



Employers who exploit migrant workers face prohibition on hiring temporary visa holders for a period of time

The Migration Amendment (Strengthening Employer Compliance Act) 2024 amends the Migration Act 1958 to bring in new laws that protect migrant workers from exploitation starting on 1 July 2024.

Prohibition declarations aim to protect vulnerable temporary migrant workers from exploitation and promote compliance from employers and third party providers.

They can be made if an individual or business contravenes relevant parts of the Migration Act 1958, Fair Work Act 2009 or Criminal Code Act 1995 that relate to treatment of temporary migrant workers. They can also be made if individuals or businesses do not follow compliance notices, enforceable undertakings or sponsorship obligations.

Prohibited employers or third party providers will have their name and ABN published on the [Australian Border Force website](#). After the prohibition ends, they can hire temporary migrants again but must comply with special reporting requirements for 12 months

It is a criminal offence to contravene a prohibition declaration. The penalties are:

- up to 2 years' jail, 360 penalty units (currently a \$118,800 fine) or both, or a civil penalty of 240 penalty units (currently a \$79,200 fine) for an individual.
- up to 1,800 penalty units (currently a \$594,000 fine) in criminal cases, or a civil penalty of up to 1,200 penalty units (currently a \$396,000 fine) for a body corporate.

Migrant workers are encouraged to report exploitation to the [Fair Work Ombudsman](#) or [Border Watch](#).

What is a prohibited employer prevented from doing?

A prohibited employer (either a person or body corporate) cannot employ any additional temporary visa holders for a period of time.

How long does an employer prohibition declaration last?

- No maximum for an offence relating to human trafficking and modern slavery.
- A maximum of 10 years for a criminal offence (other than those offences relating to human trafficking and modern slavery).
 - Up to 5 years for all other migrant worker sanctions.

What happens to a prohibited employer's workers?

There is no penalty for migrant workers. The employer's existing employees can choose whether or not they want to continue working for that employer.

Can an employer contest a prohibition?

Yes. An employer/third party will receive a notice outlining reasons for potential prohibition. They have 28 days, or the period stated in the notice, to make a written submission explaining why they should not be declared a prohibited employer.

Once a prohibition decision is made, the employer will potentially be able to seek review in the Administrative Appeals Tribunal.



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