-216WH](#)

economy and society”.²⁶ The commissioning letter explicitly mentioned seasonal work. The MAC worked on the commission for a year.

In the meantime, ministers began to signal that a scheme for non-EU seasonal workers might be possible even while EU free movement continued. In February 2018, the Secretary of State for Environment, Food and Rural Affairs, Michael Gove, told the NFU conference that the argument for a new scheme was “compelling”.²⁷

Resolution of the House of Commons, 1 March 2018

“That this House recognises that seasonal migrant workers make a substantial and positive impact on the UK economy; believes that easy access to seasonal migrant workers is vital for economic prosperity; and calls on the Government to bring forward proposals to allow businesses to continue to access seasonal migrant workers from EU and non-EU countries.”²⁸

Pilot scheme announced

The Home and Defra Secretaries of State announced a pilot seasonal worker scheme on 6 September 2018, shortly before the MAC published its report. The scheme would have a quota of 2,500 places and run from early 2019 to the end of 2020.²⁹ Workers would be able to stay for up to six months. The ministers emphasised that “farmers must also look at ways that technology can reduce demands for labour”.

The MAC published its [report on post-Brexit immigration policy](#) on 18 September 2018. It did not recommend for or against a seasonal worker scheme, but noted the pros and cons:

The labour market for seasonal agricultural labour is completely separate from the market for resident workers in a way that is unlike any other labour market. According to the ONS, 99 per cent of seasonal agricultural workers are from EU countries and it is difficult to imagine a scenario in which this workforce can come from the resident labour market...

If there is no such scheme it is likely that there would be a contraction and even closure of many businesses in the parts of agriculture in the short-run, as they are currently very dependent on this labour...

If there is a scheme for seasonal agricultural workers one has to be very clear that it would give privileged access to migrant labour for one sector which is generally low-wage and low-productivity. It is important that this scheme is

²⁶ Home Office, [Commissioning letter to the Migration Advisory Committee](#), 27 July 2017

²⁷ Department for Environment, Food & Rural Affairs, [A Brighter Future for Farming](#), 20 February 2018

²⁸ [HC Deb 1 March 2018 c1044](#)

²⁹ Home Office, Defra and Office of the Secretary of State for Scotland press release, [UK farmers given support for seasonal labour with new pilot scheme](#), 6 September 2018

restricted to genuine seasonal agricultural workers and does not become used by others.

There is also the risk that the sector would use a SAWS scheme to avoid the need for higher productivity...

We think that the sector should pay something in return for this privileged access to labour. We propose that employers are required to pay a higher minimum wage in order to encourage increases in productivity...³⁰

The pilot opened for applications on 6 March 2019.³¹

2.3 Return of seasonal visas, 2019-2024

Since its revival in 2019, the seasonal worker visa scheme has steadily expanded.

The scheme began as the [Seasonal Workers Pilot with 2,500 places](#). Defra said “the Pilot did not aim to meet all labour shortages in the sector, but to test an immigration route subcategory for seasonal workers”. Almost all the places were taken up (2,481).³²

A review of the 2019 Pilot concluded, among other things, that it had shown itself able to contribute towards supporting growers during peak production periods. Satisfaction rates amongst workers was relatively high and the majority were paid on time and in full. But it also highlighted some welfare issues and potential abuses (see section 4 below).

The scheme was expanded to 10,000 places for 2020. Defra said that “the expansion will support these farmers over this year’s busy summer harvest, while allowing government to test the pilot further”. It emphasised that the higher quota was still “not designed to meet the full labour needs of the horticultural sector”, noting that EU citizens could still travel for seasonal work under free movement laws.³³

At the end of 2020, the Pilot was extended for another year, and the quota further expanded to 30,000 places. The announcement mentioned the particular needs of Scottish farmers; the need to encourage UK-based workers to take on seasonal jobs; and a forthcoming Defra review of labour-saving automation in horticulture.³⁴

³⁰ Migration Advisory Committee, [EEA migration in the UK: final report](#), 18 September 2018, paras 7.56-7.62

³¹ Home Office and Defra press release, [Seasonal workers pilot opens](#), 6 March 2019

³² Home Office and Defra, [Seasonal workers pilot review 2019](#), 24 December 2021

³³ Home Office and Defra press release, [10,000 workers to boost British farming sector](#), 19 February 2020

³⁴ Home Office, Defra and Office of the Secretary of State for Scotland press release, [Up to 30,000 workers to help reap 2021 harvest](#), 22 December 2020

Non-agricultural seasonal visas

In late 2021, amid reports of labour shortages elsewhere in the food supply chain, the Government temporarily adjusted the Seasonal Worker scheme to cover certain jobs outside horticulture. The policy provided for poultry workers, pork butchers and heavy goods vehicle drivers. Applications were only possible for a short time, and the visas lasted between six weeks and six months.³⁵

The number of applications in each sector was considerably below quota. Many industry stakeholders felt that the visa provision was “too little, too late”.³⁶ The Government says it “does not plan to re-introduce similar temporary visa schemes in the future”.³⁷

However, the British Poultry Council described the poultry worker visa scheme (which attracted 1,845 applicants) as a “success”. The Government has now adapted the Seasonal Worker scheme to cater for poultry workers until at least 2024, alongside the more numerous cohort of horticultural workers.³⁸

Two scheme operators for poultry have been appointed, and 2,000 visas made available in the run-up to Christmas (when demand for turkey and other poultry increases).³⁹ This is reminiscent of the previous Sectors Based Scheme, which provided temporary visas for non-EU food processing workers between 2003 and 2013.⁴⁰

In December 2021, Defra and the Home Office announced that the scheme would last until the end of 2024. The ‘pilot’ terminology was dropped, with the scheme now referred to as the ‘Seasonal Worker visa route’. The quota for 2022 was at least 30,000 places, with the possibility of another 10,000. The scheme was also opened to ornamental, as well as edible, horticulture (ie growing flowers and trees, not just food).

But the announcement also warned that the number of visas “will begin to taper down from 2023”. It added “more must be done to attract UK workers

³⁵ Environment, Food and Rural Affairs Committee, [Labour shortages in the food and farming sector](#), 6 April 2022, HC 713 2021-22, table 1.

³⁶ As above, para 28

³⁷ Environment, Food and Rural Affairs Committee, [Labour shortages in the food and farming sector: Government Response to the Committee Fourth Report of Session 2021-22](#), HC 412 2022-23, 23 June 2023, p3

³⁸ National Farmers’ Union, [Seasonal worker visa scheme for poultry confirmed until 2024](#), 14 September 2021

³⁹ Department for Environment, Food & Rural Affairs, [Seasonal worker visa route RFI notice](#), 27 June 2022

⁴⁰ Madeleine Sumption and Mariña Fernández-Reino, [Exploiting the Opportunity? Low-Skilled Work Migration After Brexit](#), Migration Observatory at the University of Oxford, 30 August 2018, section 6

through offering training, career options, wage increases and to invest in increased automation technology”.⁴¹

The press release ended by saying that the review of the Pilot as it operated in 2019 had concluded “reliance on foreign labour held down wages, disincentivised investment and discouraged workers (both resident and non-resident) into these roles”. Madeleine Sumption, Director of the Migration Observatory at the University of Oxford, commented there was “no evidence of this in the review itself”.⁴²

The minimum wage for Seasonal Workers was raised to £10.10 an hour from 6 April 2022, above the National Living Wage of £9.50 for people aged over 23.⁴³ This was in line with the MAC’s September 2018 call for a higher minimum wage (see above).

In June 2022, the option to raise the quota by 10,000 places (to 40,000 in total) was triggered. Of those, 8,000 were for the horticultural sector and 2,000 for the poultry sector.⁴⁴

The table below shows the evolution of the Seasonal Worker scheme since 2019. It excludes the temporary provision for HGV drivers, pork butchers and poultry workers in late 2021, and the provision for poultry workers from 2022.

Seasonal Worker visas for horticultural workers				
	2019	2020	2021	2022
Quota	2,500	10,000	30,000	38,000
Scheme operators	2	2	4	4-5
Visas issued	2,493	7,211	27,572	26,575
Top nationalities	Ukraine (91%) Moldova (7%) Russia (2%)	Ukraine (87%) Moldova (4%), Belarus (3%)	Ukraine (67%) Russia (8%) Bulgaria (4%)	Ukraine (23%) Uzbekistan (14%) Tajikistan (11%)
Sectors covered	Edible horticulture	Edible horticulture	Edible horticulture	Edible horticulture, ornamental horticulture
Notes: The visas issued in 2022 contains January to June 2022 figures only.				

Source: Library analysis of Defra announcements, Immigration Rules and Home Office immigration statistics quarterly.

⁴¹ Home Office and Defra press release, [Industry given certainty around seasonal workers but told to focus on domestic workforce](#), 24 December 2021

⁴² Madeleine Sumption (@M_Sumption). “Oddly, HO press release said pilot review found ‘reliance on foreign labour held down wages, disincentivised investment and discouraged workers (both resident and non-resident) into these roles’. I see no evidence of this in the review itself...” (Twitter). 7 January 2022 [accessed 28 October 2022]
Available from: https://twitter.com/M_Sumption/status/1479463628726312966

⁴³ Pip Hague, [Seasonal Workers must now be paid at Skilled Worker rates](#), Free Movement, 1 April 2022

⁴⁴ Home Office and Defra press release, [Industry given certainty around seasonal workers but told to focus on domestic workforce](#), 24 December 2021

3 The Seasonal Worker visa scheme today

Seasonal Worker visas are issued by the Home Office. The criteria are [set out in the Immigration Rules](#). They include some features that do not exist in other work visa categories, such as explicit duties on visa sponsors to look after workers' welfare and make sure they are paid properly.

In 2022, the Seasonal Worker quota for horticulture is **38,000 visas**. Another 2,000 visas available for the poultry sector, for a total of 40,000.

The Johnson Government had planned for the quota to drop to 30,000 in 2023 and 28,000 in 2024.⁴⁵ Whether or not the scheme will continue beyond 2024, and if so at what scale, is yet to be announced.

This chapter describes the rules for horticultural workers. The rules for poultry workers are covered briefly at the end.

3.1 Who qualifies for a visa?

From the applicant's perspective, there are few formal requirements involved in getting a Seasonal Worker visa. The main stipulation is to have a job offer from a company licensed to provide seasonal workers, known as 'scheme operators' (see below). No English language ability is required.

The job offer must be confirmed in a 'certificate of sponsorship' from the scheme operator. This needs to confirm, among other information, that the person will be paid at least £10.10 per hour and the job otherwise complies with wage and working time legislation.

The resulting visa lasts no more than six months in any 12-month period, and cannot be extended.⁴⁶ Workers cannot bring their families or claim public funds (benefits).⁴⁷

⁴⁵ Environment, Food and Rural Affairs Committee, [Labour shortages in the food and farming sector](#), 6 April 2022, HC 713 2021-22, Q356

⁴⁶ Home Office, [Immigration Rules Appendix Seasonal Worker](#), para SAW 7.1

⁴⁷ As above, para SAW 7.2

3.2 What work is allowed?

There are restrictions on what kind of work is permitted for Seasonal Worker visa holders.

First, Defra stipulates that seasonal workers must not be employed for work that requires labour all year round, or that is done in an office.⁴⁸

Second, the workers must only be doing certain tasks:

- Crop maintenance
- Crop harvesting
- Tunnel construction and dismantling
- Irrigation installation and maintaining
- Crop husbandry
- Packing and processing of crops on employer's premises
- Preparing and dismantling growing areas and media
- General primary production work in edible and ornamental horticulture
- Activities relating to supervising teams of horticultural workers⁴⁹

Third, the job must be in the “horticulture sector”. This is defined as those growing:

- Vegetables in greenhouses
- Vegetables outdoors, including herbs, leafy salads and potatoes
- Soft fruit, in greenhouses or outdoors
- Fruit in orchards, including apples, plums, cherries and apricots
- Vine and bines, including hops and grapes
- Mushrooms
- Bulbs and cut flowers, indoors or outdoors, including daffodils
- Pot plants, including pansies, violas, geraniums and poinsettias

⁴⁸ Department for Environment, Food & Rural Affairs, [Seasonal worker visa route RFI notice](#), 27 June 2022. These restrictions are not in the Immigration Rules.

⁴⁹ As above

- “Hardy ornamental nursery stock”, including Christmas trees, shrubs, roses, ornamental trees and perennials
- Tree and forest nurseries⁵⁰

The Skilled Worker alternative

If farms wish to hire overseas workers for other roles, they may need to sponsor them for a [Skilled Worker visa](#) instead. Roles eligible for Skilled Worker sponsorship include veterinarians, farmers, gardeners and various agricultural and horticultural trades (eg market gardener, beekeeper and tree surgeon).

Many relevant occupations are explicitly **not** eligible for Skilled Worker sponsorship. These include tractor drivers, farm labourers, shepherds, mushroom pickers and nursery workers.⁵¹

This route is unlikely to be suitable for casual labour in any event. Sponsors must have a Home Office licence to issue visa endorsements. Applicants must have intermediate English language skills and satisfy minimum salary requirements, normally £25,600. Jobs on the shortage occupation list can be paid at a lower rate (but not less than £20,480). According to a May 2022 survey, 5% of food growers and manufacturers had recruited using the Skilled Worker route.⁵²

Food and farming stakeholders’ concerns about the visa’s suitability for their labour needs centre around the English language requirements, the perceived costs and bureaucracy associated, and the omission of certain agricultural roles from the shortage occupation list.⁵³ The Migration Advisory Committee had recommended adding several relevant occupations to the list in September 2020, but the Government decided against making changes in the short term.⁵⁴ It has since commissioned the MAC to review the shortage list again, with a report expected in spring 2023.⁵⁵

3.3 Who can sponsor people for visas?

Employers cannot sponsor people for Seasonal Worker visas directly. Instead, a small number of ‘scheme operators’ are responsible for recruiting,

⁵⁰ Home Office, [Immigration Rules Appendix Seasonal Worker](#), para SAW 4.1(f)

⁵¹ Home Office, [Immigration Rules Appendix Skilled Occupations](#), table 5

⁵² Association of Labour Providers, [Food Supply Chain Labour Survey Results](#) (PDF), May 2022, p19

⁵³ Environment, Food and Rural Affairs Committee, [Labour shortages in the food and farming sector](#), 6 April 2022, HC 713 2021-22, paras 43-59

⁵⁴ Migration Advisory Committee, [Letter to the Migration Advisory Committee on changes to the shortage occupation list](#), 10 March 2021

⁵⁵ Migration Advisory Committee, [MAC commissioned to review shortage occupation list](#), 1 September 2022

sponsoring and safeguarding the welfare of workers. Farms must source their workers from the scheme operators.

A company applying to become a scheme operator must:

- Be licenced by the [Gangmasters and Labour Abuse Authority](#), which regulates businesses that provide agricultural and horticultural workers;⁵⁶
- Be capable of providing workers to businesses across the UK (ie in England, Scotland, Wales and Northern Ireland);
- Have adequate systems, processes and policies in place to ensure immigration compliance and prevent workers being exploited.⁵⁷

There are currently four scheme operators for horticulture:

- [AG Recruitment and Management](#)
- [Concordia](#)
- [Fruitful Jobs](#)
- [Pro-Force](#)

An application process to increase this from four to five has concluded.⁵⁸

There also two scheme operators for the 2,000 visas available for poultry workers ([Pro-Force](#) and [RE Recruitment](#)) from October 2022.

Responsibilities of scheme operators

Scheme operators are subject to the [normal compliance duties](#) that apply to all companies licenced to sponsor migrant workers. But they also have additional responsibilities, some of which reflect the concern that seasonal workers are particularly susceptible to exploitation. These additional duties include:

- Monitoring workers' welfare under 16 separate headings, such as workplace safety, proper breaks and standard of accommodation;
- Allowing workers to request a change of employer;

⁵⁶ Home Office, [Workers and Temporary Workers: guidance for sponsors: sponsor a seasonal worker](#), version 08/22, 22 August 2022, para SE 2.3

⁵⁷ Department for Environment, Food & Rural Affairs, [How to submit a response for the request for information \(RFI\)](#), 27 June 2022

⁵⁸ Department for Environment, Food & Rural Affairs, [Seasonal worker visa route RFI notice](#), 27 June 2022

- Not charging migrants for the offer of work.⁵⁹

Operators will lose their licence if they fail to meet immigration compliance targets. In any 12-month period:

- 95% of workers sponsored by the scheme operator must be granted their visas;
- 97% of workers granted visas must turn up at their place of employment;
- 97% of workers granted visas must leave the UK on time.⁶⁰

Other requirements reflect underlying policy goals. Scheme operators “must only place workers with growers who have demonstrated to you that they are actively engaging with Jobcentre Plus to recruit UK based workers”.⁶¹

3.4 Where are workers recruited from?

Several factors have impacted the profile of migrant seasonal workers coming to the UK. This includes the end of free movement in 2020, the impacts of Covid-19 and the recent reduction in the number of Ukrainians coming to the UK because of the conflict in that country.

The table below shows the number of Seasonal Worker visas for horticultural workers granted to each nationality from 2019 onwards. Both the number of visas and the proportion of visas granted to different nationalities has increased over this time period.

⁵⁹ Home Office, [Workers and Temporary Workers: guidance for sponsors: sponsor a seasonal worker](#), version 08/22, 22 August 2022, paras SE 3.4, 3.7 and 3.9

⁶⁰ As above, para SE 3.16

⁶¹ As above, para SE 3.12

Seasonal Worker visas for horticultural workers				
	2019	2020	2021 ^a	2022 ^b
Ukraine	2,261	6,297	19,894	6,105
Uzbekistan	0	2	556	3,743
Tajikistan	0	2	980	2,971
Kyrgyzstan	0	1	304	2,505
Nepal	0	0	518	2,072
Moldova	180	285	865	1,794
Kazakhstan	4	11	391	1,655
Indonesia	0	0	0	1450
Bulgaria	0	0	1,110	829
Romania	0	0	660	707
Macedonia	0	0	123	581
Russia	47	195	2,276	512
Belarus	0	201	1,007	114
Other	1	217	903	1,537
Total	2,493	7,211	29,587	26,575

Notes:
 (a) The 2021 total (29,586) includes 2,015 visas issued to poultry workers, pork butchers and HGV food drivers. The total horticultural workers was 27,572 (29,587 - 2,015). These additional visas are not divided by nationality, therefore have been included in the 2021 figures.
 (b) 2022 figures are for January - June 2022. These will be updated with further data releases.

Source: Home Office, [Entry clearance visas detailed datasets](#), Vis_D02

As the cap was increased from 2,500 in 2019 to 38,000 in 2022, the number of visas granted has increased more than tenfold.



Source: Home Office, [Entry clearance visas detailed datasets](#), Vis_D02

In recent years most Seasonal Worker visa holders have come from Ukraine. Ukraine remained the highest recipient of visas in each year with 91% of visas (2,261) in 2019, 87% (6,297) in 2020, 67% (19,894) in 2021 and 23% (6,105) between January-June 2022.

In 2021, 8% of Seasonal Workers (2,276) came from Russia, making it the second-biggest source of Seasonal Workers after Ukraine. Since the Russian invasion of Ukraine in February 2022, visa applications from Russian citizens have been subject to “additional and robust checks”.⁶² The Home Office also refused 71% of Seasonal Worker visa applications from Russians decided between April and June 2022 (up from 1% refused in 2021).⁶³

Many workers now come from central Asia. In the first six months of 2022, the proportion of Seasonal Worker visa holders from Uzbekistan was 14% (3,743), Tajikistan was 11% (2,971) and Kyrgyzstan was 9% (2,505).

12% of all UK work visas issued in 2021 were in the Seasonal Worker category. If dependents are excluded, as Seasonal Workers do not allow for dependents, Seasonal Worker visas account for 18%.⁶⁴ As a result, Ukrainians were the second most common nationality to receive any kind of UK work visa in 2021 (behind Indians).⁶⁵

Help for Ukrainian citizens

In the aftermath of Russia’s military invasion of Ukraine in February 2022, the Home Office announced that Ukrainian Seasonal Worker visa holders [would have their visas extended](#) to 31 December 2022.⁶⁶ Those eligible did not need to apply for an extension. The Home Office was expected to liaise with scheme operators and contact the worker to advise them that they are covered. The Ukrainian worker must continue to work with the same scheme operator.

Separately, the [Ukraine Extension Scheme](#) is open to Ukrainian citizens with current or recently expired visas. It is free to apply and gives up to three years’ permission to live, work, study and access public funds.

A Seasonal Worker visa holder could apply to switch to the Ukraine Extension Scheme. Successful applicants would no longer be restricted to doing seasonal agricultural work and would be able to sponsor family members to join them under the Homes for Ukraine scheme. The deadline for applications is 23 November 2023.⁶⁷

⁶² PQ 51765 [on [Visas: Russia](#)], 20 September 2022

⁶³ Home Office, [immigration statistics, year ending June 2022](#), entry clearance visas detailed datasets, table Vis_D02

⁶⁴ As above

⁶⁵ Migration Observatory at the University of Oxford press release, [Migration statistics show UK’s dependence on Ukrainian seasonal workers](#), 4 February 2022

⁶⁶ Home Office, [Ukrainian nationals in the UK: visa support](#), 15 September 2022

⁶⁷ Home Office, [Statement of changes to the immigration rules](#), HC719, 18 October 2022

3.5

What is the future of the scheme?

What will the visa quota be in 2023 and 2024?

The Johnson Government had committed to gradually reducing the number of Seasonal Worker visas available in 2023 and 2024. The then immigration minister, Kevin Foster, told the EFRA Committee on 21 December 2021: “there will be 30,000, 30,000 and 28,000 over the next three years”.⁶⁸ As mentioned above, the 30,000 limit for 2022 was in fact raised to 40,000 (including 2,000 poultry workers).

During her 2022 campaign to lead the Conservative Party, Liz Truss supported an increase in the quota.⁶⁹ On 28 September 2022, Defra said that a “similar number” to the 40,000 visas for 2022 would be “rolled forward for 2023”. The precise number was being discussed with the Home Office, “having regard to the Prime Minister’s stated support for a short term expansion of the visa route”.⁷⁰

Liz Truss announced her resignation as Prime Minister on 20 October 2022. The Sunak Government has not announced an increase in the quota and is reportedly “not expected to”⁷¹. A written question [asking whether the Sunak Government “plans to loosen visa restrictions for seasonal temporary workers”](#) is overdue for response at time of writing.⁷²

Will the Seasonal Worker scheme continue past 2024?

Ministers have referred to “the Seasonal Worker visa route 2022-24”.⁷³ The Government has not yet made an announcement on the long-term future of the scheme, beyond 2024.

In April 2022, the Environment, Food and Rural Affairs Committee called on the Government to “make the scheme permanent; and commit to announcing visa numbers in future on a rolling five-year basis.”⁷⁴

⁶⁸ Environment, Food and Rural Affairs Committee, [Labour shortages in the food and farming sector](#), 6 April 2022, HC 713 2021-22, Q356

⁶⁹ “We have traditionally always relied on seasonal agricultural workers. We need to expand the scheme to enable those businesses to get the crops out of the ground.” See [“Liz Truss rejects ‘Soviet-style’ food self-sufficiency target at NEU hustings”](#), Farmers Guardian [online], 1 September 2022 and [“I’ll let more migrants in to pick fruit on farms, says Liz Truss”](#), The Telegraph [online], 31 July 2022

⁷⁰ PQ 51839 [on: [Horticulture: Seasonal Workers](#)], 20 September 2022

⁷¹ [“Rishi Sunak heads for migration clash with Suella Braverman”](#), The Times [online], 27 October 2022

⁷² PQ 74650 [on: [Migrant Workers: Seasonal Workers](#)], 31 October 2022

⁷³ PQ 11700 [on [Agriculture: Seasonal Workers](#)], 1 June 2022

⁷⁴ Environment, Food and Rural Affairs Committee, [Labour shortages in the food and farming sector](#), 6 April 2022, HC 713 2021-22, p3

Defra said in response: “an evidence-based decision on the future of the visa route will be made in 2024”.⁷⁵

An [Independent Review into Labour Shortages in the Food Supply Chain](#) is underway and due to report in spring 2023. Defra says the outcome of that review “will inform our thinking on the Seasonal Workers scheme” beyond 2024.⁷⁶

What if there were no Seasonal Worker visas?

In its 2019 report on post-Brexit immigration policy, the Migration Advisory Committee said “if there is no such scheme it is likely that there would be a contraction and even closure of many businesses”. But it added that this outcome was manageable in the overall context:

while the failure to have some type of SAWS would be bad for the sector it is a small, low-wage, low-productivity sector in the wider UK context so this should not be seen as catastrophic for the economy as a whole. It may lead to modestly higher prices for consumers for certain horticultural products.⁷⁷

Academics from the Universities of Oxford and Leeds add “relying on food imports would not be a major change, as the UK already imports a substantial share of its food and Britain has a globalised diet that reaches well beyond the limited fruit and vegetables that can be produced on home soil”. But they also say “one lesson learned from the Covid-19 pandemic is that domestic food production is an essential component of the nation’s food security”.⁷⁸

Government policy, as expressed in the [June 2022 food strategy](#), is to “broadly maintain the current level of food we produce domestically”. The strategy also committed to “boosting production in sectors where there are growth opportunities”, including horticulture, with cucumbers and tomatoes mentioned specifically.⁷⁹

⁷⁵ Environment, Food and Rural Affairs Committee, [Labour shortages in the food and farming sector: Government Response to the Committee Fourth Report of Session 2021-22](#), HC 412 2022-23, 23 June 2023, p8

⁷⁶ PQ 60195 [on: [Horticulture: Seasonal Workers](#)], 10 October 2022

⁷⁷ Migration Advisory Committee, [EEA migration in the UK: final report](#), 18 September 2018, para 65

⁷⁸ Roxana Barbulescu, Carlos Vargas-Silva and Bethany Robertson, [Without freedom of movement who will pick the fruit?](#), UK in a Changing Europe, 14 April 2021

⁷⁹ Department for Environment, Food & Rural Affairs, [Government food strategy](#), CP 698, 13 June 2022, para 1.3.1

What about poultry workers?

On 18 October 2022, the [Seasonal Worker rules](#) were amended to cater for poultry as well as horticultural workers.⁸⁰ A quota of 2,000 poultry visas applies, guaranteed until the end of 2024.⁸¹

Some of the rules are different for poultry workers. They are required to leave the UK by 31 December each year (ie the visa lasts a matter of weeks, not months). Poultry workers must also be guaranteed 30 hours' work per week.

The Immigration Rules define what counts as poultry work. The person must be doing one of the following jobs:

- Butcher
- Bird/game dresser
- Killer and plucker
- Plucker
- Poulterer
- Poultry processor
- Poultry sticker
- Trusser
- Food operative
- Poultry catcher/handler
- Poultry vaccinator
- Poultry meat packer

For most of the occupations listed above (butchers to food operatives), the person must be paid the pro rata equivalent of £25,600 a year. The rest (food operatives to poultry meat packers) can be paid £10.10 an hour, as with horticultural workers.

⁸⁰ Home Office, [Statement of changes to the immigration rules](#), HC719, 18 October 2022, pp43-45. Poultry workers were also allowed to apply in late 2021, but this was envisaged as a one-off measure.

⁸¹ National Farmers' Union, [Poultry seasonal worker visa labour providers confirmed](#), 14 September 2022

4 Working conditions for migrant workers

4.1 Concerns about exploitation

Seasonal agricultural workers around the world are particularly vulnerable to exploitation and ill-treatment, some experts say.⁸²

Focus on Labour Exploitation (FLEX), a charity, notes that temporary migration schemes are “associated with increased risks of labour abuse and exploitation”. It identifies various factors that contribute to the risks, some of which are reflected in the terms of the Seasonal Worker visa:

- Debt bondage from illegal recruitment fees
- Barriers to changing job or sector
- Temporariness and lack of pathways to permanent residence
- No recourse to public funds
- Multiple dependencies on employer or third party
- Lack of guaranteed working hours⁸³

The Government recognises that Seasonal Worker visa holders “may be more vulnerable and open to exploitation than other workers”.⁸⁴ A [review of the scheme](#) as it operated in 2019, published in December 2021, identified no instances of modern slavery. But compliance checks and surveys of workers did identify potential welfare issues and allegations, including:

1. Almost half the compliance visits identified workers who had not received their employment contract in their native language;
2. Some workers were not given health and safety equipment;

⁸² For example, University of Nottingham Rights Lab, [Modern Slavery Act Reporting in the Agricultural Sector \(PDF\)](#), October 2019: “According to the International Labour Organisation, the agricultural sector has the fourth highest proportion of victims of forced labour worldwide. The characteristics of work in this sector – low-skilled, low-paid, and seasonal – create significant vulnerability to modern slavery and other forms of exploitation”.

⁸³ Focus on Labour Exploitation, [New report highlights risks of human trafficking on UK Seasonal Workers Pilot](#), 15 March 2021

⁸⁴ Home Office and Defra, [Seasonal workers pilot review 2019](#), 24 December 2021

3. Some workers reported problems with the quality of their accommodation, including some that lacked bathroom, kitchen and running water;
4. Some workers alleged racism, discrimination or mistreatment by farm managers.

The review highlighted that the scheme has since introduced more rigorous training and a formal complaints process. It also reported allegations of racism and discrimination to the Gangmasters and Labour Abuse Authority.

Responding to the findings of the review, the Independent Anti-Slavery Commissioner suggested that these issues may be more widespread than reported:

While no cases of modern slavery were identified during the 2019 season, there were strong indicators of labour exploitation, and these have continued in recent seasons. I would suggest that the report may be underestimating the risks for the following reasons.

First, ongoing feedback from workers is essential for understanding trends and threats. But the 2019 survey is not fully representative of the worker experience. This is due to the limitations of self-selection bias, language barriers and a low response rate of 26%, as the review acknowledges. Second, the Home Office and Defra do not have data on how many workers used the provided helplines to raise issues that they were uncomfortable discussing with farm managers. Finally, modern slavery and severe cases of labour exploitation tend to be hidden from public view and are rarely discovered during audits and compliance visits.⁸⁵

She made a series of recommendations aimed at ensuring that workers understand their rights, have a grievance mechanism and are repaid any recruitment fees.

FLEX also responded to the review. It was critical of the Government's claims that pay rates and satisfaction were generally high amongst workers. The response included findings from its own research which highlighted problems with the scheme relating to the unfree recruitment of workers, risks to workers' health and the risk that workers were not free to leave their employer.⁸⁶

The Work Rights Centre, a charity supporting migrant workers leaving 'precarious work', has also highlighted barriers to reporting labour exploitation. Its report [Weed out exploitation](#) made a series of recommendations for the GLAA, the Health and Safety Executive and the Home Office to improve reporting.⁸⁷

⁸⁵ Independent Anti-Slavery Commissioner, [IASC raises concerns over labour exploitation risk for migrant agricultural workers](#), 25 January 2022

⁸⁶ Focus on Labour Exploitation, [FLEX response to the Government's review of the first year of the Seasonal Workers Pilot](#), 13 January 2022

⁸⁷ Work Rights Centre, [Weed out exploitation](#), 2 March 2022

Case study

An August 2022 media report highlights the difficulties of policing what can be a lengthy supply chain for seasonal labour.

The Guardian covered allegations that Indonesian citizens were charged up to £5,000 to secure employment under the Seasonal Worker scheme. Many worked on a farm in Kent, but were supplied by a scheme operator. The scheme operator reportedly used a recruitment company in Indonesia to find workers. The recruitment company, in turn, used local brokers on different islands – who allegedly charged the illegal fees.⁸⁸

The Home Office has confirmed that the GLAA is investigating.⁸⁹ But it also says neither the GLAA nor the Home Office itself “has jurisdiction over work finding fee offences which may have occurred overseas that do not involve the [scheme] operators”. They may flag such incidents with the authorities overseas if the conduct is illegal in that jurisdiction.⁹⁰

The Director of Labour Market Enforcement rates the threat of seasonal agricultural workers being exploited as “severe”.⁹¹

4.2

Prevention of exploitation

The Migration Observatory at the University of Oxford says preventing exploitation is a complex problem. Policy options, aside from robust policing of the low-wage labour market in general, include:

- Providing workers’ rights information in multiple languages;
- Monitoring of migrant workers’ pay and conditions after arrival;
- Proactive inspections;
- Allowing visa holders to switch employers;
- Regulation and supervision of recruitment agencies, including cooperation with the authorities in countries of origin.⁹²

⁸⁸ [“Revealed: Indonesian workers on UK farm ‘at risk of debt bondage’”](#), The Guardian [online], 5 April 2022. See also [“Migrant fruit pickers charged thousands in illegal fees to work on UK farms”](#), The Bureau of Investigate Journalism [online], 27 May 2022

⁸⁹ PQ 47557 [on: [Seasonal Workers: Indonesia](#)], 5 September 2022

⁹⁰ PQ 40920 [on: [Seasonal Workers: Fees and Charges](#)], 20 July 2022

⁹¹ Department for Business, Energy & Industrial Strategy, [United Kingdom Labour Market Enforcement: annual report 2019 to 2020](#), 9 June 2022, table 3

⁹² Madeleine Sumption and Mariña Fernández-Reino, [Exploiting the Opportunity? Low-Skilled Work Migration After Brexit](#), Migration Observatory at the University of Oxford, 30 August 2018, section 7.2

The Government says it [takes the issue of migrant welfare “very seriously”](#). Measures include licences for scheme operators, a £10.10 minimum wage and other “targeted and widespread actions to ensure the safety of workers pre-arrival, in-country and on their return home”.⁹³

The main agency involved in the welfare of seasonal workers is the Gangmasters and Labour Abuse Authority (GLAA). Gangmasters are people who provide workers for farmers and certain other food industries.⁹⁴ It is a criminal offence to operate as, or hire, a gangmaster without a GLAA licence.⁹⁵

The requirements for getting and keeping a GLAA licence cover:

- Acting in a “fit and proper manner” at all times;
- Paying workers properly and registering with HMRC;
- Forced labour and mistreatment of workers;
- Quality of accommodation (if provided) for workers;
- Working conditions, such as breaks and trade union membership;
- Health and safety on the farm or other place of work;
- Recruitment and contractual arrangements, including a ban on charging fees to workers;
- No subcontracting except to a fellow GLAA licence holder.⁹⁶

There are over 1,000 licenced gangmasters.⁹⁷ The GLAA carried out 94 compliance inspections in 2019-20, 83 in 2020-21 and 12 in the first half of 2022-23.⁹⁸ Its business plan calls for an increase.⁹⁹

Home Office funding for the GLAA in 2022-23 is £6.6 million.¹⁰⁰ This covers both its work in the agricultural sector as well as prevention of labour abuse across the wider economy (eg car washes and the garment industry). Critics say this is less than the Home Office stationary budget.¹⁰¹ The GLAA says

⁹³ PQ 11700 [on: [Agriculture: Seasonal Workers](#)], 1 June 2022

⁹⁴ [Gangmasters \(Licensing\) Act 2004 \(legislation.gov.uk\)](#) ss3-4

⁹⁵ [Gangmasters \(Licensing\) Act 2004 \(legislation.gov.uk\)](#) ss6 and 12, 13

⁹⁶ Gangmasters and Labour Abuse Authority, [Licensing Standards \(PDF\)](#), January 2020; [The Gangmasters \(Licensing Conditions\) Rules 2009, SI 2009/307](#), Schedule 1

⁹⁷ Gangmasters and Labour Abuse Authority, [Annual Report and Accounts - 2020-21](#), 31 January 2022, p5

⁹⁸ As above, p39

⁹⁹ Gangmasters and Labour Abuse Authority, [Business Plan 2022/23 \(PDF\)](#), undated, p19

¹⁰⁰ PQ 11838 [on: [Seasonal Workers: Visas](#)], 1 June 2022

¹⁰¹ [“Watchdog disputes Braverman’s claim modern slavery laws being ‘gamed’”](#), The Guardian [online], 9 October 2022

financial constraints are a “significant challenge on our ability to deliver against our strategic plan”.¹⁰²

Seasonal Worker scheme operators are required to have a GLAA licence.¹⁰³ But the GLAA “does not routinely inspect farms employing people with Seasonal Workers Scheme visas”.¹⁰⁴ It regulates labour providers, not employers.¹⁰⁵

Various non-governmental projects and initiatives aim to safeguard the welfare of seasonal workers in the UK. These include an information app launched in June 2022 following a sector-wide collaboration between UK supermarkets, the four scheme operators, the GLAA and the Association of Labour Providers.¹⁰⁶

¹⁰² Gangmasters and Labour Abuse Authority, [Business Plan 2022/23 \(PDF\)](#), undated, p13

¹⁰³ Home Office, [Immigration Rules Appendix Seasonal Worker](#), para SAW 4.2(c)

¹⁰⁴ PQ 51713 [on: [Gangmasters and Labour Abuse Authority: Inspections](#)], 20 September 2022

¹⁰⁵ PQ 59819 [on: [Gangmasters: Licensing](#)], 10 October 2022

¹⁰⁶ Gangmasters and Labour Abuse Authority, [Sector-wide collaboration to improve workers' experience on Seasonal Workers' Scheme](#), 7 June 2022. [Other apps are available.](#)

5 Does the Seasonal Worker scheme meet farmers' needs?

5.1 Industry views

Over the last few years, farming organisations have reported labour shortages and requested that more Seasonal Worker visas be made available to fill them.

The Environment, Food and Rural Affairs Committee published a report on [Labour shortages in the food and farming sector](#) in April 2022. It reported accounts of horticultural labour shortages in 2021:

The National Farmers' Union (NFU) reported that 24% of the UK daffodil crop was left unpicked at the start of 2021 "due to a staggering 33% shortage in seasonal workers", while Lea Valley Growers' Association noted that "10% of cucumber growing members didn't plant a third crop" in July 2021 due to a lack of workers. Riviera Produce Ltd reported that it "left over £500,000 of produce to rot in the fields" due to a lack of staff, and Boxford Suffolk Farms Ltd said it "had to waste approximately 44 tonnes of fruit this year" due to labour shortages.¹⁰⁷

NFU deputy president Tom Bradshaw told the committee that the 30,000 quota for Seasonal Worker visas in 2021, while a "lifeline" for the industry, "has not been big enough". He explained that although the quota had not been reached (see table in section 2.3 above), this was because of delays in setting up the scheme for 2021. This meant scheme operators "had effectively only half the season to do their recruitment".¹⁰⁸

An Association of Labour Providers survey, carried out in April/May 2022, found that "the food industry continues to suffer chronic labour shortages". Of the 92 labour supply companies that responded to the survey, 89% were unable to supply enough workers to meet demand from clients. Of the 87 food growers and manufacturers that responded, 77% had experienced shortages of lower-skilled workers.¹⁰⁹

¹⁰⁷ Environment, Food and Rural Affairs Committee, [Labour shortages in the food and farming sector](#), 6 April 2022, HC 713 2021-22, para 5

¹⁰⁸ As above, [Q29](#)

¹⁰⁹ Association of Labour Providers, [Food Supply Chain Labour Survey Results](#) (PDF), May 2022, pp3-4

British Berry Growers says “horticulture needs at least 60,000 seasonal workers in 2023”.¹¹⁰ The NFU says 70,000.¹¹¹

The NFU recently reported “the outlook for farming labour is tight and likely to remain so for the foreseeable future”. It wants the Seasonal Worker visa programme to become a “minimum 5 year rolling programme”, with no cap on numbers and workers allowed to stay for nine months rather than six.¹¹² NFU Scotland agrees, and also wants the UK Government to consider the [Scottish Government’s proposal for a Rural Visa Pilot Programme](#).¹¹³

5.2 Alternatives to migrant workers

Crop harvesting and processing could be made less labour intensive, helping to reduce the need for migrant labour. Hiring more domestic workers is also frequently canvassed as an alternative to foreign workers.

Government policy is to reduce the horticultural sector’s reliance on overseas labour.¹¹⁴ The EFRA Committee said in its April 2022 report “in the longer term, we agree with the Government that the sector needs to shift its focus away from immigration and toward domestic workers and technological innovation and development”.¹¹⁵

Automation

The Government has consistently said that farmers should use technology to reduce the demand for labour.¹¹⁶ The Home Secretary, Suella Braverman, said in October 2022, “if we’re going to help them with migration we have to make it incumbent on farming to innovate, industrialise and use technology to reduce their reliance on cheap foreign workers”.¹¹⁷

In July 2022, Defra published the report of a [Review of Automation in Horticulture](#). It noted that promising technology is being developed. This includes “autonomous selective harvesting” (robots that can pick crops) which offer high labour savings. But they are not commercially available yet, and the technology currently available “will not have a significant impact on the labour needs of the sector in the short term, or even the medium term”.

¹¹⁰ [“UK horticulture careers towards seasonal labour crisis”](#), Farmers Weekly [online], 3 October 2022

¹¹¹ National Farmers’ Union press release, [Millions of pounds of fruit and veg wasted due to workforce shortages](#), 15 August 2022

¹¹² Economic Affairs Committee, [UK labour supply, Ev 24](#)

¹¹³ Environment, Food and Rural Affairs Committee, [Food Security, Ev 50](#)

¹¹⁴ PQ 60195 [on: [Horticulture: Seasonal Workers](#)], 10 October 2022

¹¹⁵ Environment, Food and Rural Affairs Committee, [Labour shortages in the food and farming sector](#), 6 April 2022, HC 713 2021-22, para 75

¹¹⁶ For example, PQ 25878 [on: [Agriculture: Seasonal Workers](#)], 27 June 2022

¹¹⁷ The Telegraph / YouTube, [In full: Chopper’s Politics with Suella Braverman | Conservative Party conference](#), 4 October 2022 (31 minutes 18 seconds)

As a result, the review noted “the need for a secure source of labour in the period before mass-adoption of automation technology is feasible”. It recommended that the Seasonal Worker scheme be kept in place beyond 2024 to bridge the gap.

Excerpt from the Review of Automation in Horticulture

“Recommendation 1: Defra should consider pursuing a long-term Seasonal Workers Scheme for edible and ornamental horticulture starting in 2022

A long-term Seasonal Workers Scheme would help to stabilise workforce pressures in the sector, helping growers to better evaluate their labour needs over time and incentivising long-term capital investments in automation technology.

While a new Seasonal Workers Visa Route has been announced for 2022 to 2024, the length of any future schemes should ideally match the period preceding the feasible mass-adoption of automation technology.”

Defra says it is considering the report’s non-binding recommendations and will respond “in due course”.

Domestic workers

The Government has also said consistently that the industry should hire more people who already live in the UK.¹¹⁸ Home Secretary Suella Braverman said in October 2022, “I don’t buy this line that... British people don’t want to work [o]n farms. I’m not persuaded by that”.¹¹⁹

Migration Watch argues the suggestion that British citizens will not do seasonal agricultural work is “offensive and inaccurate”. It has recommended “changes to the welfare system to both make it more flexible for those going into temporary roles and to increase the incentives to work for those able-bodied people currently on government assistance”.¹²⁰

Industry groups say the reality is that such jobs are unattractive to domestic workers. For example, the British Growers Association says the Government is “fundamentally wrong” if it thinks British workers can make up for labour shortages. Its chief executive, Jack Ward, told Farmers Weekly:

Private businesses take these people on and spend a disproportionate amount of money managing them and listening to their excuses – why they couldn’t get out of bed, or why they were late for work.

¹¹⁸ Home Office and Defra press release, [Industry given certainty around seasonal workers but told to focus on domestic workforce](#), 24 December 2021

¹¹⁹ The Telegraph / YouTube, [In full: Chopper's Politics with Suella Braverman | Conservative Party conference](#), 4 October 2022 (31 minutes 46 seconds)

¹²⁰ Migration Watch, [Is it true that Britons will not do seasonal agricultural work?](#), 9 April 2020

In 2020, the Government and industry bodies ran a [“Pick for Britain” campaign](#) aimed at encouraging domestic workers into seasonal jobs. The website was a platform for companies which were recruiting and did not sign workers up directly. As a result, Defra was unable to provide data on the number of domestic workers recruited through Pick for Britain.¹²¹

Evidence presented to the EFRA Committee suggests that the number of domestic workers did increase in the first half of 2020. Defra Minister Victoria Prentis told the committee in November 2020 that “we think we have gone from about 1% to about 11% native Brit”. An NFU survey showed that the proportion of British nationals recruited into seasonal jobs each month went from 0.6% in March 2020 to 3% in April to 15% in May.¹²²

But this was not sustained. The NFU survey showed the share of British workers falling to 1% of the total in each of June, July and August 2020. British Berry Growers reported “UK residents made up about 8% of the workforce during the first Covid lockdown, but this promptly fell to about 0.5% as soon as all the other sectors reopened”, according to Farmers Weekly.¹²³

The EFRA Committee concluded: “while we commend Defra for standing up the Pick for Britain scheme so quickly and for promoting it successfully, this cannot hide the fact that it did not achieve what it hoped to do: attract a significant number of British works to pick crops”.¹²⁴

5.3 Independent review of labour shortages

In August 2022, Defra announced an [Independent Review into Labour Shortages in the Food Supply Chain](#) to “consider the challenges facing food and farming businesses to recruit and retain the labour they require”.

The Review will examine the issues touched upon in this section: migrant workers, domestic workers and automation. As the name suggests, its scope is not limited to horticulture but other aspects of farming, as well as fishing, primary food processing and food/non-alcoholic drink manufacturing.¹²⁵

Defra has appointed John Shopshire OBE to chair the review, supported by a six-person expert panel. It is due to report in spring 2023.¹²⁶

¹²¹ PQ 439 [on: [Agriculture: Seasonal Workers](#)], 11 May 2021

¹²² Environment, Food and Rural Affairs Committee, [The UK’s new immigration policy and the food supply chain](#), HC 231 2019-21, 22 December 2020, para 57

¹²³ “[UK horticulture careers towards seasonal labour crisis](#)”, Farmers Weekly [online], 3 October 2022

¹²⁴ Environment, Food and Rural Affairs Committee, [The UK’s new immigration policy and the food supply chain](#), HC 231 2019-21, 22 December 2020, para 61

¹²⁵ Department for Environment, Food & Rural Affairs press release, [Defra updates on Independent Review into Labour Shortages in the Food Supply Chain](#), 3 August 2022

¹²⁶ PQ 60195 [on: [Horticulture: Seasonal Workers](#)], 10 October 2022

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