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RESEARCH

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Temporary labour migration and restricted rights: comparative perspectives from European agriculture

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Abstract

Over the 21st century, there has been a resurgence of low-wage temporary labour migration across higher-income countries, particularly in Europe. The restriction of migrants' rights has often accompanied such migration. This has led many academics to question the idea that temporary migration represents a 'triple win'. Specifically, migrants are seen to suffer due to the rights restrictions placed on them by host countries. This article compares temporary agricultural labour migration to Poland, Germany and the United Kingdom. We identify the different ways and degrees to which migrants' rights have been compromised under largely bilateral (Poland), largely regional (Germany) and largely global (UK) migrant recruitment regimes. Through the comparative analysis, 'better practices' are identified from across the three case-study countries, and a list of 34 rights-based indicators is proposed and assessed. The paper is intended to advance the knowledge of, and debate around, what constitutes migrants' core rights and point towards how temporary migration policies can become more (rather than less) worker-friendly in future.

Keywords Agriculture, Employer, Comparative, Labour, Migration, Policy, Temporary, Worker

Introduction

This article focuses on three countries (Germany, Poland and the UK) and one sector (agriculture) to consider the important relationship between temporary low-wage labour migration and workers' rights. Agriculture serves as the case-study sector due to its significance in low-wage temporary labour migration (Rye & Scott, 2018; Sexsmith et al., 2024; Molinero-Gerbeau et al., 2026). The focus on three European countries is driven by the representation of different types and scales of migrant recruitment into agriculture: Poland has a regime that has traditionally targeted one country (Ukraine) but is heavily evolving due to the Russian full-scale invasion in 2022; Germany has a regional recruitment regime (centred on the EU); and, since Brexit, the UK has a global recruitment regime. Using a comparative lens, we aim to: 1) identify 'better practice' in migrants' rights protections across these three labour recruitment regimes; and 2)

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identify and assess the salient migrant rights indicators through which different countries' approaches (beyond just those profiled in the paper) to temporary labour migration can be compared.

While this article focuses on low-wage labour migration, it is crucial to clarify that restrictions on migrants' rights are not necessarily inherent to low-wage labour per se. Rather, they are often closely associated with the temporary or seasonal character of migration regimes, particularly in sectors such as agriculture, where labour demand is cyclical and employers rely on short-term labour supply. In contrast, low-wage migrants' employment in sectors that provide an easier way to settlement, may not involve the same degree of formal restriction of rights relative to native workers.

To understand the tendency to restrict temporary migrants' rights within temporary labour migration regimes, it is worth considering the 'liberal paradox' (Hollifield, 1992; Natter, 2024). This involves economic pressures towards greater migration from employers, on the one hand, and political pressures towards migration closure on the other. This paradox is at least partly resolved by a migration policy that is simultaneously open to attract migrants' labour but also relatively closed to provide rights for them (Lutz, 2024). Most notably in Europe, the liberal paradox has been resolved via Temporary Migrant Worker Programmes (TMWPs) to recruit foreign workers, but for a time-limited period and with limited rights and entitlements. TMWPs were once very popular in Europe (Martin & Miller, 1980) but declined from the 1970s to the 1990s (Castles, 2006). However, they are undeniably "back in fashion" (Stilz, 2010: 295) and recently represent "the dominant form of labour immigration policymaking in high-income countries" (Bauböck & Ruhs, 2022: 529). Overall, it is estimated that over one-third of the world's 169 million migrant workers are currently employed on temporary visas (Joyce, 2024: 35). The popularity of TMWPs lies precisely in their potential to help resolve the liberal paradox via a double movement of both openness (to workers' labour) and closure (to workers' rights) (Lutz, 2024; Reilly, 2011).

In sectors such as agriculture, the temporary character of labour migration and the limited rights of workers is often justified by pointing to low sectoral retention rates once migrants obtain settlement rights. Agricultural work is usually physically demanding, seasonal, relatively low paid, and geographically isolated, which make it less attractive for long-term employment compared to other sectors of the economy (Molinero-Gerbeau et al., 2026). As a result, agricultural migration regimes are usually designed to limit rights and to ensure the return of workers after the end of the season (Taylor & Charlton, 2019). This rationale may be particularly salient in liberal migration regimes, where enforcing return after settlements becomes significantly more difficult once migrants obtain rights of residence.

Germany, Poland, and the UK have all experienced a persistent problem of labour shortages in agriculture and increasing competition for (often migrant) workers between low-wage sectors. The article critically evaluates the low-wage agricultural recruitment regimes of Germany, Poland and the UK against 34 rights indicators. These are drawn from an analysis of EU/UN/ILO instruments (European Commission, 2025; ILO, 2025), the academic literature (Mantouvalou, 2016, 2023; Ruhs, 2013, 2018, 2021), legal documents and the authors' long-standing knowledge of the field (Rye & Scott, 2018; Fiałkowska & Matuszczyk, 2021; Matuszczyk, 2024; Bojarczuk, 2025).

By looking at what has been termed the “numbers versus rights” (Martin et al., 2006; Ruhs & Martin, 2008) trade-off, we interrogate the relationship between employers’ need for temporary workers, migrants’ desire to move to higher-income countries for work, and reduced worker rights and associated exploitation (Consterdine & Samuk, 2018; Menz, 2010). The analysis covers ten years (2015–2024), spanning Brexit, the European refugee crisis, the COVID-19 pandemic, and the Russian invasion of Ukraine. Thus, this includes the period referred to as the ‘polycrisis’ (Helleiner, 2024) and links between such crises and reduced (migrant) worker rights cannot be ignored.

Our original contribution lies not only in the identification of better practices across the three case study countries but also in the identification and assessment of 34 migrant rights indicators as they pertain to our three countries and beyond. We also show that European states seek to resolve the ‘liberal paradox’ (that they all face) in different ways and that the ‘rights versus numbers’ perspective of Ruhs and Martin (2008) is very much context-sensitive and more complex than might first appear. In addition, we respond to Ruhs (2016) call for more debate around what constitutes ‘core rights’ by assigning the indicators according to whether we see them as essential/core or desirable/optional.

In the following sections, we first review the literature on migration policymaking and TMWPs. The comparative policy analysis methods underpinning the paper are then outlined, before we engage in a critical evaluation of the three selected European case-study countries. We then synthesise our findings before concluding.

Migration, policymaking and temporary low-wage labour

Labour migration policymaking has been principally shaped by business interests (Afonso & Devitt, 2016) and political elites (Consterdine, 2018), with the two often closely entangled (Scott 2022). The involvement of workers (e.g. through trade unions) in migration policymaking has been marginal at best. The strength of the employer ‘lobby’ helps one to understand the development of liberal expansionist immigration regimes across higher-income countries (Menz, 2010; Jaroszewicz et al., 2024). Moreover, the recent turn towards TMWPs – limiting workers’ length of stay, rights and entitlements – appears indicative of capital-oriented policymaking but also reflective of key political considerations (Reilly, 2011).

TMWPs are largely seen as being employer-driven (Cook-Martin, 2024; Ruhs & Martin, 2008: 254) and provide employers with the *in-situ* spatial fix they require (Scott 2013). Mantouvalou (2023: 31) summarises the logic of the state in guestworker policymaking: “in designing the schemes, states focus on the needs of business and attempt to develop rules that respond primarily to those rather than the protection of workers’ rights”. In the process, “migrants are permitted only as labour, not as fully human” (Oberoi & Sheill, 2024: 710), experiencing considerable and varied forms of ‘alienation’ as a result.

Despite TMWPs being labelled a ‘triple-win’ by advocates (Molinero-Gerbeau et al., 2026) – beneficial to sending countries, receiving countries, and migrants themselves – “host country interests have remained dominant” (Bauböck & Ruhs, 2022: 531). Host country employers benefit from having highly constrained migrant labour with fewer rights and entitlements than the domestic workforce, and states benefit from being able to tightly manage and control the growing numbers of (temporary) migrant workers and navigate the ‘liberal paradox’ (Hollifield, 1992; Natter, 2024) at least partially by

an openness and closure simultaneity. Migrants themselves have a partial ‘win’ in that managed migration through TMWPs is preferable to irregular migration and informal employment, yet they suffer as their rights are compromised relative to the domestic workforce.

A key issue in the resurgence of TMWPs is the “numbers versus rights” trade-off (Martin et al., 2006; Ruhs & Martin, 2008) whereby large numbers of migrants have been given access to foreign labour markets based on only partial citizenship, which, in turn, impacts access to rights. Ruhs (2013: 54) argues that: “greater openness to admitting migrant workers will be associated with relatively fewer rights for migrants and vice versa” (see also Gest et al., 2024). Similarly, Stilz (2010: 296) explains that:

Ultimately, we face a choice between offering a generous package of rights and benefits to a minimal number of workers, or a more restricted package to a larger number [...] Extending workers the full panoply of rights—including labour market protections, union rights, unemployment and welfare benefits—makes them more expensive, and erodes their primary comparative advantage relative to domestic workers. Offering workers easy access to citizenship requires integration efforts that make them more costly for the host state. With fewer rights, more job openings can be made available to low-skilled foreigners in need.

As a result, lower-wage migrant workers are the ones most adversely impacted by the “numbers versus rights” trade-off, and most available literature concentrates on this group.

Some scholars question whether it is ever justifiable for states to restrict migrants’ rights and create a two-tier workforce as a result (e.g., Mantouvalou, 2023; Walzer, 1983). Mantouvalou (2023: 30), for instance, asserts that “there is no ‘triple win’” and describes guestworker visa regimes as “state-mediated structures of exploitation” (2023: 47). Agriculture stands out as one of the sectors where segmentation has become most pronounced (Rye & Scott, 2018): with low-wage work being perceived as largely for migrants whose apparent superior work ethic is fundamentally linked to their limited rights and entitlements (Caxaj et al., 2023; Bojarczuk & Fihel, 2025). The instrumental treatment of migrants and the exacerbation of their structural vulnerability in this sector stem primarily from ‘agricultural exceptionalism’ as the dominant European policy paradigm. Strategic food security concerns, protection measures towards farmers in the global food market, and the unpredictability of agricultural production mean that agricultural workers, regardless of their country of origin, are deliberately and systematically deprived of basic rights (Taylor & Charlton, 2019). Meanwhile, in many contexts, informal employment is normalised and goes unpunished (Scott 2022). Beyond the “numbers versus rights” debate, another trade-off in TMWPs is the balance between domestic justice (which temporary migration regimes tend to undermine) and global justice (which they tend to enhance) (Bauböck & Ruhs, 2022). As Ruhs (2021: 238) observes:

On the one hand, TMWPs expand opportunities for workers in poor countries to access labour markets of rich countries, and they improve the situation of origin countries through, for example, remittances. At the same time, TMWPs violate the principles of domestic equality because they afford migrant workers more restricted rights than those enjoyed by citizens and long-term residents of the host country.

Whilst migrant workers may suffer relative to domestic workers through TMWPs, their exploitation is offset by gains made in migrating from lower to high-income countries (see the Australian case in Reilly, 2011). Linked to this, the positive relationship between migration and development has been particularly emphasised by advocates of TMWPs (UNDP, 2009; World Bank, 2006).

The challenge of how to create temporary worker regimes that enable migration, with migrant workers making economic sense to employers, whilst at the same time not creating structures of exploitation, is an impossible one to solve. The question for pragmatists, who believe TMWPs are unlikely to go away, is essentially how to make them incrementally more worker-friendly. Focusing on agricultural guestworkers in the UK, both Scott (2015) and Consterdine and Samuk (2018) accept that TMWPs are here to stay and argue they can be justifiable if they become more just. Achieving more just labour migration policies, however, requires an awareness of both the better practice out there in the real world and, at a more abstract level, the key rights indicators that risk being undermined through TMWPs (see Ruhs, 2013).

Comparative case-study approach

The comparative policy analysis of TMWPs in this article focuses on three European illustrative case-study countries: Germany, Poland and the UK. These countries were selected primarily for their different migrant recruitment regimes into agriculture and also due to their different immigration histories and contexts. In addition, they align with other varieties of capitalism (Menz, 2010; Okólski (forthcoming)) and as Ruhs (2018): S99) observes: “cross-country variations in industrial relations, labor market regulation, and the nature of the welfare state can also be expected to contribute to differences in restrictions of the rights of migrant workers”.

Germany is a Coordinated Market Economy and has a long history of implementing guestworker programmes stretching back to the ‘*Gastarbeiter*’ period after the collapse of the Berlin Wall in 1989 (Menz, 2010). Of late, migrant workers have been prevalent in sectors such as care, construction and agriculture (Angenendt et al., 2023). Poland is a Dependent Market Economy (Nölke & Vliegenthart, 2009), which, due to its dependence on Western capital to develop the economy, acts as a production and assembly hub for foreign investors. The availability of relatively cheap and qualified labour was a *sine qua non* condition for such outsourcing of production from Western to Central and Eastern Europe. As Nölke and Vliegenthart explain, the Dependent Market Economy’s comparative advantage was “a combination of relatively low labour costs and a skilled population with substantial knowledge of a medium level of technology” (2009: 676). Although Poland has traditionally been a source of labour migration for other Western European countries, it is now considered a New Immigration Country and destination for temporary workers (Matuszczyk, 2024; Szelewa & Polakowski, 2023). The UK represents a Liberal Market Economy (Menz, 2010). Like Germany, it has been an immigrant destination country for decades, but post-war migration was shaped by colonial history rather than bilateral guestworker agreements (as occurred in Germany). Following EU enlargement in 2004 and 2007, the UK became a destination for Central and Eastern European workers, though Brexit ended free movement in January 2021. Table 1 (based on the latest available data) demonstrates the key differences and similarities between the three case-study countries.

Table 1 Germany, Poland and the UK compared

	Germany	Poland	UK
EU or non-EU	EU	EU	Non-EU
Population	85 m	37 m	70 m
GDP per capita	\$48,717	\$25,103	\$53,246
Unemployment (2024)	3.4%	2.9%	4.3%
Employment Rate (Q3 2025)	77.3%	73.1%	75.0%
Percentage of Workforce Born Abroad ^a	Around 20%	6–10%	21%
Average size of farm-sites (in hectares)	61	17	87
Type(s) of Migration into Agriculture	EU free movement of workers	Circular migration from neighbouring country (Ukraine)	Global seasonal guestworker visa
Scale of Migration into Agriculture ^b	Around 300 000 workers a year for agriculture, horticulture and forestry work	Applications for seasonal work permits: 57,367 (2024) Seasonal work permits issued: 16,135 (2024) Notification of entrusting work to a Ukrainian citizen (post-February 2022 legal employment path): 47,560 (2023)	45,000 visa quota (2024) 34,971 visas issued (2024)

Source: Various (ONS, OECD, World Bank)

^a The exact percentage of foreign-born workforce is not readily available due to the various categories used in measurement (e.g. workers with migration background vs. Foreign born workforce). The percentage is calculated based on the overall number of employed persons in Germany (46 million; Statistisches Bundesamt) and over 9 million of foreign-born workforce (OECD)

^b It is crucial to note that data available on foreign seasonal workers are fragmented and many seasonal workers are not recorded

In the analysis, we follow *the rule of majority* and address TMWPs' according to the migrant route and groups that constitute the majority, rather than focusing on various other minority scenarios. In the UK, seasonal agricultural work has traditionally relied on Eastern European migrants, particularly from Poland (after 2004 EU enlargement) and then Romania and Bulgaria (after 2007 EU enlargement). However, since Brexit, there has been an increasing dependence on non-EU workers through the Seasonal Worker Visa scheme (established in 2019), which allows stays of up to six months for horticultural work. In Germany, circular and seasonal migration is dominated by Romanian and Polish workers, facilitated by EU freedom of movement and often organised through subcontracting and posting firms (Bruzeliuss & Seeleib-Kaiser, 2023). Although recent attention to labour conditions has prompted tighter regulations, temporary migration to Germany is becoming increasingly popular for non-EU workers. In Poland, temporary agricultural labour is mainly filled by Ukrainian workers, supported by simplified procedures for short-term and Seasonal Work permits introduced in 2018 under an EU Directive.

To compare TMWPs across the three case-study countries, we identified (drawing on European Commission, 2025; Ruhs, 2011) 34 migrants' rights indicators. A Red-Amber-Green [RAG] rating system is used for each indicator based on country-specific evidence and the authors' own long-running country and sector expertise. This approach is commonly employed in comparative policy studies, particularly for categorising and ranking analysed objects or phenomena (Powell et al., 2013). Red marking indicates high risk and critical issues, amber stands for medium risk and a warning for the issue to be monitored, whereas green indicates no major issues in relation to restricted migrant rights. This RAG rating is based not only on what is covered in a legal *de jure* sense in a given nation-state, but also on what occurs in practice in a *de facto* sense across the

three case-study countries. Additionally, drawing on Ruhs' recognition that the list of migrants' core rights is "up for debate" (2016: 309), we also identify what we believe to be the essential/core rights as distinct from desirable/optional rights.

Germany – a regional regime

Germany has a long-standing tradition of recruiting seasonal and temporary migrant workers, facilitated by various guestworker schemes (Kępińska & Stark, 2013). From the 1950s, the Federal Republic of Germany experienced an economic boom, which went hand in hand with an expansion of the labour market. Despite a few ups and downs since, the domestic workforce has become insufficient to meet labour needs. Over the past few decades, there has been the development of various TMWPs. These have focused on the agricultural and hospitality sectors, but it should be noted that they also encompass skilled workers.

Germany (unlike the UK and Poland) relies almost entirely on intra-EU migration to meet the demand for agricultural seasonal workers. In the German agricultural sector, close to 30% of the workforce is represented by seasonal workers, mostly from Eastern European States (especially Poland and Romania) (Salamena, 2025). Poland, in particular, has been a major supply line over the 21st century, and until 2011, Poles constituted the majority of migrant farmworkers in Germany (Fiałkowska & Matuszczyk, 2021; Kępińska & Stark, 2013). However, from 2006 their share decreased whilst the share of workers from Romania increased (from about 8% in 2004 to around 35% by 2010) (Schneider & Götte, 2020). In fact, in 2010, Poland and Romania supplied nearly 95% of the overall agricultural migrant workforce (Lillie & Wagner, 2017), with the remaining 5% coming from Central European countries such as Bulgaria, Croatia, Hungary, Slovakia and Ukraine (Schneider & Götte, 2020). The 2014 Seasonal Worker Directive allows Member States to form bilateral agreements with non-EU countries for seasonal work. Thus, in 2020, Germany concluded a bilateral agreement with Georgia to source 5,000 seasonal workers annually. This was then followed by an agreement with the Republic of Moldova, mainly for seasonal agricultural work.

The seasonal worker agreements in Germany are designed to accommodate the needs of agricultural businesses regarding *just-in-time* migration (Biaback Anong, 2024). Biaback Anong (2024) calls on the idea of 'differential inclusion' (Mezzadra & Neilson 2013) to explain how migrants are partially and differentially integrated by stratifying access to rights. This is a recurrent theme in this article.

Currently, to be granted a Seasonal Work Permit, the Federal Employment Agency (FDA) must check whether a position qualifies for the criteria of seasonal employment. For work to be considered seasonal, it should last a maximum of 90 days within a period of 180 days and be at least 30 hours per week (Bundesagentur für Arbeit, 2025). The seasonal work permit dictates the precise time an individual is authorised to work as a seasonal worker, which is specified on the work permit. Certain non-EU nationalities can obtain a work permit without having to apply for a visa (that applies, for instance, to workers from Georgia or Moldova, where there are bilateral agreements in place). Formally, seasonal workers are generally subject to social insurance; however, certain exceptions exist (Bruzelius & Seeleib-Kaiser, 2023), for instance, for the citizens of Moldova and Georgia.

Health insurance should usually be provided by the employer, known as ‘health insurance for harvest workers’ (Bundesagentur für Arbeit, 2025). Despite the regulations being in place concerning sick leave, it is common that both workers and farmers do not follow the procedures: workers avoid reporting due to the fear of losing their daily wage or a job overall, and farmers simply “mitigate the responsibility and resort to common-sense logic” (Fiałkowska & Matuszczyk, 2021: 6). Before the COVID-19 regulation, in 2020, employers were permitted to hire seasonal workers for a maximum of 70 days annually without being required to register them in social insurance schemes. In 2020, during the COVID-19 pandemic, this exemption was extended to 115 days, mostly due to employers’ fear of seasonal workers’ retention. Even before these extensions, the lack of mandatory social security contributions created significant difficulties for workers, particularly those without health insurance. In cases of illness or injury, workers were often dismissed and replaced, leaving them responsible for their medical expenses (Bogoeski, 2022; Salamina, 2025).

According to the law, the statutory minimum wage applies to seasonal workers (regardless of their nationality), and so does the entitlement to paid holiday, or its equivalent if the entitlements are not used. Similarly, the continuous wages should also be paid in case of illness (Bundesagentur für Arbeit, 2025). Piecework wages are permissible, but the employer cannot pay less than the statutory minimum wage. In practice, however, such a method of remuneration influences migrants’ harvesting strategies, pushing them to exhaustion and self-exploitation (Fiałkowska & Matuszczyk, 2021; Salamina, 2025). The German Customs Authority (Zoll)¹ is permanently understaffed and lacks efficient coordination (Bruzelius & Seeleib-Kaiser, 2023), which allows exploitation to flourish. Thus, the minimum wage enforcement remains poor and is largely neglected by responsible institutions (Bruzelius & Seeleib-Kaiser, 2023).

Although, in Germany the terms of employment do not need to be given to the worker in a formal and written form (verbal or e-mail agreement is considered as sufficient documentation of the contract), the employer is obliged to provide essential terms of the contract in writing no longer than one month after the start of employment (however the law does not specify which language these have to be in). Thus, it is common for employers to give contracts in German, even though the workers cannot communicate in that language. Similar instances have been recorded in relation to work-based training (Fiałkowska & Matuszczyk, 2021). While the intra-EU migrants are free to change employers, those who arrive in the country on a Temporary Work Visa are bound to one employer.

The accommodation of seasonal workers must also be regulated within the terms of the contract, and that should be stated clearly. The agreement should include: the cost; who is to cover the cost; and how it is to be paid (payslip deduction, separate payment, etc). The employer must maintain what is called a ‘garnishment exemption limit’, i.e. the worker must have enough money left to live on, after all the employer’s deductions. In practice, however, the circumstances differ. Studies show that agriculture is among the top sectors in which extreme forms of labour exploitation occur in Germany (Bruzelius & Seeleib-Kaiser, 2023; Salamina, 2025). Studies on labour exploitation reveal that employers often seek to reduce payroll costs by evading social security contributions.

¹ While ZOLL’s traditional role is border control duties, imports/exports, and tax collection, in the last two decades it has taken on a major labour enforcement role.

They may also withhold workers' documents, hire seasonal labourers under oral agreements, or provide contracts that are neither explained to nor understood by the workers (ibid.). Moreover, seasonal workers can be fired easily with a one-day notice period (Bruzelius & Seeleib-Kaiser, 2023; Initiative Faire Landarbeit, 2021), and the quality of accommodation is often poor (Salamena, 2025).

Based on the on-site outreach to farmworkers in the German agricultural sector, the recent 2023 Seasonal Work report by Initiative Faire Landerbeit (*eng. Fair Rural Work Initiative*) – a collaborative alliance that brings together union-affiliated advisory centres to improve conditions of seasonal and agricultural workers – indicated severe minimum wage violations, excessive working hours, immediate dismissals, delayed wage payments, overpriced and substandard housing, inadequate health and social insurance, as well as sexual harassment and abuse of power. However, the report also indicates positive developments, such as some farmers offering improved housing conditions, the introduction of digital time tracking systems to increase transparency regarding working hours and wage calculations and an overall rise in regular employment in long-term, socially insured jobs, while the use of short-term so-called “mini-jobs” is declining.

The situation becomes even more complicated if recruitment agencies are involved, as this creates a path of dependency where the worker is bound to a certain intermediary and a single employer. To reduce the cost of labour, employers resort to maximum deduction of the amounts possible for items such as accommodation, food, or protective clothing (Salamena, 2025). Conditions in the field are often problematic due to extreme weather, physically demanding work and poor accommodation (living in containers or makeshift housing).

Poland – a largely bilateral regime

Poland's employer-based immigration policy, which started in 2006, grew out of an attempt to regulate seasonal migration, in particular in the agriculture sector (Kaczmarczyk, 2024). The so-called ‘simplified procedure’² introduced at that time was intended not only to facilitate and shorten the formal procedures for employers seeking temporary workers in agriculture, but also to provide an opportunity to regulate dominant informal work in this sector (Szelewa & Polakowski, 2023). As a counterbalance to the time-consuming and bureaucratically complicated work permit procedure, employers could submit a declaration of intention to employ foreigners to the district labour office. This route was exempt from the labour market testing procedure due to active lobbying by farmers, which influenced the government's decision to change immigration policy (Górny & Kaczmarczyk, 2018; Matuszczyk, 2026).

Initially, the simplified procedure allowed entry and stay for selected third-country nationals in Poland for up to three months, which was later extended to six months and then again to 24 months in January 2022. Despite several shortcomings in its application (e.g., issuing excessive numbers of documents; see Szulecka & Klaus, 2021), it has become the primary route of legal entry into the labour market in Poland and remains particularly focused on agriculture. The simplified procedure in Poland did not introduce quotas or limits that set a maximum number of workers to be recruited. As a result,

²Declaration of intent to employ a foreigner become main legal instrument of hiring temporary migrant workers by employers from neighbouring countries (Ukraine, Belarus, Russia) and from post-Soviet countries (Armenia, Georgia, Moldova).

the number of workers coming through this path has been increasing every year, leading to Poland becoming the leader among OECD countries in the recruitment of temporary workers (mainly into agriculture) (Górny & Kaczmarczyk, 2018).

A striking feature of the simplified procedure policy has been a strong commitment to attracting workers from post-communist countries. In a short period, the population of temporary workers was dominated by Ukrainian citizens, who accounted for around 90% of all immigrants at the time of recording in the 2010s (Górny & Kaczmarczyk, 2018). Until 2014, Ukrainians engaged in circular migration, which also significantly affected their expectations regarding working conditions and quality of employment, positioning them as temporary workers with no vision to settle in Poland (Fiałkowska & Matuszczyk, 2021).

Although the simplified procedure has become the main entry point for foreign workers to Poland, migrants are still able to take up employment based on a work permit or 'special provisions' for people with Polish ancestry (i.e. the Pole's Card). Moreover, with the introduction of visa-free travel for Ukrainians in the Schengen area since June 2017, foreigners with biometric passports take up seasonal work in agriculture and other sectors in Poland for up to 90 days, mostly in an undocumented way (Szulecka & Klaus, 2021). This pattern of repeated commuting between the two countries had been observed before new migration patterns from Ukraine emerged after 2014 (Iglicka & Gmaj, 2013). However, it bears the risks of having to take employment for several weeks without a written contract and often in extremely exploitative working and living conditions. After 2022, Ukrainian war migrants were incorporated into a generous support scheme (based on Act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict in that country) and given full access to the labour market under the procedure requiring employers only to notify the local authority (Fedyuk et al., 2023), which has disrupted existing patterns of seasonal migration to Poland. In response to these legislative changes, farmers had to improve accommodation and employment conditions to compete for Ukrainian workers, and have also created opportunities for seasonal workers with young children (Matuszczyk, 2024, 2025).

The 2014 Seasonal workers Directive was introduced into Polish law in 2018. This 'seasonal work permit' replaced the simplified procedure in the agricultural sector and contributed to another fundamental change: the introduction of a new type of contract for seasonal workers into the Polish legal system (Szulecka & Klaus, 2021). This contract should clearly define the type of work (e.g. fruit picking, plant and tree care) and guarantee a limited scope of employment protection. A worker employed under a 'harvesting contract' (for a maximum of six months per calendar year) is covered by compulsory accident, sickness and health insurance. Moreover, the employer is obliged to provide free accommodation for the workers. To some extent, this can be considered an example of good practice aimed at reducing the scale of exploitation of migrant workers by dishonest employers. However, this highly flexible type of contract does not guarantee the legal minimum wage, and this type of contract is in practice rarely used by employers (Matuszczyk, 2024, 2025).

The interests of the agricultural industry have persisted as the most influential in the immigration policy-making process since 2006 (Matuszczyk, 2026). The industry's privileged position at the policy table was exemplified during the first year of the COVID-19 pandemic, when seasonal migrant workers were exempted from quarantine regulations

(i.e. they could spend quarantine in the field; Fiałkowska et al., 2022; Jaroszewicz et al., 2024). This agricultural exceptionalism has been further underlined by the migration policy proposal in 2024, with seasonal agricultural workers being the only group excluded from the labour code contracts for migrants. Although the Labour Code applies to agricultural employers when hiring employees, due to the high costs, administrative burdens and nature of harvesting jobs, they prefer the flexible conditions of civil law contracts (less than 2% of seasonal work permit holders had Labour Code contracts in 2024). Yet temporary agricultural workers are currently omitted from mechanisms to protect their labour rights and from access to social security. Research suggests that the lack of legal employment contracts and the failure to provide insurance coverage for employees may be the result of informal agreements between employers and employees, who prefer not to be formally bound due to the seasonal nature of their work (Matuszczyk, 2024, 2025).

Similar to other new migrant destinations, there is a lack of labour organisations representing seasonal workers, with national trade unions having a limited impact. The State Labour Inspectorate is also limited in its enforcement on the farms (Fiałkowska et al., 2022). The backbone for workers facing problems with employers in rural areas remains private migration brokers, mainly Ukrainian bus drivers, who organise employment, provide support with translation, and offer door-to-door transport services (Iglicka & Gmaj, 2013; Matuszczyk, 2024). Furthermore, a notable practice observed in Poland is the lack of advocacy and migrant organisations representing the voice and interests of agricultural migrant workers in the establishment of the seasonal migration policy agenda (Fedyuk et al., 2023).

UK – a global regime

Seasonal agricultural workers have long been central to the UK’s farming industry, which the Migration Advisory Committee [MAC] (MAC, 2018, 2024) described as “unlike any other” in its dependence on migrant labour. The Seasonal Agricultural Workers Scheme (SAWS), established in the 1940s, provided a structured route for such workers until its closure in 2014. From 2008, participation had been limited to Romanian and Bulgarian citizens, and when SAWS ended following (MAC’s, 2013) advice, the sector briefly relied on the free movement of EU citizens (2014–2018) to meet its labour needs. After the narrow Brexit vote in June 2016 signalled the end of free movement, the absence of a dedicated scheme left workers in uncertain position. In response, the Home Office and Defra (Department for Environment, Food & Rural Affairs) introduced a pilot Seasonal Worker Scheme in 2018 – just before the MAC’s report warned of severe risks to the agriculture sector without a functioning guestworker programme (MAC, 2018: 119). A ‘Seasonal Workers Pilot’ [SWP] ran from 2019 to 2021. Initially, a 2,500 (2019), then a 10,000 (2020), then a 30,000 (2021) quota was set. After the three-year pilot phase, the ‘Seasonal Worker Scheme’ (SWS) emerged with quotas of 38,000 in 2022, 45,000 in 2023, and 45,000 in 2024 (see Table 2). Numerically, the SWS is much larger than SAWS

Table 2 The expansion of the seasonal worker scheme for Uk horticulture

Year:	2019	2020	2021	2022	2023	2024
Quota:	2,500	10,000	30,000	38,000	45,000	45,000
Visas Issued:	2,493	7,211	29,587	34,523	32,724	34,971

Source: Smith (2024); DEFRA (2025)

(cf. MAC, 2024; Scott, 2015) and demonstrates an upward trend in the use of guest-worker visas in UK agriculture. This is despite the UK government arguing migrant reliance must be reduced³ (see also: HOL, 2023: 54; ICIBI, 2022: 21). Alongside the growth of the scheme, there has been a geographical expansion in terms of countries of origin (MAC, 2024: 38).

One of the major criticisms of SAWS was that in its eight decades of operation, there was no evidence of worker consultation to inform policy (Scott, 2015: 8). When the SWP/SWS emerged, workers' voices were listened to by actors both inside and outside the UK government (e.g. FLEX, 2021, 2024).⁴ There was also an intervention around the issue of the SWP and the welfare of its workers (via a letter to the UK government) by the UK Independent Anti-Slavery Commissioner in January 2022. These developments, and others, that involved listening to the migrant workers' voice in UK agriculture, inspired more worker-friendly reforms of the SWS. For instance, there was pressure for a 32h working week guarantee (FLEX, 2021; MAC, 2024: 29), which was eventually implemented in April 2023. There has also been pressure around the Employer Pays Principle [EPP] given the costs of getting to the UK (travel and visa costs) under the much more geographically expansive SWP/SWS (FLEX, 2024; Landworkers'; Alliance, 2023, 2024; MAC, 2024: 69–70). As of writing, the EPP has been rolled out voluntarily, but not yet legislated for and evidence indicates that most workers on the SWS pay for visa and travel costs themselves (DEFRA, 2025). These two worker-friendly moves caution against a simplistic “*numbers vs. rights*” trade-off in that the SWS expanded in numbers, yet rights were also improved.

One of the key ongoing issues with the SWS is how guestworkers are protected (or not) by UK enforcement agencies. Overall, the scheme operators (of which there were 5 in 2025) are held almost completely responsible for safeguarding migrant workers. In addition, it is the Home Office that is ultimately responsible for enforcing the SWS standards, rather than the UK labour inspectorate. This means that there is complete overlap between immigration and labour inspection regimes in the UK for agricultural guestworkers, which the House of Lords (2023: 64) notes means that: “the effectiveness of enforcement is curtailed”. The Independent Chief Inspector of Borders and Immigration report (ICIBI, 2022: 2) has also told the Home Office to “significantly raise its game” to protect those on the SWS. Others have pointed to the need to look beyond the Home Office to protect workers. The MAC (MAC, 2024: 5, 105), for example, emphasised the “fragmented” SWS enforcement landscape and called for “a more active role” for the Gangmasters and Labour Abuse Authority [GLAA].

Other key issues are the difficulties of SWS migrants being able to transfer between farms/employers and problems they face accessing medical services (DEFRA, 2025). Overall, and despite these issues, evidence from workers collected by the Department for Environment, Food and Rural Affairs [DEFRA] annual survey shows general contentment with the SWS and positive attitudes from most temporary migrants (DEFRA, 2025). However, when independent insight is gained from workers by agencies outside

³ See: <https://www.gov.uk/government/news/industry-given-certainty-around-seasonal-workers-but-told-to-focus-on-domestic-workforce>

⁴ See: <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-pilot-review-2019> and <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-survey-results-2024>

government (e.g. FLEX, 2021, 2024, Landworkers' Alliance, 2023), the UK's SWS looks less rosy.

Synthesis

The country profiles were designed to draw out the essential national features of temporary migration policies as they pertain to the rights of migrants working within agriculture. The policies and strategies in place vary between different varieties of capitalisms, which each country case study represents (Okólski, forthcoming). We were guided in this comparative analysis by the assumption that there is not a single best-practice case-study country per se, rather elements of better-practice across different countries that need to be collated. A key initial caveat here, though, is the persistence of what might be termed *regimes within the regime*. In other words, differentiated treatment of workers based on their country of origin and migration situation occurs in the study countries. For instance, while Polish policies tend to offer relatively favourable conditions to Ukrainian workers, and German policies to EU workers, benefits are not extended universally, and other groups of migrants can lose out. The fragmentation is deeply connected with the type of contract and visa scheme under which the worker is employed, revealing stark inequalities in employment conditions and overall treatment of workers. Thus, labour segmentation is not as simple as primary versus secondary labour, and there are important differences and inequalities *within* the migrant dominated secondary labour markets of European agriculture.

Notwithstanding these regimes within a regime, comparative analysis reveals specific elements of better practice. Whilst Germany presents a better model in terms of linking EU subsidies to labour standards (formally), and demonstrates the value of free movement of workers, it still struggles with enforcement and the wide normalisation of abusive practices, despite formal legislation in place. Poland provides a short-term worker with free accommodation and streamlined harvesting contracts, but lacks institutional robustness and regulatory oversight (Matuszczyk, 2024). Meanwhile, the UK has introduced some promising features under its SWS, such as a 32-hour work week guarantee and the promotion of the (albeit still voluntary) Employer Pays Principle (EPP). Given the complex landscape of temporary labour migration, the search for a *model country* is both analytically unproductive and risky. Rather than seeking an example to follow, therefore, it is more constructive to identify better practices across various countries and to see them as spatially fragmented. Beyond comparing specific countries, we developed a comprehensive set of rights indicators that can be used to assess the worker-friendliness of labour migration policies across all countries.

Table 3 presents these 34 indicators and their RAG rating for each case-study country. Once again, we follow *the rule of majority* and examine the rights indicators according to the main form of migration into agriculture in Germany, Poland and the UK. We also identify those we consider to be essential/core as opposed to those which are desirable/optional in order to start a debate around minimum standards and decent work (see Ruhs, 2016). Going forward, it is hoped that this indicators framework, alongside the specific better practice examples identified through our specific country case-studies, can be used as a basis for making temporary labour migration more (rather than less) worker-friendly.

Table 3 Agricultural worker rights indicators

Migrants Right Indicator	Germany	Poland	UK	Essential (E) or Desirable (D)
Human Rights				
1. Free to change employer (within sector)				E
2. Free to change employer (across sectors)				D
3. Free to change to an alternative visa if exploited by the employer				E
4. Family able to accompany worker				E
5. Trade union membership is accessible				E
6. Free health and safety training provided				E
7. PPE (Personal Protective Equipment) is paid for by the employer				E
Labour Rights				
8. The cost of finding a job in the host country is not passed to the worker				E
9. Cost of migration (travel) not passed on to the worker				E
10. Cost of migration (visa) not passed on to worker	n/a			E
11. Minimum income guarantee (even if no work available)				E
12. Minimum wage and/ or equal pay when working				E
13. Minimum visa length	n/a			E
14. Maximum housing cost set if tied to employment				E
15. Minimum housing standards set if tied to employment				E
16. Inspection system in place for tied housing				E
17. Housing not tied to employment				D
18. Written contract required				E
19. Payslips required				E

Table 3 (continued)

20. Worker voice feeds into policy decision-making				D
21. Information on labour standards and complaints in migrants' language				E
22. Bilateral agreements with the sending country for minimum labour standards	n/a			D
23. ILO-level labour inspection resourcing				D
24. Firewall between labour inspection and immigration enforcement				E
25. Equal access to redress/ justice if experiencing non-compliance				E
26. Licensing (or other regulation) of employment agencies/ sponsors				D
27. Visa scheme subject to periodic review, with worker input	n/a			D
Citizenship Rights				
28. Pathway to permanent citizenship available				E
29. State unemployment benefit				D
30. State pension benefits				D
31. Free state healthcare				E
32. Able to vote				D
33. Equal access to social housing				D
34. Equal access to education				D

Conclusions

Temporary labour migration has become an established feature of agricultural production in Europe, although the picture is currently evolving with technological change intensifying (Smith, 2024). European states face a dilemma in making labour migration policy, that is captured by the 'liberal paradox' (Hollifield, 1992; Natter, 2024): where they need to balance opposing pressures of political closure versus economic openness. The liberal paradox has been resolved by allowing low-wage migrant workers into states, but only so far; not as full citizens, and with limited rights and entitlements. This is what we term open/closed simultaneity and is key to understanding how and why migrants' rights have been compromised.

Across different European states - one focused mainly on a largely bilateral recruitment regime (Poland), one on a largely intra-European recruitment regime (Germany), and one on a largely global recruitment regime (UK) – we have shown how the liberal paradox is resolved in different ways (see Lutz, 2024). This comparative policy paper has aimed to document this geographical nuance and, in the process, identify areas of better practice as far as migrant workers' rights are concerned.

Looking to rebalance temporary low-wage migration policy more towards workers, one is inevitably, however, confronted with the 'access versus rights' trade-off (Martin et al., 2006; Ruhs & Martin, 2008). It seems that improving migrants' rights can be detrimental to migrants by virtue of limiting employer demand for them. Essentially, this

demand is contingent upon migrants' having fewer rights than domestic citizens, and when rights are equalised, the whole impetus for recruiting migrants erodes. The picture, though, is a complex one in that improved rights (e.g. the 32h work week guarantee in the UK, freedom of movement in Germany, free accommodation in Poland) do not always reduce migrant access. This means that there is scope for identifying better practice and improving migrants' rights without necessarily affecting migrants' labour market access. Similarly, studies show how agricultural employers may, to compete for migrant labour, tend to improve working and housing conditions (Matuszczyk, 2024, 2025; Sexsmith et al., 2024).

Crucially, we do not call for an end to temporary labour migration recruitment regimes. Instead, we argue that they can be justifiable provided they become more just, and that this search for improved migrants' rights need not inevitably close off opportunities to migrate. A first step in pushing for improved rights for migrant workers is to identify better practice. The value here of the comparative approach lies in being able to 'cherry-pick' elements of better practice from different nation-states, aware that a focus on one country alone is likely to be limiting. A second key step for improving migrants' rights involves locating this better practice within a broader set of indicators and assessing these indicators both at a country level (in terms of their legal and practical implementation) and in relation to whether they should (a value judgement is required here) constitute a 'core' right (see Table 3).

Beyond this two-stage approach towards improving migrants' rights, it is also important to involve migrant workers and consumers in any discussions around labour migration. We recognise here, for example, "the importance of taking sufficient account of the interests and fair representation of migrants" in policymaking (Bauböck & Ruhs, 2022: 546). The European Federation of Food, Agriculture and Tourism Trade (EFFAT) is an apt example. It brings together trade unions in the agricultural sector and undertakes a variety of initiatives to empower workers, organise them at a grassroots level, and lobby for improvements to their situation. One example is its work on the social conditionality mechanism introduced in the 2025 Common Agricultural Policy. In addition, consumers can be powerful agents in discussions about fair working conditions and ethical production given the right information (Weiler et al., 2016). Research from Germany, for instance, shows that consumers are willing to pay more for food if they know it has been picked and packed by migrant workers with guaranteed decent wages and access to social security (see Thiermann et al. 2024).

The two-stage framework used in the paper, focused on identifying better practices 'on the ground' and a rights indicators approach, is a starting point only. Moving forward, it is important to give migrant workers, unions, worker NGOs and consumers access to this framework. Not least, there has been a tendency for temporary labour migration policy to be made through business and political elites, and we hope that this paper can be used as a platform for more worker-focused policy making. Thus, rather than being a finished article, the paper is designed to initiate further discussion and debate around the key rights compromised by temporary labour migration programmes and around which of these rights are particularly important ones to defend.

Abbreviations

DEFRA	Department for Environment Food and Rural Affairs
EPP	Employer Pays Principle
FLEX	Focus on Labour Exploitation

GLAA	Gangmasters and Labour Abuse Authority
MAC	Migration Advisory Committee
NGO	Non-Governmental Organisation
RAG	Red, Amber, Green
SAWS	Seasonal Agricultural Workers Scheme
SWP	Seasonal Worker Pilot
SWS	Seasonal Worker Scheme
TMWP	Temporary Migrant Worker Programmes

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Author contributions

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Data availability

No datasets were generated or analysed during the current study.

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