



Legislation and Practice Gaps

Addressing severe forms of labour
exploitation of third country nationals
along migration routes to Europe

OCTOBER 2026

Published by <https://www.lastradainternational.org/>



Co-funded by
the European Union



ASSOCIAÇÃO PARA O PLANEAMENTO DA FAMÍLIA



ANIMUS
ASSOCIATION
FOUNDATION



amarantha
Fundación de Solidaridad
ADORATRICES

FAIRWORK



La Strada
INTERNATIONAL

Acknowledgements

This report is published in the framework of the Trafficked En Route project, a project led by FairWork, in partnership with La Strada International, Animus Association Foundation (AAF), La Strada Foundation Against Human Trafficking and Slavery, Fundación de Solidaridad Amaranta, and Associação para o Planeamento da Família (APF).

Contributors: Suzanne Hoff (main author), Franny Parren, Nadia Kozhouharova, Diana Dimova, Joanna Garnier, Giovanna Leuzzi, Marta González, Nerea Bilbatúa, Sonia Duarte Lopes, Irina Ionita, and Irene Wintermayr. Design: Bruna Franco

Copyright: “All rights reserved. The contents of this publication may be freely used and copied for educational and other non-commercial purposes, provided that any such reproduction is accompanied by an acknowledgement of La Strada International as the source.” Cite as: La Strada International, Legislation and Practice Gaps: Addressing severe forms of labour exploitation of third-country nationals along migration routes to Europe.

October, 2026.



Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.

Table of contents

Summary	4
Introduction	7
Scope and purpose of the report & methodology	8
Legal frameworks addressing severe forms of labour exploitation	9
Migration and labour context relevant to TCNs	15
Pathways to migration and work in Europe for TCNs	16
Other mobility pathways	21
Role of recruitment and employment agencies	26
Exploitation of third-country national migrants	29
Main sectors at risk of labour exploitation	30
National legislation on THB, forced labour and labour exploitation	32
Existing legal pathways for TCN workers to address labour exploitation	35
Rights for third-country nationals experiencing exploitation ‘en route’	36
Application of rights in practice	37
How is the legislation applied?	41
Gaps in legislation and implementation?	43
Interaction between labour, migration, and criminal law & practice and impact on TCNs	50
Conclusions and recommendations	51

Summary

The Trafficked En Route – *Legislation and Practice Gaps* Report examines severe forms of labour exploitation affecting third-country nationals (TCNs) travelling along migration routes within and towards Europe. Conducted as part of a two-year EU-funded project, also named Trafficked En Route, the report focuses on Bulgaria, the Netherlands, Poland, Portugal, and Spain - countries of transit and destination for migrant workers.

The project aims to better understand how migrant workers become vulnerable to exploitation, strengthen early identification of victims, improve access to protection and support, and identify legal and policy gaps that allow exploitation to persist. Labour exploitation remains significantly underreported and difficult to detect, particularly among TCNs. Migrants travelling to Europe often face vulnerabilities linked to limited language skills, restricted legal migration opportunities, dependence on employers or recruitment agencies, and insecure residence status.

These vulnerabilities are compounded by economic hardship, limited knowledge of labour rights, and barriers to accessing legal protection. Workers employed through temporary agencies, subcontracting chains, or cross-border posting arrangements seem particularly exposed to exploitative practices. Such practices include fraudulent recruitment, deceptive job offers, abusive visa arrangements, excessive recruitment fees, wage theft, unsafe working conditions, confiscation of identity documents, tied accommodation, excessive working hours, and debt bondage. Labour exploitation exists on a continuum, ranging from labour law violations to severe forms of coercion, forced labour, and trafficking in human beings.

Europe increasingly depends on migrant labour due to demographic changes, labour shortages, and sector-specific demand. Third-country nationals are employed across both highly skilled professions and lower-skilled sectors, including agriculture, construction, logistics, manufacturing, hospitality, domestic and care work, transport, food processing, and platform work.

Many workers enter Europe through legal migration pathways such as employer-sponsored permits, seasonal worker programmes, student-to-work schemes, intra-company transfers, and posting arrangements.

Recruitment and temporary employment agencies play a central role in facilitating these pathways by arranging visas, employment contracts, housing, payroll, and transport. While these agencies provide important administrative support, dependence on intermediaries often creates opportunities for abuse, particularly where workers rely on agencies for both employment and legal residence.

The report reviews the international and European legal framework governing labour exploitation and trafficking. The primary international instruments include the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Palermo Protocol), the Council of Europe Convention on Action against Trafficking in Human Beings, and the EU Anti-Trafficking Directive, recently strengthened by the 2024 amendment. These are complemented by ILO conventions, international human rights treaties, labour standards, and emerging corporate due diligence legislation that places increasing responsibility on businesses to prevent exploitation within their supply chains. Together, these instruments require states to prevent exploitation, prosecute offenders, identify victims, provide assistance, ensure access to justice, and protect workers' rights. However, not

all international conventions have been ratified by all participating countries, creating differences in the level of legal protection.

Although Bulgaria, the Netherlands, Poland, Portugal, and Spain all criminalise trafficking in human beings, severe labour exploitation is generally addressed through trafficking offences rather than as a separate criminal offence. In practice, labour exploitation is regulated through a combination of criminal law, labour law, migration law, occupational health and safety legislation, and administrative sanctions. Workers who experience exploitation may theoretically seek protection through labour inspections, labour courts, criminal investigations, or immigration and victim protection systems.

International and European law also grant recognised trafficking victims' rights such as identification, a recovery and reflection period, accommodation, legal assistance, residence permits, compensation, and protection from further exploitation. Undocumented workers also retain certain labour rights under international labour standards.

Despite these legal protections, the report identifies a substantial gap between rights on paper and their practical implementation. Across all five countries, labour exploitation remains significantly under-identified and underreported. Frontline authorities, including labour inspectors, police officers, prosecutors, and judges, often lack sufficient training to recognise indicators of labour exploitation or trafficking, especially in sectors characterised by informal work, temporary employment, or complex subcontracting arrangements. Consequently, many exploitative situations are treated merely as labour law violations rather than serious criminal offences, preventing workers from accessing specialised victim support, residence rights, or compensation.

One of the report's central findings is that immigration status strongly influences access to protection. Many TCNs depend on a single employer for their residence permit, meaning that reporting abusive working conditions may result in job loss, homelessness, or deportation. Undocumented migrants face even greater barriers because fear of immigration enforcement discourages them from contacting authorities. The report notes that effective "firewalls" separating labour inspections from immigration enforcement remain largely absent, limiting workers' willingness to report exploitation. Access to assistance is also frequently conditional upon formal identification as a trafficking victim or cooperation with criminal proceedings. As a result, many exploited workers receive little or no support, while specialised NGOs and other civil society organisations often fill these gaps despite insufficient public funding.

The report also highlights structural problems linked to recruitment systems and cross-border employment. Recruitment agencies and temporary work agencies remain insufficiently regulated, allowing fraudulent recruitment fees, misleading contracts, unlawful wage deductions, and exploitative housing arrangements to persist. Existing EU rules governing the posting of workers were largely designed for EU citizens and do not adequately address the vulnerabilities of third-country nationals working within complex subcontracting chains or transnational recruitment systems. These legal gaps create opportunities for employers to avoid responsibility through intermediary companies or "letterbox" companies, making enforcement difficult. The rapid expansion of platform work, particularly food delivery and courier services, has created additional challenges, as many migrant workers operate under precarious conditions with limited labour protections.

Overall, the report concludes that labour exploitation cannot be addressed through criminal law alone. Instead, it reflects broader structural problems within labour markets, migration systems, recruitment practices, and enforcement mechanisms. The interaction between labour law, migration law, and criminal law often leaves exploited workers without effective remedies. Labour law may provide mechanisms to recover unpaid wages or address unsafe working conditions, but migration rules frequently tie workers to specific employers, while criminal law protections often require a high evidentiary threshold and formal victim identification before assistance becomes available. Consequently, many exploited workers fall between these legal systems and remain without meaningful protection.

To address these shortcomings, the report recommends strengthening the implementation of existing legal frameworks alongside targeted legislative reforms. It calls for the establishment of safe reporting mechanisms through clear firewalls between labour inspections, victim support services, and immigration authorities so that workers can report exploitation without fear of detention or deportation. It also recommends specialised training for labour inspectors, police, prosecutors, and judges to improve the identification of labour exploitation and trafficking, particularly in hidden sectors and among vulnerable migrant workers.

The report advocates making residence permits for exploited workers more accessible and less dependent on cooperation with criminal investigations, while expanding access to emergency accommodation, healthcare, legal aid, interpretation, and psychosocial support regardless of immigration status or formal victim identification. Furthermore, it recommends stronger regulation of recruitment agencies, stricter oversight of subcontracting chains and posting arrangements, mandatory licensing of labour intermediaries, enhanced monitoring of recruitment fees, and greater transparency throughout recruitment and employment chains.

Finally, it stresses the need to improve access to justice is stressed, by simplifying compensation procedures, strengthening legal assistance, and preventing victims from being returned to their countries of origin before legal proceedings are completed.

In conclusion, the report demonstrates that while the five participating countries possess extensive legal frameworks addressing labour exploitation, human trafficking, and forced labour, substantial gaps remain between legal protections and their practical accessibility. Exploited third-country nationals frequently encounter barriers related to identification, immigration status, limited access to support, weak labour enforcement, and inadequate regulation of recruitment and cross-border employment. The report argues that a more coherent, rights-based, and victim-centred approach is needed, one that integrates labour law, migration policy, criminal justice, and social protection to ensure that migrant workers can effectively access their rights, obtain justice, and be protected from exploitation.

Introduction

This report is published in the framework of the Trafficked En Route project, a two-year EU-funded project¹ focusing on severe forms of labour exploitation affecting third-country nationals moving along migration routes within and towards Europe.

The project focuses on Bulgaria, the Netherlands, Poland, Spain and Portugal, which are key countries along relevant migration and transit routes. It seeks to better understand and respond to the risks faced by third-country nationals (TCNs) moving between their countries of origin, transit and destination within the EU.

Labour exploitation - including its most severe forms - remains significantly underreported among TCNs and difficult to detect. While travelling en route, or seeking residence or employment in Europe, TCNs are particularly vulnerable to exploitation. Those with limited language skills, restricted access to regular migration pathways, or limited opportunities to obtain legal residence or employment are especially at risk. Their dependence on employers, labour intermediaries or recruiters further increases their vulnerability to exploitation and abuse. Many face precarious economic circumstances and have little or no access to legal protection, particularly those who end up in irregular situations or who are engaged in informal work.

The project addresses situations in which migrant workers are exposed to exploitation through practices such as fraudulent job advertisements, deceptive recruitment practices, abusive visa and employment arrangements (including illegal or non-genuine posting arrangements), and opaque corporate structures that obscure accountability and facilitate labour exploitation.

These practices are particularly evident in sectors characterised by complex subcontracting chains and cross-border employment arrangements, such as construction and transport. In many cases, these situations fall outside existing protection and enforcement mechanisms, exposing gaps in identification, victim support and legal frameworks. As a result, workers' vulnerability and, in many cases, their status as victims of crime – where human trafficking or forced labour can be proven - often go unrecognised.

Against this background, the project aims to strengthen early identification and improve access to protection and support for exploited TCN migrants including (potential) victims of human trafficking along migration routes. It seeks to raise awareness of the situation of people at risk through targeted information, outreach, and training activities; improve understanding of emerging exploitative migration routes and related risks through case-based analysis and direct engagement; and strengthen cross-border cooperation on identification, referral, and protection through joint exchanges and capacity-building. The project also aims to contribute to improved policy and legal responses by highlighting gaps in protection and promoting more effective implementation of existing frameworks addressing the continuum of labour exploitation.

¹ The project runs from 1 July 2025 until 30 June 2027

Scope and purpose of the report & methodology

This report examines existing legal frameworks addressing severe forms of labour exploitation in Europe, including human trafficking and forced labour, as well as related stand-alone criminal and civil offences. It focuses in particular on Bulgaria, the Netherlands, Poland, Portugal, and Spain. The report identifies legislative and policy gaps that hinder effective cross-border support for third-country migrant workers en route to and within Europe. It also provides recommendations to strengthen the legal and policy framework and improve its implementation. This report is intended to serve as a baseline for the consortium's advocacy efforts, helping to refine strategic priorities and identify opportunities for engagement. It will also inform the development of advocacy plans for the second year of the project.

Disclaimer

This report is based on desk research and input from the consortium partners, drawing on their direct assistance to trafficked and exploited people. The contributions have been developed based on each partner's area of expertise. As the topic is complex and interdisciplinary, the report reflects different perspectives and approaches. The consortium has made reasonable efforts to ensure that the legal information presented in this report is accurate and up to date at the time of publication. However, legislation and legal interpretations may change, and the report should not be considered a substitute for professional legal advice.

Legal framework addressing severe forms of labour exploitation

The international and regional legal framework addressing severe forms of labour exploitation, including human trafficking and forced labour, is built on a multi-layered system combining human rights law, criminal law, labour standards, and emerging corporate and market regulation. Together, these instruments establish complementary obligations on States and businesses to prevent exploitation, protect affected individuals, and ensure access to justice and remedies.

Human trafficking legislation

Globally, the core legal framework on human trafficking is established by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol)². In Europe, this framework is complemented by the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)³ and the European Union Anti-Trafficking Directive of 2011 (Directive 2011/36/EU)⁴ and its amendment of 2024 (Directive (EU) 2024/1712)⁵, which provide the principal regional legal framework for preventing and combating trafficking in human beings. Together these instruments define and set out a comprehensive approach to trafficking in persons, covering prevention, prosecution, and victim protection.

The core rights for trafficked persons based on these instruments include the right to assistance and support, such as accommodation, healthcare, and psychological care; the right to protection and safety, including safeguarding privacy and reducing the risk of further harm; and the right to access justice and remedies, including legal assistance and the possibility of compensation.

The CoE Convention and the EU Directive also recognise the principle of non-punishment, meaning trafficked persons should not be penalised for unlawful acts they were compelled to commit.

ILO instruments addressing forced labour and labour exploitation

Alongside the human trafficking framework, forced labour, and labour exploitation are addressed through a broad set of international labour and human rights standards. At the global level, the International Labour Organization (ILO) Forced Labour Convention of 1930 (No. 29)⁶, the Abolition of

² Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 15 November 2000, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

³ Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005 <https://www.coe.int/en/web/anti-human-trafficking/anti-trafficking-convention>

⁴ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>

⁵ Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. <https://eur-lex.europa.eu/eli/dir/2024/1712/oj/eng>

⁶ <https://www.ohchr.org/en/instruments-mechanisms/instruments/forced-labour-convention-1930-no-29>

Forced Labour Convention (No. 105) of 1957⁷, and the 2014 Protocol to the Forced Labour Convention⁸ establish the prohibition of forced labour and require States to adopt measures for prevention, enforcement, victim protection, and access to remedies. These core instruments are supported by a wider body of ILO standards that address a broad range of labour rights and labour market governance issues, many of which are also critical to preventing and addressing labour exploitation, including trafficking for forced labour.

This includes the Protection of Wages Convention (No. 95) of 1949⁹, which safeguards timely and full payment of wages; the Private Employment Agencies Convention (No. 181) of 1997¹⁰, which regulates recruitment agencies and helps prevent abusive recruitment practices; the ILO Domestic Workers Convention of 2011 (No. 189)¹¹, which strengthens protections for domestic workers; and the Violence and Harassment Convention of 2019 (No. 190)¹² that explicitly recognises the right of everyone to a work environment free from violence and harassment.

The older ILO Migrant Workers Conventions (No. 97¹³ and No. 143) of 1949 and 1975, further set standards on equality of treatment, protection against abusive conditions, and the prevention of irregular and exploitative migration-related employment.

In addition, the ILO has developed guidance on trafficking in persons and forced labour, by clarifying indicators, preventive measures, and employer responsibilities.

These labour standards are reinforced by broader international human rights instruments, including the United Nations International Covenant on Economic, Social and Cultural Rights¹⁴, which sets out rights to just and favourable conditions of work, fair wages, and safe and healthy working conditions, and the International Covenant on Civil and Political Rights¹⁵, which prohibits slavery, servitude, and forced or compulsory labour.

Taken together, these instruments form a comprehensive international framework that addresses forced labour and labour exploitation through the criminalisation of forced labour, the regulation of recruitment and employment practices, protection of workers' rights, prevention of abuse, and access to remedies.

⁷ Abolition of Forced Labour Convention, 1957 (No. 105) <https://www.ohchr.org/en/instruments-mechanisms/instruments/abolition-forced-labour-convention-1957-no-105>

⁸ Protocol of 2014 to the Forced Labour Convention, 1930 <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-2014-forced-labour-convention-1930>

⁹ C095 - Protection of Wages Convention, 1949 (No. 95) https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312240

¹⁰ C181 - Private Employment Agencies Convention, 1997 (No. 181), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312326:NO

¹¹ C189 - Domestic Workers Convention, 2011 (No. 189) https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C189:NO

¹² C190 - Violence and Harassment Convention, 2019 (No. 190) https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:3999810:NO

¹³ C097 - Migration for Employment Convention (Revised), 1949 (No. 97) [https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312242:NO%22%3EILO%20Convention%20No.%2097%20on%20Migration%20for%20Employment%20\(Revised\).%201949%3C/a%3E](https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312242:NO%22%3EILO%20Convention%20No.%2097%20on%20Migration%20for%20Employment%20(Revised).%201949%3C/a%3E)

¹⁴ International Covenant on Economic, Social and Cultural Rights of 1966 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

¹⁵ <https://www.unhcr.org/sites/default/files/legacy-pdf/496323761b.pdf>

They establish a set of core labour rights and protections that apply to all workers, regardless of migration status, including on protection from forced labour and exploitation, violence and harassment, and abusive recruitment practices, as well as fair and timely payment of wages, equal treatment, safe and healthy working conditions and access to remedies, including compensation and back wages.

European (CoE and EU) instruments

At the European level, **Article 4 of the European Convention on Human Rights**¹⁶, as interpreted by the European Court of Human Rights, imposes binding obligations on States to prevent forced labour, protect individuals from exploitation, and conduct effective investigations into violations.

The Council of Europe Convention on Action against Trafficking in Human Beings establishes a comprehensive framework requiring States to prevent human trafficking, protect and assist victims, prosecute traffickers, and cooperate internationally, with implementation monitored through an through the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.¹⁷

Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation¹⁸ calls on Council of Europe member states to adopt national laws, policies and strategies which address trafficking for the purpose of labour exploitation, following a human rights-based and victim-centred approach.

Also relevant is the **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)**¹⁹ of 2011, which strengthens prevention, protection, and support measures in relation to exploitation and violence, including forms of coercion and abuse that may overlap with situations of forced labour and human trafficking.

Within the European Union, forced labour and labour exploitation are addressed through a comprehensive framework combining labour enforcement, migration regulation, victims' rights, equality law, and corporate accountability.

The **2011 EU Anti-trafficking Directive**²⁰ and its amendment of 2024²¹ establish binding, minimum rules across member states to define trafficking offences, set criminal penalties, prevent exploitation, and protect victims. The recast Directive introduced several changes, including making it mandatory to criminalize the knowing use of services of trafficked people, which was previously optional. It further requires the establishment of national anti-trafficking coordinators and formal referral mechanisms. Also, the non-punishment provision is expanded, and administrative offences are

¹⁶ https://www.echr.coe.int/documents/d/echr/Convention_ENG

¹⁷ Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw (Poland), 16.V.2005, CETS No. 197.

¹⁸ Recommendation CM/Rec(2022)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation (Adopted by the Committee of Ministers on 27 September 2022 at the 1444th meeting of the Ministers' Deputies).

¹⁹ Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) <https://www.coe.int/en/web/gender-matters/council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence>

²⁰ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

²¹ Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

included. The revision also requires States to ensure trafficked children can report abuse in a safe and confidential manner. Further, it makes the use of ICT an aggravating circumstance, and legal entities, such as companies committing trafficking offences, would be subject to more stringent penalties, including exclusion from public tenders, grants, concessions and licences, and the withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence. Finally, it also introduces three additional forms of exploitation under Article 2: the exploitation of forced marriage, surrogacy, and illegal adoption.

Other key instruments include the **Employer Sanctions Directive (2009/52/EC)**²², which targets the exploitation of irregularly staying third-country nationals and provides sanctions for employers alongside limited safeguards for exploited workers, and the **Forced Labour Regulation (2024)**²³, which prohibits products made with forced labour from being placed on or exported from the EU market. The **Corporate Sustainability Due Diligence Directive (2024)**²⁴ further requires companies to identify, prevent, mitigate, and address human rights risks, including forced labour, across their operations and supply chains.

This framework is complemented by instruments strengthening access to justice and protection for victims, including the **Victims' Rights Directive (2012/29/EU)**²⁵ and its amendment of 2024²⁶, the Framework Decision on the standing of victims in criminal proceedings (2001)²⁷, the **Residence Permit Directive (2004/81/EC)**²⁸, and the **Compensation Directive (2004/80/EC)**.²⁹

Migrant workers' rights are further reinforced through EU labour and migration law, including the **Single Permit Directive (2011/98/EU)**³⁰ and its amendment³¹, which guarantees equal treatment in key areas such as working conditions and social security. The **Seasonal Workers Directive**

²² Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009L0052>

²³ Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937 <https://eur-lex.europa.eu/eli/reg/2024/3015/oj/eng>

²⁴ Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859 <https://eur-lex.europa.eu/eli/dir/2024/1760/oj/eng>

²⁵ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA <https://eur-lex.europa.eu/eli/dir/2012/29/oj/eng>

²⁶ Directive (EU) 2026/1472 of the European Parliament and of the Council of 17 June 2026 amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

²⁷ 2001/220/JHA: Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings https://eur-lex.europa.eu/eli/dec_framw/2001/220/oj/eng

²⁸ COUNCIL DIRECTIVE 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. <https://eur-lex.europa.eu/eli/dir/2004/81/oj/eng/pdf>

²⁹ Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims. <https://eur-lex.europa.eu/eli/dir/2004/80/oj/eng>

³⁰ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. <https://eur-lex.europa.eu/eli/dir/2011/98/oj/eng>

³¹ <https://eur-lex.europa.eu/eli/C/2024/6572/oj/eng>

(2014/36/EU)³², which sets minimum standards on employment conditions and protection against exploitation; and the EU Blue Card Directive³³, which provides conditions of entry and residence of third-country nationals for the purpose of highly qualified employment. Additional protections arise from the **Posting of Workers framework** (Directives 96/71/EC³⁴, Directive (EU) 2018/957³⁵ and 2014/67/EU)³⁶ and, the **Temporary Agency Work Directive (2008/104/EC)**³⁷, and the **Directive on Transparent and Predictable Working Conditions (2019/1152)**³⁸, all of which strengthen fair working conditions and reduce vulnerability to abuse.

These measures are underpinned by the EU Charter of Fundamental Rights³⁹, which guarantees the prohibition of forced labour, non-discrimination, and the right to fair and just working conditions.

Taken together, all these instruments form an integrated and evolving framework that addresses severe labour exploitation through prevention, protection of victims and workers, criminal enforcement, and increasing obligations on businesses to prevent and remediate exploitation throughout global supply chains.

Ratification & application of international instruments

EU law is binding on all five countries - Bulgaria, the Netherlands, Poland, Portugal, and Spain - and establishes binding standards across areas such as migration, victims' rights protection, and the prevention of (severe forms of) labour exploitation. By contrast, ratification of relevant international instruments outside the EU legal framework is not uniform. While there is strong convergence on core instruments such as those addressing forced labour and human trafficking, the five countries differ in their ratification of other key international standards, particularly those relating to migrant workers and domestic workers.

³² Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. <https://eur-lex.europa.eu/eli/dir/2014/36/oj/eng>

³³ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC <https://eur-lex.europa.eu/eli/dir/2021/1883/oj/eng>

³⁴ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services. <https://eur-lex.europa.eu/eli/dir/1996/71/oj/eng>

³⁵ Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services <https://eur-lex.europa.eu/eli/dir/2018/957/oj/eng>,

³⁶ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') <https://eur-lex.europa.eu/eli/dir/2014/67/oj/eng>

³⁷ Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work <https://eur-lex.europa.eu/eli/dir/2008/104/oj/eng>

³⁸ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union <https://eur-lex.europa.eu/eli/dir/2019/1152/oj/eng>

³⁹ https://www.europarl.europa.eu/charter/pdf/text_en.pdf

Ratification status table

Instrument	Bulgaria	Netherlands	Poland	Portugal	Spain
C29 – Forced Labour Convention	✓	✓	✓	✓	✓
C105 – Abolition of Forced Labour Convention	✓	✓	✓	✓	✓
P029 – Protocol to Forced Labour Convention	X	✓	✓	✓	✓
C181 – Private Employment Agencies Convention	✓	✓	✓	✓	✓
C189 – Domestic Workers Convention	X	X	X	✓	✓
C97 – Migration for Employment Convention	X	✓	X	✓	✓
C143 – Migrant Workers Convention ⁴⁰	X	X	X	✓	X
UN Palermo Protocol	✓	✓	✓	✓	✓
Council of Europe Anti-Trafficking Convention	✓	✓	✓	✓	✓
Council of Europe Istanbul Convention	X	✓	✓	✓	✓

The only instruments that have been ratified by all five countries are the forced labour conventions (No. 29 and 105), the UN Palermo Protocol, the Private Employment Agencies Convention, and the Council of Europe Anti-Trafficking Convention. The additional Protocol to Forced Labour has not been ratified by Bulgaria, the Domestic Workers Convention (No. 189) not by Bulgaria, the Netherlands, and Poland; the Migrant Workers Convention (No. 97) was not ratified by Bulgaria and Poland and the ILO Migrant Workers Convention (No. 143) was only ratified by Portugal. The Council of Europe Istanbul Convention has still not been ratified by Bulgaria.

⁴⁰ https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11300

Migration and labour context relevant to TCNs

The migration and labour context relevant to third-country nationals (TCNs) in Europe is shaped by a combination of demographic trends, labour market needs, regulatory frameworks, and mobility mechanisms. Non-EU citizens' ability to enter, work, and reside in EU countries depends on national immigration and employment laws, EU law, and bilateral or multilateral agreements. They do not enjoy the same rights to free movement and labour market access as EU citizens.

Europe is facing labour shortages in many sectors due to ageing populations, declining birth rates, and sector-specific skill gaps. This has created demand for TCN labour both in high-skilled professions, such as IT, engineering, finance, and healthcare, and in low- or mid-skilled sectors, including **agriculture, construction, logistics, hospitality, and domestic care**. Governments actively design policies to attract TCNs where labour market needs cannot be met by local or EU workers, balancing economic needs with political concerns about immigration.

The legal framework applicable to TCNs provides for various routes to employment and residence, including work and residence permits, the EU Blue Card for highly qualified workers, seasonal and temporary work schemes, intra-company transfers, and pathways from study to employment. In addition, labour mobility mechanisms, such as posting of workers, temporary agency employment, and bilateral labour agreements, allow TCNs to work across borders or in temporary roles without necessarily obtaining permanent residence rights. This creates a layered system where TCNs can access work, but often under conditions tied to specific employers or sectors.

Recruitment and temporary employment agencies are central to TCN labour migration. They handle legal compliance, permits, housing, payroll, and postings, effectively mediating between employers, governments, and migrant workers. While they provide essential administrative support, dependence on agencies can also expose TCNs to exploitation, particularly in low- or mid-skilled work, seasonal labour, and cross-border posting arrangements.

The labour market context also varies considerably across countries. The Netherlands and Poland have established temporary agency work sectors and are important destinations for posted and temporary workers. Spain and Portugal have well-developed seasonal labour migration schemes, particularly in sectors such as agriculture and hospitality. Bulgaria, meanwhile, has relatively competitive labour costs and a significant manufacturing sector, contributing to its attractiveness for labour-intensive economic activities. High-skilled TCNs, on the other hand, often work through multinational companies or consultancies, facing lower exploitation risks but still subject to administrative dependencies.

Overall, TCNs in Europe navigate different types of immigration and employment arrangements. Some provide long-term residence and stable work rights, while others are temporary or linked to specific jobs, employers or cross-border assignments. This creates a complex labour and migration environment, shaped by different regulations, recruitment agencies, labour shortages and the movement of workers across countries.

Pathways to migration and work in Europe for TCNs

There are several legal and administrative migration pathways available to TCNs in Europe for entry, residence, and work. These routes vary in terms of eligibility criteria, duration, and access to labour markets, and they often determine the degree of protection and stability available to these migrant workers.

The following overview covers employer-sponsored permits, EU-wide skilled migration schemes, and alternative pathways such as remote work, self-employment, study-to-work transitions, and long-term residence options, across Bulgaria, the Netherlands, Poland, Portugal, and Spain. Some of these pathways are not accessible for low-skilled workers, who are often particularly vulnerable to exploitation and abuse, however some pathways might be (mis)used to recruit and ‘employ’ these workers.

A. Employer-sponsored work permits – comprising a job offer from a local employer, a residence permit tied to work and permission to live and work in that country. Usually the employer proves salary threshold, sometimes labour market testing applies.

Across Bulgaria, the Netherlands, Poland, Portugal, and Spain, employer-sponsored migration pathways broadly follow a similar logic: a third-country national must secure a job offer from a local employer, who typically acts as the sponsor for the residence and/or work authorisation. These schemes are generally tied to a specific employer and position, and in most cases include some form of labour market assessment or eligibility test before authorisation is granted.

In Bulgaria, the main route is the Single Residence and Work Permit, issued under the national labour migration framework, which requires employer sponsorship and is often subject to labour market considerations⁴¹. In the Netherlands, employer sponsorship operates through the Single Permit (GVVA – combined residence and work permit)⁴², which combines residence and work authorisation and is applied for by a recognised sponsor with the immigration authorities.

In Poland, the primary employer-sponsored route is Work Permit Type A⁴³ which is linked to employment with a Polish employer and complemented by a separate residence permit process. In Portugal, the equivalent pathway is the D1 Residence Visa for subordinate work⁴⁴, which requires a valid employment contract or binding job offer and leads to a residence permit upon arrival.

In Spain, the ordinary route for employer-sponsored recruitment of non-EU workers is the Initial Temporary Residence and Work Authorisation for Employees⁴⁵ (*autorización inicial de residencia temporal y trabajo por cuenta ajena*). This authorisation is requested by the Spanish employer or business, normally before the worker enters Spain, and requires a signed employment contract whose start date is conditional upon the authorisation becoming effective. Once the authorisation is granted, the worker must apply for the corresponding visa at the Spanish consulate and enter Spain within the

⁴¹https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/employed-worker-bulgaria_en

⁴²<https://ind.nl/en/residence-permits/work/single-permit-gvva>

⁴³<https://cudzoziemiec.bydgoszcz.pl/en/work/work-permit-type-a/>

⁴⁴<https://vistos.mne.gov.pt/en/national-visas/general-information/type-of-visa>

⁴⁵<https://www.inclusion.gob.es/en/web/migraciones/w/autorizacion-inicial-de-residencia-temporal-y-trabajo-por-cuenta-ajena-hi-16->

visa's validity period. One of the central requirements is that the national employment situation allows the hiring.

While the administrative procedures and terminology differ, these schemes collectively reflect the same underlying structure of employer-led recruitment, conditional residence rights, and varying degrees of labour market testing and administrative control.

B. EU Blue Card (high-skilled route)

The EU Blue Card is the EU-wide scheme⁴⁶ for highly skilled migration, designed to attract qualified professionals from third countries. It is available in all five countries - Bulgaria, the Netherlands, Poland, Portugal, and Spain. Applicants are generally required to hold a university degree (or equivalent professional experience), have a valid and signed employment contract, usually for a duration of at least 6–12 months, or a firm/binding offer of highly qualified employment, and meet a minimum salary threshold.

The scheme offers several key advantages, including facilitated family reunification, a pathway towards EU long-term residence, and, after a qualifying period, the possibility of intra-EU mobility between participating Member States. In some cases, it also provides faster access to permanent residence compared to other labour migration routes.

C. Digital nomad / remote work visas

The digital nomad or remote work visas allow third-country nationals to reside in a country while working remotely for employers or clients based outside that country. This pathway is particularly well established in Portugal and Spain, where dedicated schemes exist.

Portugal has a Digital Nomad Visa (D8)⁴⁷ for non-EU citizens who work remotely for employers or clients outside Portugal. It is available as either a temporary visa for shorter stays or a residence visa for people who want to live in Portugal for a longer period. To qualify, the worker must generally show to work remotely, meet the minimum income requirement, have health insurance, provide a clean criminal record, and show proof of accommodation in Portugal⁴⁸. The residence visa can also provide a path to long-term residency if requirements continue to be met. The Digital Nomad Visa (and the corresponding D8 visa) is actively used, but exclusively by high-skilled, high-income TCNs, due to the strict minimum monthly earnings thresholds required by law. It is completely inaccessible for low- or mid-skilled migrant workers who are most vulnerable to labour exploitation⁴⁹.

Since 2026, Bulgaria has also offered a digital nomad visa for non-EU, non-EEA, and non-Swiss citizens who work remotely for employers or clients based outside Bulgaria. To qualify, applicants generally need to demonstrate an annual income of around €31,000, although this amount may change if Bulgaria's minimum wage is adjusted. The visa is typically granted for one year and can be renewed if the eligibility requirements continue to be met. In most cases, applicants first obtain a Type D long-stay visa through a Bulgarian embassy or consulate before applying for the digital nomad residence permit after arriving in Bulgaria.

⁴⁶ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/eu-blue-card_en

⁴⁷ Law No. 18/2022, Article 61-B, establishes the residence visa for remote workers

⁴⁸ <https://bimaris.legal/insights/portugal-digital-nomad-visa>

⁴⁹ Information provided by APF.

The Netherlands does not offer a Digital Nomad visa. Instead, remote workers who want to stay in the Netherlands for longer than a short visit must qualify for another type of residence permit. The most common option is the self-employed residence permit⁵⁰, which is intended for entrepreneurs and freelancers and generally requires applicants to demonstrate that their business provides value to the Dutch economy through a points-based assessment. Other options include the Highly Skilled Migrant permit for those sponsored by a Dutch employer or, for eligible recent graduates, the Orientation Year (Zoekjaar) residence permit⁵¹. For short stays, many non-EU nationals can work remotely for a foreign employer while visiting under the standard Schengen 90-days-in-180-days rules, provided they comply with Dutch immigration requirements and do not work for Dutch clients. EU, EEA, and Swiss citizens do not need a digital nomad visa because they have the right to live and work in the Netherlands under EU free movement rules.

Poland does not offer a digital nomad visa either. Here, remote workers who want to stay in Poland for longer than a short visit must qualify for another type of visa or residence permit. Common options include a Type D national visa, a temporary residence permit based on employment, business activity, study, or family reunification, or registering a sole proprietorship if they plan to operate a business in Poland. If workers want to live in Poland, but work for agencies abroad, they should generally be registered as self-employed person (one person entity registry).

For short stays, many non-EU nationals may work remotely for a foreign employer while visiting under the standard Schengen 90-days-in-180-days rules, although this is not a dedicated digital nomad arrangement and the legal and tax implications should be considered carefully. Third-country nationals who wish to stay in Poland and work for employers outside have to use other available forms of legalisation.

These schemes typically require applicants to demonstrate stable remote income, meet minimum monthly earnings thresholds, provide valid health insurance coverage, and show proof of employment or contracts with foreign employers or clients.

D. Self-employment / freelancer visas

Self-employment or freelancer visas allow third-country nationals to run their own business or work independently, typically in sectors such as consultancy, IT, and creative industries. These routes generally require proof of viable business activity, sufficient financial means, and in some cases a business plan or client contracts.

These “freelance-visa-type routes” are available to TCNs in all five countries, but they are national self-employment residence permits with different names, requirements, and levels of accessibility, rather than a unified visa category. In Portugal, the D2 Entrepreneur Visa provides a well-established route for freelancers and entrepreneurs. In Spain, there is a self-employment residence authorisation (cuenta propia) which requires compliance with the legal requirements for the opening and operation of the proposed activity, proof that the planned investment is sufficient, and documentation on the implementation of the project and, where applicable, its impact on job creation, including self-employment.

⁵⁰ <https://ind.nl/en/residence-permits/work/residence-permit-self-employed-person>

⁵¹ <https://legalclarity.org/netherlands-digital-nomad-visa-self-employed-permit>

In the Netherlands, self-employment is possible through a residence permit for self-employed persons. In Poland, the temporary residence permit for business activity allows self-employment through registered economic activity. In Bulgaria, self-employment is possible via a residence permit for trade representation or business activity, typically linked to establishing a company or commercial presence.

E. Study → work transition

Study → work transition pathways allow third-country nationals to enter on a student residence permit and subsequently remain in the country to seek employment or transition into a work permit or skilled migration route after graduation. This typically involves a student visa, followed by a post-study job-search period and, where eligible, conversion to a work permit or skilled residence status.

This pathway seems well developed and commonly used in the Netherlands, Poland, Portugal and Spain, where post-study residence permits and job-search schemes facilitate transition into the labour market. In Poland, full-time students at public universities can work without a permit. Students at private universities can only work if their university is listed on a special list maintained by the Ministry of the Interior and Administration. It should be noted that there have been cases where private universities have brought people in as students and then forced them to work.⁵²

The Netherlands allows a study-to-work transition for non-EU graduates mainly through the Orientation Year (zoekjaar) permit, which lets students stay for up to one year after graduation to look for a job or start a business while working freely without a work permit. If the student finds employment, they can then switch to a Highly Skilled Migrant visa, but there is no automatic conversion from a student visa to a work permit outside this pathway.⁵³

In **Spain**, holders of a student residence authorisation may engage in employment during the validity of their permit, subject to the conditions established by law, without the need to obtain a separate work authorisation. After completing their studies, they may apply to modify their status to a residence and work permit or, where applicable, to a residence status benefiting from an exemption from work authorisation requirements, such as certain categories of professors, researchers, scientists and technicians, without having to leave Spain.⁵⁴

In **Portugal**, graduates can apply for a “job search visa” (visto para procura de trabalho) or transition into a residence permit that allows them to remain while looking for employment. Once they find a job, they can convert to a standard residence permit for subordinate work or highly qualified activity. This framework is part of Portugal’s Immigration Law.⁵⁵

In **Bulgaria**, third-country nationals who finish their studies in Bulgaria must switch to a standard work residence permit if they want to stay and work. That usually requires a job offer from a Bulgarian employer, approval under the country’s work permit system, and meeting the general immigration requirements under the Foreigners in the Republic of Bulgaria Act. In practice, this makes the transition

⁵² Information provided by La Strada Poland

⁵³ See Dutch government information portal <https://www.government.nl/faq/foreign-citizens-working-in-the-netherlands/what-permits-do-foreign-workers-need>

⁵⁴ Royal Decree 1155/2024 https://www.boe.es/diario_boe/txt.php?id=BOE-A-2024-24099
<https://www.agmabogados.com/en/main-new-regulations-affecting-student-permits-in-spain/>

⁵⁵ See Law No. 23/2007, as amended by Law No. 18/2022). www.aima.gov.pt

more employer-driven and less flexible than dedicated post-study job-search visas in some other EU countries.⁵⁶

F. Long-term residence / permanent residence

Usually after five years of continuous legal residence in an EU Member State, third-country nationals may become eligible for EU long-term resident status, provided they meet additional conditions such as stable and sufficient income, adequate housing, health insurance, and integration requirements⁵⁷. Following the EU long-term residence framework, all five countries generally allow third-country nationals to get permanent or long-term residence after about five years of legal and continuous stay. This may include language or civic integration criteria depending on the country.

This status grants enhanced residence security and equal treatment rights in areas such as employment, education, social security, and access to public services. It also provides intra-EU mobility rights, allowing movement to another EU Member State under certain conditions, although a new residence authorisation is still required in the destination country.

In addition, long-term residence can serve as a pathway to permanent national residence or citizenship, depending on national rules. Citizenship eligibility varies by country and may require additional residence periods, language proficiency, and integration tests beyond the EU long-term resident status.

In Spain and Portugal, it seems to be easier to obtain a long-term or permanent residence permit, as Poland and the Netherlands have set stricter additional conditions.

⁵⁶ The legal basis is the Foreigners in the Republic of Bulgaria Act, which regulates residence and work permits for non-EU nationals and does not provide a dedicated post-study job-search transition scheme like some other EU countries.

Under this law, a foreign student's stay is tied to their study permit, and continued residence for work purposes requires switching to a separate work-based permit issued under Bulgarian labour migration rules, typically initiated by an employer and approved by the Ministry of Labour and Social Policy. https://www.bcci.bg/law/basic/low_on_foreigners

⁵⁷ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-resettlement/long-term-residents_en

Other mobility pathways

There are several “mobility” pathways for TCNs in Europe that sit in a grey area between migration, labour mobility, cultural exchange, and temporary residence. The most important are:

1. Posting of workers

The Posting of Workers framework applies when a worker is temporarily sent by an employer in one EU member state to carry out work in another member state, while remaining employed and insured in the sending country, meaning posted workers remain subject to the social security rules of the sending country as long as the duration of posting does not exceed 24 months, where the applicable EU coordination conditions are met. Posted workers must be guaranteed a core set of host-country labour protections, including minimum pay, working time regulations, and health and safety standards.

For third-country nationals, posting is only possible if they are already legally employed and lawfully resident in another EU member state and are then posted by an employer established there. In Bulgaria, the Netherlands, Poland, Portugal, and Spain, this mechanism is permitted under EU rules, with national variations in enforcement and notification requirements. Across all five countries, posting does not function as an entry route into the EU labour market, but rather as a form of temporary intra-EU mobility for workers who already have legal employment status in another member state.

2. Au pair visas

Au pair schemes allow third-country nationals - typically young adults - to live with a host family in Europe in exchange for providing light childcare and household support, while also having the opportunity to learn the language and culture of the host country. Although often referred to as “au pair visas”, in most countries this is not a formal visa category but rather a residence status regulated under national immigration and labour rules.

Overall, au pair arrangements are generally positioned as cultural exchange schemes rather than formal labour migration pathways, with varying degrees of regulation and protection, and without a harmonised legal framework across the five countries. Instead, the approach varies.

In the **Netherlands**, au pair placement is formally regulated through recognised au pair agencies, with strict limits on working hours and a strong emphasis on cultural exchange rather than employment. Third-country nationals need an au pair residence permit issued by the IND (Immigration and Naturalisation Service), and it can only be arranged through an IND-recognised au pair agency, which acts as the legal sponsor and submits the application on your behalf. The permit is normally valid for up to one year and cannot be extended as an au pair status. Au pairs must be between 18 and 25 years old, unmarried, and without children, and must live with a host family under a structured exchange arrangement. The stay is limited to cultural exchange duties, meaning only light household help and childcare within strict limits, and you cannot take other jobs or work for additional employers.⁵⁸

⁵⁸ <https://www.nl labour authority.nl/topics/foreign-nationals-employment-act/au-pairs> and <https://ind.nl/en/residence-permits/au-pair-and-exchange/residence-permit-au-pair>

Spain regulates au pair placements primarily through the European Agreement on Au Pair Placement, ratified in 1988. The Agreement defines an au pair placement as a temporary cultural exchange arrangement under which a young foreign national is hosted by a family in exchange for limited services, with the objective of improving language skills and cultural knowledge. It further recognises au pairs as a distinct category, neither fully students nor workers, but sharing characteristics of both.

Unlike some European countries that provide a dedicated residence permit for au pairs, Spain does not currently have a stand-alone immigration category specifically for au pair placements. In practice, non-EU nationals participating in au pair programmes generally obtain a long-stay visa linked to studies and an au pair agreement with a host family. The arrangement is therefore treated principally as a cultural and educational exchange rather than as an employment relationship.⁵⁹

In **Portugal**, au pair arrangements are also not defined as a specific visa category and are usually treated under broader temporary stay or cultural exchange frameworks. In **Poland**, au pair schemes exist in practice but are not highly formalised in immigration law and are typically arranged through private agreements. In **Bulgaria**, there is no established au pair visa or structured regulatory framework for au pair placements.

In **Poland**, au pair schemes exist in practice but are not highly formalised in immigration law. Instead of having a dedicated “au pair visa” or official au pair programme in its immigration system for third-country nationals, au pairing is usually treated as a private arrangement under general visa and residence rules. Au pairs from outside the EU typically enter on a Schengen visa (short stay, up to 90 days) or a national visa (D-type) depending on the length of stay, but neither is specifically designed for au pair work. There is no special legal category that regulates working conditions, age limits, or host family requirements the way countries like the Netherlands do. In practice, this means au pair arrangements in Poland are informal from an immigration-law perspective, and if any work or childcare is involved beyond a visit/stay, it must still comply with general labour and residence rules, which usually requires a proper work permit issued by the voivodeship authorities.

3. Seasonal work

Seasonal work schemes allow third-country nationals to enter EU member states for a limited period to take up employment in sectors with predictable seasonal labour shortages, most commonly agriculture, horticulture, tourism, and hospitality. These schemes are typically time-bound, tied to a specific employer, and subject to strict conditions regarding duration of stay, accommodation, and return obligations. What is generally not allowed under seasonal work permits is long-term or year-round employment, skilled professional work, or sectors without a clear seasonal pattern. Employers also usually must prove that the job is genuinely seasonal and temporary.

At EU level, this is regulated under a common framework, the EU Seasonal Workers Directive (Directive 2014/36/EU) that sets minimum standards for admission and working conditions. In Bulgaria, the Netherlands, Poland, Portugal, and Spain, seasonal work permits are available but operate through national implementation of the EU framework, with some variation in procedures and sectoral demand. **Spain** and **Portugal** have relatively structured and frequently used seasonal schemes,

⁵⁹ AEPA (Spanish Au Pair Agencies Association) report “Informe Visado Au Pair” 2022, https://iapa.org/wp-content/uploads/2023/01/informe_visado_aepa_web-protegido.pdf

particularly in agriculture and tourism. **Poland** also makes extensive use of seasonal labour migration. Seasonal work is defined as work performed for a period not exceeding nine months within a calendar year in the agriculture, horticulture, or tourism sectors, specifically within activities classified as seasonal under the Council of Ministers' regulation of 25 November 2025. The employer is responsible for submitting the permit application. The conditions for granting such permits are set out in considerable detail. There are also certain facilitations for citizens of Armenia, Belarus, Moldova, and Ukraine, countries whose nationals may work in Poland based on an employer's declaration, without the need to apply for a work permit.

The **Netherlands** applies seasonal permits mainly in agriculture and horticulture with tighter employer requirements, whereas **Bulgaria's** seasonal work framework is more limited in scale and is used primarily in tourism and hospitality. Across all five countries, seasonal work is typically temporary, employer-specific, and does not provide a direct pathway to long-term residence.⁶⁰

4. Intra-corporate transfer (ICT)

Intra-corporate transfer (ICT) schemes allow third-country nationals who are already employed by a company outside the EU to be temporarily transferred to a branch, subsidiary, or affiliate of the same company within an EU member state. These permits are designed for managers, specialists, and trainees, and are regulated under a common EU framework (Directive 2014/66/EU (Intra-corporate Transferees Directive))⁶¹ that sets conditions related to eligibility, qualifications, professional experience, salary levels, duration limits, and the temporary nature of the assignment and core rights.

In Bulgaria, the Netherlands, Poland, Portugal, and Spain, ICT permits are available through national implementation of the EU ICT Directive, with broadly similar eligibility criteria across all five countries. The **Netherlands** and **Spain** are among the more frequently used destinations for ICT postings due to their larger corporate presence, while **Portugal** and **Poland** also apply the scheme in practice for multinational companies. **Bulgaria** uses ICT permits on a more limited scale and is used primarily in tourism and hospitality. Across the five countries, ICT permits are strictly temporary, tied to the employer and corporate group, and do not provide a direct pathway to permanent residence.⁶²

⁶⁰ For Spain, the framework is implemented through Spain's immigration law and procedures managed by the Ministry of Inclusion, Social Security and Migration. <https://extranjeros.inclusion.gob.es> For Portugal, seasonal work rules fall under the general immigration framework (Law No. 23/2007 as amended) and are administered by AIMA. <https://aima.gov.pt> For Poland, seasonal work permits are regulated under the Act on Foreigners and labour market rules managed by the Office for Foreigners and the Ministry of Family and Social Policy. <https://www.gov.pl/web/udsc-en> For the Netherlands, seasonal work is regulated under Dutch immigration law and work authorisation rules managed by the IND and the Netherlands Labour Authority. <https://ind.nl/en> <https://www.nllabourauthority.nl/> and lastly for Bulgaria, seasonal work rules are under the Foreigners in the Republic of Bulgaria Act, administered by the Ministry of Interior and Labour authorities. See <https://www.mvr.bg/en> and <https://www.mlsp.government.bg/en>

⁶¹<https://eur-lex.europa.eu/eli/dir/2014/66/oj>

⁶² See for the Netherlands <https://ind.nl/en/residence-permits/work/intra-corporate-transferee-residence-permit-directive-201466eu>; for Spain https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/intra-corporate-transferee-ict-spain_en for Portugal https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/intra-corporate-transferee-ict-portugal_en; for Poland https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/intra-corporate-transferee-ict-poland_en and for Bulgaria https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/intra-corporate-transferee-ict-bulgaria_en (EU country portal listing) and national legal basis: <https://www.mvr.bg/en> Bulgaria applies the ICT rules under its Foreigners in the Republic of Bulgaria Act, aligned with Directive 2014/66/EU.

5. Traineeships and internships

Traineeship and internship schemes allow third-country nationals to enter EU member states for a limited period to gain work experience, training, or skills development within a host organisation. These arrangements are typically time-bound and may be linked to studies, vocational training, or structured graduate programmes. They are generally not intended as standard employment and often include restrictions on duration, remuneration, and working conditions.

In Bulgaria, the Netherlands, Poland, Portugal, and Spain, traineeships and internships are available but are regulated differently across national systems.

Spain has a structured residence authorisation for traineeships linked to higher education, which may be based either on a traineeship agreement or on a traineeship employment contract. In the **Netherlands**, internships are commonly used as part of study programmes or recognised traineeship schemes, while **Portugal** and Spain also have structured internship pathways linked to education or training programmes. **Poland** and **Bulgaria** offer more limited or less formalised arrangements, often tied to educational institutions or specific employer agreements. Across all five countries, traineeships and internships remain temporary in nature and do not typically provide a direct pathway to long-term residence or stable employment status.

6. Working holiday schemes

Working holiday schemes allow young third-country nationals, typically from countries with bilateral agreements, to live in an EU member state for a limited period while combining travel with short-term employment. These schemes are designed primarily for cultural exchange and temporary work rather than long-term labour migration. Eligibility is usually restricted by age, nationality, and financial requirements, and permits are typically valid for up to one year (sometimes extendable).

Among the five countries, working holiday schemes are not widely or uniformly available. The **Netherlands** has very limited access, mainly through specific bilateral arrangements rather than a broad programme. In **Spain**, formal youth mobility or working holiday-type schemes do exist, but only through specific bilateral agreements with selected countries and under conditions such as age limits, nationality requirements, limited duration and, in some cases, restrictions on employment. These schemes are primarily designed for cultural exchange, travel and temporary or occasional work, rather than as a structured long-term labour migration channel.

Portugal, **Poland**, and **Bulgaria** do not operate formal, standardised working holiday visa schemes. As a result, this pathway plays a relatively marginal role in migration routes for third-country nationals in these countries and does not constitute a significant or structured labour migration channel.

7. Vocational/apprenticeship permits

Vocational and apprenticeship permits allow third-country nationals to enter EU member states to participate in structured training programmes that combine practical workplace learning with formal education or vocational instruction. These schemes are typically designed to support skills development in sectors facing labour shortages and are usually time-limited, with conditions linked to

an approved training provider or employer. In most cases, they are not standard employment permits but rather training-based residence authorisations with restricted labour rights.

Across Bulgaria, the Netherlands, Poland, Portugal, and Spain, vocational and apprenticeship pathways exist in different forms⁶³ but are generally more developed in the Netherlands, Portugal, and Spain, where dual education or structured vocational training systems are more established.

Bulgaria offers a trainee residence permit for non-EU nationals who have secured a traineeship with a Bulgarian employer. Applicants generally need an employment contract, a long-stay visa (where applicable), proof of accommodation, health insurance, and sufficient financial means. The residence permit is usually granted for the duration of the traineeship, up to one year. A separate work permit is not required, as the residence permit authorises the trainee to work within the scope of the traineeship. If the trainee is later offered employment, it may be possible to transition to a work-related residence permit. **The Netherlands** allows non-EU nationals to undertake internships and apprenticeships through a Single Permit (GVVA), which combines residence and work authorisation. The internship or apprenticeship must be part of a recognised training programme and should primarily serve educational purposes rather than replace regular employment. In many cases, the employer must be a recognised sponsor, and the applicant is expected to be enrolled in a study programme or to have graduated recently. The permit is generally issued for the duration of the internship or apprenticeship and allows work only within the approved training arrangement.

Poland provides temporary residence permits or national visas for trainees, particularly for students and recent graduates from non-EU countries. Applicants must usually have a formal traineeship agreement with an approved host organisation, as well as proof of financial resources, accommodation, and health insurance. The permit is typically valid for the length of the traineeship, often between six months and one year. While the traineeship itself is authorised under the residence permit, changing to regular employment may require a different residence or work authorisation. **Portugal** offers a residence visa followed by a residence permit for non-EU nationals participating in recognised traineeships or vocational training programmes. Applicants must demonstrate that they have been accepted into a recognised training placement, have sufficient financial resources, accommodation, and health insurance. The permit is commonly issued for up to one year and can cover both company-based traineeships and vocational education and training (VET) placements.

Spain offers several immigration pathways for trainees, depending on the nature of the traineeship and its connection to higher education or vocational training. Non-EU nationals may obtain a residence authorisation for traineeships based on either a traineeship agreement or a traineeship employment

⁶³ See Bulgarian Ministry of Interior (Directorate "Migration"). Information on residence permits for third-country nationals <https://www.mvr.bg/migration>; for the Netherlands see Dutch Immigration and Naturalisation Service (IND). Intern or apprentice in the Netherlands. This outlines the requirements for internships and apprenticeships, recognised sponsors, and residence permits. <https://ind.nl/en/residence-permits/work/intern-or-apprentice-in-the-netherlands> and https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/trainee-netherlands_en For Poland; https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/trainee-poland_en Office for Foreigners (Poland). Information on temporary residence permits. <https://www.gov.pl/web/udsc> For Portugal see [www.home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/trainee-portugal_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/trainee-portugal_en) and Agency for Integration, Migration and Asylum (AIMA). Residence permits and visas. <https://aima.gov.pt> and for Spain Spanish Ministry of Inclusion, Social Security and Migration. Information on residence authorisations for trainees and students. <https://www.inclusion.gob.es>

contract. In addition, traineeships may be undertaken within the framework of a study-related immigration status where they form part of an educational programme. Applicants are generally required to provide a valid traineeship agreement or contract, evidence of sufficient financial resources, health insurance, and, where applicable, proof of the absence of a criminal record. The duration of the authorisation varies according to the legal basis and may be renewed or, in certain circumstances, lead to another residence or residence-and-work status.

In all five countries, these permits remain temporary and are primarily focused on skills acquisition rather than providing a direct route to long-term residence or permanent employment.

Role of recruitment and employment agencies

Recruitment and employment agencies play a central role in facilitating access of TCNs to the European labour market, particularly in sectors with labour shortages, temporary demand, or complex administrative requirements. Agencies act as the main gateway for many TCNs, but their role varies depending on whether the work is high-skilled, temporary, posted across borders, seasonal, or in logistics, manufacturing, or domestic work.

There are two main types: **recruitment agencies**, which source candidates abroad, match them with employers, and assist with visas without becoming the legal employer, and **temporary work agencies**, which directly employ workers and lease them to client companies, often sponsoring visas and handling payroll.⁶⁴ Agencies dominate TCN migration because direct hiring can be bureaucratic, legally risky, and administratively complex; agencies manage permits, compliance, housing, transport, payroll, and postings.

Poland has become a major gateway, where ‘agencies’ recruit TCNs, secure Polish work permits, employ them, and post them to higher-wage EU countries like the Netherlands, Germany, or Belgium. However, since 2025, new regulations governing the operation of employment agencies emerged. Newly registered agencies are not allowed to recruit third-country national workers for two years. This is intended to prevent agencies from being established specifically to quickly recruit people.

According to the National Register of Employment Agencies, there are currently 7,376 agencies registered in Poland.⁶⁵ Sectors using recruitment and employment agencies range from low- and mid-skilled work such as warehouses, food processing, construction, and agriculture to skilled roles like IT, mechanics, and engineering.

The **Netherlands** is a key destination for intra-EU posted workers⁶⁶ as well as third-country nationals employed through agency structures. The Dutch system is characterised by a highly flexible labour market in which employers frequently externalise hiring, compliance, and workforce management to specialised intermediaries. As one of Europe’s most agency-driven labour markets, recruitment and temporary-work agencies play a central role in sectors such as logistics, distribution, hospitality,

⁶⁴ <https://www.ihrb.org/resources/what-are-employment-and-recruitment-agencies>; Jan Cremers, The international recruitment chain: Experiences and policy recommendations, 2026

⁶⁵ Information from September 2026 <https://stor.praca.gov.pl/porta/kraz/kraz-przeglad>

⁶⁶ <https://www.seo.nl/en/publications/posted-workers-to-and-from-the-netherlands-facts-and-figures/>

construction, manufacturing, and other services. These agencies often manage recruitment, employment contracts, payroll administration, and sometimes accommodation, while facilitating labour market access for both high-skilled and lower-skilled third-country nationals.

In response to concerns about labour exploitation and the misuse of temporary agency work and posting arrangements, particularly affecting migrant workers, and calls for more oversight, the Netherlands has proposed a mandatory licensing system for employment agencies as part of broader labour market reforms reducing abuse in the temporary work sector. The proposed system would require agencies to obtain official authorisation to operate, who could face sanctions or withdrawal of licences in cases of non-compliance. However, the reform is still in the legislative preparation phase and has not yet been adopted or implemented. For now, the regulation of employment agencies continues to rely on registration rules, collective agreements, and enforcement by the Labour Inspectorate.

In **Portugal**, agencies are less dominant but still important in agriculture, hospitality, and construction, often working through networks from Brazil, other Latin American countries, and South Asia, sometimes involving informal recruitment and legalisation after arrival. Generally, there is a critical lack of reliable recruitment agencies combined with weak monitoring regimes, like in many other European countries. In the Portuguese context, temporary work agencies and informal brokers dominate recruitment in agriculture, construction, and hospitality. The lack of a stringent, proactive licensing and auditing system allows letterbox companies and untraceable intermediaries to operate freely, charging illegal recruitment fees abroad and trapping TCNs in debt bondage before they even arrive.

Spain relies significantly on employer-led recruitment-at-origin mechanisms, particularly through the GECCO framework, to facilitate seasonal and circular migration mainly in agriculture and other sectors experiencing labour shortages. Highly skilled migration is generally managed through separate employer-sponsored pathways rather than the seasonal recruitment system.

Official Spanish migration schemes are primarily employer-driven and state-regulated, not so much agency-driven. Highly qualified migration is generally channelled through employer sponsorship and specific migration regimes. Seasonal and circular migration, especially in agriculture, is usually carried out through the GECCO system (Gestión Colectiva de Contrataciones en Origen), where applications are submitted by employers (or groups of employers), and recruitment may involve competent authorities in origin countries. Domestic work is an important migrant employment sector in Spain, but it does not fall within seasonal recruitment schemes, nor does the hospitality sector.

Apart from this specific circular migration scheme, labour intermediation through both formal and informal recruitment agencies is also present in Spain, not only in agriculture but also in other sectors facing labour shortages and relying on migrant workers already residing in the country. One of the main challenges associated with labour intermediation is the fragmentation of responsibilities relating to recruitment processes and employment conditions, particularly where complex subcontracting chains and the externalisation of services are involved. This can make it more difficult to identify accountability for labour rights violations and to effectively monitor working conditions.

Bulgaria serves as a lower-cost labour platform, recruiting Central and South Asian workers for manufacturing and logistics, though its agency ecosystem is less developed than Poland's.

High-skilled agencies across Europe recruit internationally, sponsor visas, handle payroll, and contract employees to clients, often in IT, engineering, and consulting, while managing residence and compliance. However, agency-mediated migration carries risks of exploitation, including illegal recruitment fees, tied housing, fake contracts, underpayment, and dependency on sponsors, particularly in agriculture, warehouses, and low-skilled staffing chains.

EU regulations generally prohibit charging workers recruitment fees, though enforcement varies. Strategically, agencies act as migration intermediaries, labour suppliers, and mobility facilitators, moving TCNs across EU markets. Structurally, the Netherlands is a high-wage destination, Poland is a gateway and posting hub, Portugal is flexible for legalisation, Spain handles seasonal and skilled labour, and Bulgaria serves as a lower-cost outsourcing base.

Europe is increasingly moving toward a more managed, agency-mediated approach to migration⁶⁷, not only to shape asylum and migration rules but also to address labour shortages, ageing populations, and mounting political pressures. The EU is relying on initiatives such as EU Talent Partnerships and the EU Talent Pool⁶⁸ - a centralised platform designed to match pre-screened international workers with domestic labour shortages. Together, these initiatives reflect a broader policy philosophy in which Europe seeks to exercise greater control over who enters, through which channels, and under what structural conditions. The central role of recruitment and temporary work agencies can increase TCNs' vulnerability to exploitation, particularly when workers depend on agencies for employment, legal status, housing, and transport. This can lead to risks such as illegal recruitment fees, debt, underpayment, and abusive working conditions.

⁶⁷ This transition is anchored by the [Pact on Migration and Asylum](#), which entered into application on June 12, 2026, and the European Commission's [European Asylum and Migration Management Strategy \(2026–2031\)](#)

⁶⁸ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-resettlement/work/eu-talent-pool_en

Exploitation of third-country national migrants

The risk of exploitation for third-country nationals (TCNs) in Europe is significant and varies depending on the country, sector, and type of migration. Exploitation often arises where there is high demand for cheap labour, weak regulatory oversight, complex administrative systems, or dependency on intermediaries like recruitment or temporary work agencies.⁶⁹

Across Europe, the main forms of exploitation include illegal recruitment fees, debt bondage, underpayment, excessive working hours, unsafe working conditions, confiscation of identity documents, tied housing and other forms of dependency on intermediaries. Labour exploitation often exists on a continuum, ranging from wage underpayment and excessive working hours to severe forms of coercion, including forced labour and human trafficking. TCNs are particularly vulnerable if their legal status is tied to a single employer or sponsor, because losing that job can mean losing their residence permit.

Temporary, seasonal, or posted workers face additional risks because they often lack local labour protections or awareness of their rights. Sectors such as agriculture, construction, logistics, domestic work, hospitality, and warehouses are especially prone to abuse.

Common risk factors across all these countries include dependence on a single employer for both employment and residence, lack of familiarity with local labour laws, lack of information, complex visa or posting arrangements, informal recruitment practices, and language or cultural barriers. The EU and national governments are increasingly regulating recruitment and temporary work agencies to combat these practices, but enforcement gaps and complex multi-country employment arrangements continue to leave TCNs exposed to exploitation.

At EU level, regulation of recruitment and temporary agency work has been strengthened through instruments such as the Temporary Agency Work Directive (2008/104/EC), which establishes equal treatment for agency workers, and the Posting of Workers Enforcement Directive (2014/67/EU), which specifically targets fraud, abuse, and “letterbox companies” in cross-border labour mobility. More recently, the EU Platform Work Directive (adopted in 2024) also strengthens transparency and accountability in mediated work relationships, including algorithmic management and intermediated employment structures that can affect migrant workers.

At national level, several member states have introduced stricter oversight of recruitment and agency work in response to persistent abuse. The Netherlands has increased inspections through the Dutch Labour Inspectorate and is moving towards a mandatory licensing system for temporary employment agencies, aimed at reducing exploitation in sectors such as logistics, agriculture, and meat processing. Similar concerns have driven reforms in countries like Spain and Portugal, where enforcement efforts increasingly focus on subcontracting chains and seasonal labour intermediaries.

Despite these regulatory developments, significant enforcement gaps remain, particularly in complex cross-border recruitment chains and posting arrangements, where workers may be recruited in one country, contracted in another, and deployed in a third. These structural features of EU labour mobility

⁶⁹ European Union Agency for Fundamental Rights (2019), Protecting migrant workers from exploitation in the EU: workers' perspectives. <https://fra.europa.eu/en/publication/2019/protecting-migrant-workers-exploitation-eu-workers-perspectives>

schemes and lack of enforcement continue to enable underpayment, debt bondage, and other exploitative practices affecting third-country nationals.

Main sectors at risk of labour exploitation

According to the International Labour Organization (ILO), labour exploitation (forced labour) is most prevalent in labour-intensive sectors characterised by low wages, precarious employment, extensive subcontracting, informal work arrangements, and limited oversight. These structural characteristics increase workers' vulnerability to abusive labour practices, particularly where there is a high reliance on temporary, seasonal, or migrant labour.⁷⁰

Across Europe, the sectors most commonly associated with labour exploitation include agriculture, construction, manufacturing, fisheries, the food chain (including food and meat processing), logistics, warehousing and transport, hospitality and tourism, domestic and care work, cleaning and facility services, and platform work, particularly food delivery and courier services.

Although the specific sectors affected vary between countries, the underlying risk factors are largely the same. These include complex subcontracting chains, agency-mediated recruitment, temporary or informal employment arrangements, dependence on employers or intermediaries for housing or transport, language barriers, limited knowledge of labour rights, and restricted access to effective complaint mechanisms. For many third-country nationals, dependence on a single employer due to their migration or residence status can further increase vulnerability and discourage reporting of abusive working conditions.

Platform work deserves particular attention as an emerging area of concern. The rapid growth of digital labour platforms has attracted increasing numbers of third-country nationals into food delivery and courier work. In several European countries, this has been accompanied by practices such as bogus self-employment, account renting through intermediaries, and other informal arrangements that create dependency, reduce workers' earnings, and make exploitation more difficult to identify and address.

ILO research highlights that temporary and seasonal workers may face an increased risk of labour exploitation where temporary labour migration arrangements create dependency on a particular employer, restrict workers' ability to change jobs, rely heavily on labour intermediaries, or provide inadequate access to labour and social protections. The vulnerability associated with temporary and seasonal work therefore arises not simply from its temporary character, but from the way such employment and migration arrangements are designed, regulated and enforced⁷¹.

Labour exploitation of third-country nationals (TCNs) across Bulgaria, the Netherlands, Poland, Portugal, and Spain is concentrated in a similar set of labour-intensive sectors. These include agriculture and seasonal work, construction, manufacturing, food processing (including meat

⁷⁰ See [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage | International Labour Organization](#)

⁷¹ [ILO Temporary labour migration: Unpacking complexities - Synthesis Report \(2022\)](#), [Fair recruitment initiative: regulating labour recruitment to prevent human trafficking and to foster fair migration: models, challenges and opportunities](#) / International Labour Office. - Geneva: ILO, 2015

processing), fisheries, logistics and warehousing, hospitality and tourism, domestic and care work, cleaning services, and increasingly platform work, particularly food delivery and courier services.

The nationalities of TCNs employed in these sectors vary between countries and change over time in response to labour market needs and migration flows. Across the five countries, workers from South Asia (particularly India, Nepal, Bangladesh and Pakistan), Southeast Asia (the Philippines and Vietnam), Central Asia (such as Uzbekistan and Kyrgyzstan), North and West Africa (including Morocco), Latin America (particularly Brazil and Colombia), and Eastern Europe (including Ukraine, Moldova and Georgia)⁷² are commonly represented in sectors where labour exploitation has been identified. Because migration patterns and recruitment practices evolve, many international organisations and national authorities recommend focusing on high-risk sectors and structural vulnerabilities, rather than on specific nationalities, when assessing the risk of labour exploitation.

According to the most recent Eurostat statistics on trafficking in human beings, 64% of all registered trafficking victims in the EU in 2024 were non-EU citizens, while 28% were citizens of the reporting country and 8% were citizens of another EU Member State⁷³. This confirms that third-country nationals constitute the majority of registered trafficking victims in the EU.

Eurostat reports victims by broad citizenship categories (national citizens, other EU citizens, and non-EU citizens). Other EU reports, particularly from the European Commission and the European Union Agency for Law Enforcement Cooperation (Europol), identify the third-country nationalities most frequently encountered among victims of trafficking for labour exploitation. These commonly include nationals from: India, Bangladesh, Pakistan, Nepal, Vietnam, Morocco, Nigeria, Brazil, Colombia and the Philippines.

These nationalities are frequently identified because they are well represented in sectors with a high incidence of labour exploitation, such as agriculture, construction, food processing, hospitality, domestic work, fisheries, and platform work. However, the profile varies considerably by Member State and over time.

⁷² Information provided by the 5 consortium partners based on own statistical data, June 2026

⁷³ Eurostat, 2025. Trafficking in human beings statistics 2024. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Trafficking_in_human_beings_statistics

National legislation on THB, forced labour and labour exploitation

The five countries - Bulgaria, the Netherlands, Poland, Portugal and Spain - criminalise labour exploitation primarily through their trafficking in human beings (THB) provisions, rather than through a standalone offence of “forced labour” or a separate, general offence of “labour exploitation”. In all five jurisdictions, national legislation is broadly aligned with the international legal framework, in particular the UN Palermo Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings (2005), and the EU Anti-Trafficking Directive (Directive 2011/36/EU). These instruments define trafficking through the combination of an act (recruitment, transport, transfer, harbouring or receipt of persons), means (such as coercion, deception, abuse of vulnerability or dependency), and purpose of exploitation, including forced labour, servitude, slavery or similar practices.

In **Bulgaria**, trafficking in human beings is criminalised under Articles 159a–159c of the Bulgarian Criminal Code. These provisions explicitly cover trafficking for the purpose of forced labour and exploitation. Bulgaria does not have a separate standalone offence of forced labour or labour exploitation outside the trafficking framework. In practice, labour exploitation cases are therefore prosecuted under trafficking provisions, provided that the elements of “means” and “purpose of exploitation” can be demonstrated.

In the **Netherlands**, trafficking in human beings is criminalised under Article 273f of the Dutch Criminal Code (Wetboek van Strafrecht). This provision is one of the more extensively interpreted in Europe and covers a wide range of exploitative practices, including forced labour and services. Dutch jurisprudence has played an important role in clarifying when exploitative working conditions amount to criminal trafficking. There is no standalone offence of forced labour, but Dutch courts have developed relatively detailed case law on labour exploitation thresholds. A legislative development approved by the Dutch Senate on 29 September aimed to further criminalise situations of “severe disadvantage” (ernstige benadeling), which broaden the scope beyond classic trafficking definitions in theory, but it is still uncertain what its implementation affects will be in practice.

In **Poland**, trafficking in human beings is criminalised under Article 189a of the Polish Criminal Code. The legal definition of human trafficking is contained separately in Article 115, Paragraph 22 of the Polish Criminal Code. It defines trafficking through acts such as recruitment, transportation, transfer, harbouring or receipt of a person, combined with specified means and carried out for the purpose of exploitation. The definition includes the “intent to exploit a person for forced labour or services”.⁷⁴

The provision closely follows the Palermo Protocol structure and explicitly includes forced labour and slavery-like practices within the definition of exploitation. Poland does not have a separate criminal offence of forced labour or labour exploitation outside trafficking provisions. In practice, labour exploitation cases are prosecuted under trafficking provisions or, where thresholds are not met, under related labour law or criminal provisions (such as violations of workers’ rights), although these do not constitute a distinct forced labour offence.

⁷⁴ See Polish Criminal Code Human Trafficking act <https://eli.gov.pl/api/acts/DU/2024/17/text.html>

In **Portugal**, trafficking in human beings is criminalised under Article 160 of the Portuguese Penal Code. The law explicitly incorporates exploitation for forced labour, slavery and servitude and mirrors the EU and Council of Europe definitions closely. Portugal does not recognise a separate offence of forced labour or labour exploitation outside the trafficking framework. As in other jurisdictions, prosecution depends on proving the constituent elements of trafficking rather than labour exploitation as an independent offence.

In **Spain**, trafficking in human beings is criminalised under Article 177 bis of the Spanish Criminal Code. This provision includes exploitation for forced labour or services, slavery or practices similar to slavery. Although forced labour or services, slavery and practices similar to slavery are indicated as forms of exploitation within the trafficking offence, they are not established as standalone offences in the Criminal Code. Likewise, labour exploitation is not criminalised as a general autonomous offence; instead, it is addressed through the set of crimes against workers.⁷⁵

The main differences are not in the formal definitions, but in how broadly national courts interpret “exploitation”; evidentiary thresholds; and whether severe labour abuse without movement or recruitment qualifies as human trafficking. For example: the Netherlands is known for relatively detailed jurisprudence on when poor labour conditions become criminal exploitation. Poland, Portugal and Spain more explicitly reproduce the Palermo wording in statute form.

Other legal provisions addressing labour exploitation

In all five countries, labour exploitation is addressed not only through human trafficking offences, but also through a wider mix of labour law, migration law, occupational health and safety regulations, administrative sanctions, and criminal provisions on coercion, fraud, violence and employer liability. These instruments are often applied in situations where abusive labour practices do not meet the legal threshold for human trafficking but nevertheless involve serious violations of workers' rights. Across the five jurisdictions, labour inspectorates play a central role in identifying and addressing such abuses, while criminal prosecution is generally reserved for the most serious cases.

In **Bulgaria**, alongside THB offences, criminal law covers coercion, threats, unlawful deprivation of liberty, and document confiscation, while the illegal employment of third-country nationals and serious wage and labour rights violations can lead to administrative or criminal sanctions. Enforcement in practice, however, relies heavily on administrative labour inspections unless cases meet the threshold of the crime of human trafficking.

In the **Netherlands**, labour exploitation is addressed through a combination of criminal offences such as coercion, threats, extortion, and unlawful deprivation of liberty, alongside strict rules on illegal employment under the Foreign Nationals Employment Act. Abuse involving irregular status, underpayment, or dependency - such as confiscation of identity documents or exploitative housing - can be prosecuted through combined labour and criminal law approaches.

A legislative reform in the Netherlands has introduced a specific offence of labour exploitation below the threshold of human trafficking, particularly for cases involving systemic underpayment, excessive working hours, and/or degrading working and living conditions.

⁷⁵ Specifically, Title XV - art. 311.1 and 312.2 in fine of the Spanish Criminal Code.

In **Poland**, criminal law addresses coercion, violence, and unlawful deprivation of liberty, as well as offences related to the illegal employment of foreigners, facilitation of irregular stay, and abusive recruitment practices. Fraud in recruitment and withholding of identity documents may also be prosecuted, alongside offences concerning serious violations of employee rights and labour safety obligations.

In **Portugal**, labour exploitation is addressed through offences on coercion, threats, kidnapping, and unlawful deprivation of liberty, as well as criminalisation of facilitation of irregular stay and illegal employment of undocumented migrants. Additional liability arises from serious violations of labour conditions, unsafe working environments, and abusive subcontracting practices, with enforcement increasingly combining labour inspection, migration control, and criminal prosecution.

While it is legally accurate that Article 160 of the Penal Code and ACT (Authority for Working Conditions) provide a comprehensive formal framework on paper, in practice, the integration between labour inspection and criminal prosecution is highly fragmented. Labour exploitation cases are overwhelmingly treated as minor administrative or labour violations, resulting in low fines that lack deterrent effect. It is incredibly difficult for a TCN's situation to reach the high evidentiary threshold required to be prosecuted as criminal human trafficking, leaving the vast majority of exploited workers without victim-centred protections.

In **Spain**, the Criminal Code provides a detailed framework for addressing labour exploitation and related abuses. The Spanish criminal law contains specific offences against workers' rights, including the imposition of unlawful working or Social Security conditions, the repeated employment of foreign nationals without work permits, and the employment of foreign workers without permits under conditions that undermine their legally recognised labour rights. Serious labour abuses may therefore be prosecuted outside trafficking cases. General offences such as threats, coercion and unlawful detention may also be relevant depending on the facts.

Despite important differences in legal design, all five countries combine criminal law with labour and migration enforcement mechanisms to address labour exploitation. A common trend is the growing recognition that serious labour abuses may require intervention even where the elements of human trafficking cannot be established.

At the same time, labour inspectorates remain the primary enforcement actors in most cases, with criminal investigations typically reserved for situations involving coercion, severe dependency, organised abuse, or particularly serious violations of workers' rights.

Existing legal pathways for TCN workers to address labour exploitation

Across all five countries, third-country national workers who experience labour exploitation may, in principle, access four overlapping legal and institutional pathways: labour-law remedies, administrative enforcement mechanisms, criminal justice procedures, and immigration or victim-protection frameworks, also known as “social path”.

- The **labour-law pathway** allows workers to claim unpaid wages, contest unlawful deductions or dismissals, and challenge unsafe or excessive working conditions. These claims are typically pursued through labour courts, employment tribunals, or similar dispute resolution bodies, depending on the national system.
- The **administrative enforcement pathway** relies on labour inspectorates to detect and address violations through workplace inspections, investigations, and enforcement measures such as fines, improvement notices, or compliance orders imposed on employers.
- The **criminal-law pathway** applies in more severe cases where conduct may constitute criminal offences, including coercion, threats, violence, document confiscation, or trafficking in human beings. In such cases, police and public prosecutors may initiate investigations, and identified victims may gain access to specialised support and protection measures.
- The **"social path" approach** in human trafficking refers to a victim-centred strategy that prioritises social service agencies and civil society organisations - rather than law enforcement - for the formal identification and referral of trafficking victims.

In practice, however, access to these four formal pathways is rarely achievable for TCN workers acting independently. Structural barriers such as language limitations, lack of legal knowledge, dependence on employers or intermediaries, fear of retaliation or deportation, and the psychological impact of exploitation significantly restrict direct access to justice mechanisms.

In this context, specialised anti-trafficking NGOs and migrant support organisations play a critical and often indispensable role. Across all five countries, these actors function as the primary interface between exploited workers and formal institutions. They provide legal counselling, case assessment, interpretation and translation support, and practical assistance in navigating complex administrative and judicial procedures. Importantly, they also offer safe identification environments, allowing victims to disclose exploitation.

Pathway	Description
Labour-law route	Claims for unpaid wages, excessive working hours, unlawful deductions, dismissal or unsafe conditions through labour courts or employment tribunals.
Administrative route	Complaints to labour inspectorates leading to workplace inspections, compliance orders, sanctions, or administrative fines.
Criminal-law route	Police/prosecutor complaints and investigations into human trafficking, coercion, violence, document retention, potentially combined with victim support for trafficked persons.
Social path route	Identifying and assisting victims of trafficking in human beings, irrespective of their willingness to participate in criminal proceedings.

In practice, these pathways are often interconnected but not always easily accessible. Workers may be reluctant to report exploitation due to fear of losing employment or residence status, language barriers, limited awareness of rights, or distrust of authorities. As a result, many cases remain within labour or administrative enforcement systems and only a limited number progress to criminal prosecution or lead to formal victim recognition and residence-based protection.

Access to all four formal pathways is often mediated by non-governmental organisations, migrant support organisations, specialised anti-trafficking NGOs, labour unions, and victim support services, which collectively play a critical bridging function between exploited workers and institutional systems. These actors assist workers in identifying exploitative situations, reporting abuse, and navigating complex administrative, legal, and immigration procedures that would otherwise be difficult or impossible to access independently. Beyond formal case support, they often provide essential informal services such as interpretation, emergency assistance, safe referrals, peer outreach, and trust-building within migrant communities. In doing so, they help translate workers' experiences into actionable claims within labour inspectorates, police investigations, and court proceedings, thereby significantly increasing the likelihood that exploitation is formally recognised and addressed.

Rights for third-country nationals experiencing exploitation 'en route'

Access to rights for third-country national workers experiencing exploitation in Europe is formally structured through a combination of labour law, migration law, and criminal justice and victim protection frameworks.

In practice, however, effective access to these rights is often uneven and conditional on workers' legal and practical ability to come forward. Many TCNs are in employment situations where their residence status is tied to a specific employer, making them dependent on continued employment to remain legally in the country. This dependency can significantly discourage reporting of abuse. Language barriers, limited knowledge of rights, fear of deportation, and reliance on recruitment intermediaries further reduce access to remedies.

While anti-trafficking frameworks and labour inspection systems provide formal entry points for protection, only the most severe exploitative situations are identified as human trafficking. The threshold for formal recognition of human trafficking is generally high and depends on evidence of coercion, abuse of vulnerability or control meeting criminal law standards. Many cases remain addressed primarily as labour or administrative violations rather than triggering victim-centred protections. As a result, many workers remain within labour inspection or administrative systems and do not access the broader protection mechanisms available to formally recognised victims of trafficking. At EU law and CoE level, persons identified as potential or recognised victims of trafficking should in principle have access to the following rights:

- Right to be identified
- Right to recovery and reflection period
- Right to assistance; including:

- appropriate and secure accommodation,
 - psychological assistance,
 - material assistance,
 - access to emergency medical treatment,
 - translation and interpretation services,
 - counselling and information,
 - assistance during criminal proceedings, access to the labour market, vocational training and education, if lawfully resident in the country.
- Right to protection of private life and identity
 - Right to Protection during investigations and court proceedings
 - Right for access to compensation
 - Right to information
 - Right to repatriation and return
 - Non-prosecution or non-application of penalties to the victim

The Victims' Rights Directive spells out in more detail important rights of all crime victims, including the right: to understand and to be understood (Article 3); to receive information (Articles 4 and 6); to interpretation and translation (Articles 5 and 7); to access victim support services (Article 8); the right to be heard (Article 10); the right to a review of a decision not to prosecute (Article 11); the right to legal aid (Article 13); the right to a decision on compensation in the course of criminal proceedings (Article 16).

Rights of (undocumented) workers

Under ILO conventions and EU law, (migrant) workers, including undocumented workers, are entitled to:

- Respect for their basic Human Rights
- Protection against violence, harassment and abuse (C189)
- Non-discrimination
- Freedom of association and collective bargaining
- Equality of treatment
- Wages and benefits - minimum wage, regular and final payment including explicit recovery of back pay
- Safe and healthy work environment, protection against abusive recruitment practices and social protection
- Access to justice and firewall, effective reporting and remedies
- Right to a temporary residence permit (e.g. in case of identification as trafficked person)

Application of rights in practice

Across the five countries, legal frameworks formally allow victims of labour exploitation and trafficking to report abuse, access support services, and in some cases obtain residence permits. However, the ability to access these rights in practice depends strongly on identification, jurisdictional links to the country, and immigration status. In all countries, safe reporting remains partial rather than fully guaranteed, particularly for migrant workers in irregular or transit situations.

When reviewing how national legal systems in Europe address labour exploitation, trafficking, and forced labour in cross-border and transit contexts, with a particular focus on third-country nationals, it is relevant to assess whether victims can obtain legal recognition for exploitation that occurred during transit or abroad, and whether they can report such exploitation to national authorities even when it took place in another country. It is further essential to know the extent to which reporting is safe in terms of immigration enforcement, including risks of detention or removal, and whether any safe reporting mechanisms exist.

Bulgaria

Victims can be formally recognised under trafficking and labour-related criminal frameworks, but exploitation during transit or abroad is less consistently addressed in practice, particularly where jurisdiction is unclear.

Reporting exploitation that occurred in another country is possible, but for successful investigation and prosecution of the crime the elements of the offence need to be linked to Bulgaria (e.g. recruitment or control from or on the territory of the country, involvement of a Bulgarian perpetrator, as well as impact on the interests of a Bulgarian citizen).

There is no strong safe reporting mechanism separate from migration enforcement, meaning risks of immigration consequences may persist depending on status. Protection measures include victim assistance under anti-trafficking law and access to support services, but availability is uneven and heavily reliant on specialised NGOs. Residence permits for victims of trafficking exist but are relatively restrictive and not systematically applied; humanitarian residence is possible but rarely used in practice. Relevant authorities include labour inspectorates, police anti-trafficking units, and specialised NGOs such as Animus Association, which often play a key role in identification and referral.

Netherlands

The Netherlands provides relatively developed formal mechanisms for victim protection, including trafficking recognition, access to support services, and a reflection period and temporary residence permit for trafficking victims. Victims can in principle report exploitation that occurred abroad or during transit. In practice, however, investigation is often not started, or cases are dismissed if there is an insufficient link to exploitation in the Netherlands (e.g. recruitment, transit, or continued exploitation). In case of a Dublin claimant, the Netherlands expects victims to report the crime to the country they are to be returned.

While safe reporting mechanisms exist in policy and practice, there are no absolute guarantees against immigration consequences, particularly for irregular migrants outside trafficking identification

pathways. The labour inspectorate and the police can receive reports, and specialised coordination mechanisms exist for trafficking cases.

Access to rights such as psychosocial care, shelter, legal aid, and compensation is relatively well developed in formal terms, but still depends strongly on identification as a victim. The Dutch Labour Inspectorate, specialised police units, specialised victim-support organisations and NGOs such as FairWork play an important role in identification and referral.

Poland

Victim protection is primarily structured through human trafficking and criminal law frameworks, with access to support services and temporary residence permits for identified victims. Reporting exploitation that occurred abroad is possible but formal investigations generally require a link to Poland (such as recruitment, facilitation, or ongoing exploitation).

In practice, safe reporting is limited, particularly for irregular migrants, and fear of immigration consequences can reduce reporting. Assistance mechanisms exist but are more limited compared with other countries, particularly in terms of specialised psychosocial care and long-term integration support. To acquire certain rights, a victim must be formally identified by the police, the Border Guard, or a prosecutor. The identifying authority issues a certificate valid for three months (or four months for minors). This certificate grants the right to legal stay and a reflection period, as well as access to social aid.

If, after this period, the person wants to cooperate with law enforcement, they may apply for a residence permit. Residence permits linked to human trafficking exist but are not widely used in practice. A residence permit related to human trafficking is issued to individuals who cooperate with law enforcement or the justice system—for example, by serving as witnesses in a case. A residence permit gives the right to work/access to labour market. If a person is not identified as a victim of human trafficking and remains irregular in Poland, they must leave the country. Humanitarian or tolerated stay options are available but applied restrictively. Key authorities include the Border Guard, labour inspectorates, and police, alongside NGOs providing legal and emergency assistance, including La Strada Poland.

Portugal

Portugal provides a relatively broad legal framework for victims of trafficking and severe labour exploitation, including access to assistance, reflection periods, and residence permits linked to cooperation or vulnerability. Reporting exploitation that occurred abroad or in transit is possible, but for successful investigation there is to be a connection to Portuguese jurisdiction (e.g. recruitment networks, exploitation in Portugal, or cross-border trafficking routes).

While formal safe reporting provisions exist, in practice access depends on identification and cooperation with authorities, and risks linked to immigration status may still discourage reporting in irregular situations. Victims can access legal aid, social support, and shelter services, although capacity varies. Residence permits on humanitarian or victim grounds exist and are used in some cases, but not systematically.

Relevant actors include AIMA (Agency for Integration, Migration and Asylum), labour inspection authorities, police, and NGOs working on trafficking and labour rights, including APF.

Delays within Portugal's current immigration authority (AIMA) create a significant structural vulnerability for third-country nationals. Prolonged administrative backlogs in residence permit or visa renewal procedures can leave migrant workers in legal uncertainty indefinitely, often pushing them into irregular, temporary, or highly precarious forms of employment. This situation increases dependence on employers or informal intermediaries for income and housing, thereby heightening exposure to exploitative working conditions. In this sense, administrative delays and institutional "legal limbo" can act as an indirect but important systemic driver of labour exploitation.

Spain

Spain provides access to assistance and, in trafficking cases, recovery and reflection periods and residence permits, including for cooperation or personal circumstances. However, safe reporting is not fully guaranteed in practice, particularly for irregular migrants outside formal identification procedures.

Spanish courts have jurisdiction to conduct a criminal investigation into a case of human trafficking when the acts take place either on Spanish territory, originate in Spain, occur in transit through Spain, or are destined for Spain. However, Spanish courts may also exercise jurisdiction over certain human trafficking offences committed outside Spanish territory when specific conditions are met: the proceedings must be directed against a Spanish national, a foreign national habitually resident in Spain, a legal entity or organisation with its headquarters or registered office in Spain, or when the victim is a Spanish national or habitually resident in Spain and the accused is present in Spain.

In terms of identification, protection and assistance Spanish authorities have clear responsibility regarding these victims. What is not entirely clear in practice and remains a challenge is the extent of the Spanish authorities' responsibility to identify, protect, and assist victims of trafficking who are present on their territory, but whose case of trafficking cannot be prosecuted in Spain. On some occasions, the authorities have formally recognised these individuals as victims of trafficking and provided them with access to the same rights, but in other cases they have not.

Access to rights such as healthcare, shelter, legal aid, and psychosocial support is relatively developed, especially through regional victim support systems and specialised NGOs. Residence permits on humanitarian grounds also exist and are used alongside trafficking-specific permits, although access remains discretionary.

Key actors include police specialised units, labour inspectorates (Inspección de Trabajo), municipal and regional victim services, specialised prosecutors and NGOs supporting migrants and exploited workers, including Fundación Amaranta.

How is the legislation applied?

Across Europe, labour inspectorates increasingly play a role in identifying indicators of human trafficking and labour exploitation. However, their mandate, level of specialized training, and operational involvement in formal victim identification vary. In many countries, labour exploitation cases are still primarily treated as labour or administrative violations unless clear THB indicators are present.

Across Bulgaria, the Netherlands, Poland, Portugal, and Spain, labour inspectorates contribute to detecting labour exploitation and may refer cases with trafficking indicators to criminal authorities. However, their role in formal victim identification differs between national systems. Labour-only trafficking cases are unevenly recognised across jurisdictions, with some countries more likely than others to classify severe labour exploitation as trafficking. While formal complaint mechanisms are generally available through labour inspectorates, police authorities, trade unions, and civil society organisations, their practical effectiveness for third-country national (TCN) workers remains limited. Barriers such as precarious residence status, limited awareness of rights, language difficulties, dependence on employers, fear of retaliation, and concerns about immigration enforcement continue to discourage reporting and access to remedies. As a result, TCN workers in irregular or otherwise vulnerable situations remain among the groups least likely to seek assistance despite often facing the highest risks of exploitation.

Bulgaria

In Bulgaria, labour inspectorates are involved mainly in detecting labour law violations and irregular employment, but their role in formal THB victim identification is limited to detecting labour law violations and possible indicators of labour exploitation. When such indicators are discovered, cases are referred to the police, prosecution and anti-trafficking authorities. Victims of trafficking in labour-only cases are identified, but such cases remain relatively rare and are often subsumed under broader exploitation or irregular employment categories rather than prosecuted as labour trafficking specifically.

Complaint mechanisms for TCN workers exist through labour inspectorates and general administrative complaint channels, including online and telephone mechanisms, but in practice access is constrained by limited awareness, language barriers, dependence on employers, fear of dismissal or loss of their permit, as well as limited trust in institutions. Therefore, cases involving severe exploitation are often more likely to escalate through police or NGOs than through worker-initiated complaints.

Netherlands

In the Netherlands, the Dutch Labour Inspectorate plays a significant role in identifying indicators of labour exploitation, although relatively few cases are successfully prosecuted under the crime of human trafficking. Cases involving labour exploitation are increasingly recognised in practice, particularly in sectors such as logistics, agriculture, and meat processing, although identification still depends on clear indicators of coercion or severe exploitation.

Complaint and reporting mechanisms for TCN workers are relatively well developed and include access to the Labour Inspectorate, police, and specialised reporting channels. However, reporting is not

always perceived as fully safe for irregular migrants, and effectiveness depends on trust in authorities and willingness to engage with formal procedures.

Poland

In Poland, labour inspectorates primarily focus on labour law compliance and workplace safety, with a more limited role in identifying human trafficking victims, which is mainly the responsibility of border guards and police. Labour exploitation cases are sometimes reclassified as trafficking, but labour-only trafficking identification remains relatively limited and uneven in practice.

The Labour Inspectorate inspects the legality of employment, including the legality of foreigners' work; occupational health and safety; working time, and remuneration. Inspections can take place at any time. Until recently, inspectors were required to provide advance notice of the inspection date.

Complaint mechanisms exist through the National Labour Inspectorate and law enforcement authorities, but in practice, migrant workers - particularly TCNs in irregular or intermediary-dependent situations - face barriers to reporting due to fear of immigration consequences and limited awareness of rights.

Portugal

In Portugal, labour inspectorates (ACT – Authority for Working Conditions) are actively involved in detecting labour exploitation and may refer suspected trafficking cases to police and specialised units. Labour-only trafficking cases are identified, particularly in agriculture, construction, and seasonal work sectors, although classification as THB still depends on meeting criminal thresholds. Complaint mechanisms are relatively accessible in formal terms, allowing workers to report to labour inspectorates, police, or specialised victim support structures. However, practical access can still be constrained by dependency on employers, irregular status, and limited knowledge of rights among TCN workers.

Spain

In Spain, labour inspectorates (Inspección de Trabajo y Seguridad Social) play a strong and institutionalised role in detecting labour exploitation and can trigger referrals to law enforcement in potential THB cases. Spain has one of the more developed approaches to recognising labour exploitation as a criminal offence outside THB, and labour-only trafficking cases are identified and prosecuted more frequently than in many other EU countries.

Complaint mechanisms for TCN workers are relatively well developed and include labour inspectorates, police, regional victim support services, and specialised NGOs. While formal access is broad, practical barriers remain for irregular migrants or workers in highly dependent employment situations.

Gaps in legislation and implementation

Despite the existence of legal rights for trafficked persons and migrant workers, access to these rights in practice remains challenging across all five countries. Key obstacles include limited awareness and training among police, labour inspectors, and judicial actors in identifying indicators of labour exploitation and trafficking; insufficient access to legal aid and reliable information for migrant workers and victims; and prolonged administrative, civil, and criminal proceedings, including frequent delays and postponed trials. In some cases, foreign victims may also be returned to their country of origin or face deportation before legal proceedings are concluded, further undermining access to justice.

Additional barriers include irregular migration status or engagement in informal or stigmatised forms of work, such as domestic work or the sex industry, which can increase reluctance to report exploitation. A further structural limitation is the lack of adequately funded public policies and sustainable support systems to cover essential services for victims, including safe accommodation, shelter, and long-term assistance. This gap often places significant pressure on specialised NGOs and civil society organisations, which frequently fill the role of providing emergency shelter, basic subsistence support, and recovery services without sufficient or stable public funding.

Situations that increase domestic workers' vulnerability to abuse and exploitation include isolation in private households, limited access to information about labour rights, gaps or weak enforcement in national labour and employment legislation, absence of formal labour contracts, and precarious immigration status. Vulnerability is further heightened where residence or work permits are tied to a single employer, creating strong dependency and limiting workers' ability to change jobs. In many cases, the work and living arrangement itself produces a significant power imbalance, with limited or no access to effective complaint mechanisms and dependence on the employer for basic needs such as food and housing.

More broadly, workers who experience exploitation during migration, recruitment, transport, or posting arrangements often fall between different legal and institutional systems. Although formal rights may exist in law, practical access to protection is frequently hindered by fragmented responsibilities across labour inspectorates, migration authorities, police, and victim support services, often both within and between countries. This fragmentation can result in gaps in identification, delays in intervention, and limited access to remedies, leaving workers without effective protection in practice.

Lack of identification

One of the main challenges across Europe remains the low number of identified victims of human trafficking and severely exploited workers. Workers exploited "en route" may pass through multiple countries before exploitation is identified, if identified at all. For example, a worker may be recruited in South Asia through informal brokers, obtain a work permit in one EU Member State, and subsequently be posted or transferred through subcontracting chains to another country where exploitation occurs. In such situations, no single authority may consider itself fully responsible for identification or protection.

APF has highlighted that this South Asian recruitment and cross-border posting example is highly relevant for Portugal, particularly in the agricultural sector (e.g., Odemira) and construction. We frequently observe complex, multi-layered subcontracting chains where the end-user company completely distances itself from legal liability, claiming ignorance of the workers' conditions. We should emphasize here that this fragmentation of accountability is not a byproduct, but a deliberate business model used by exploiters to bypass national labour inspectorates.

Identification is particularly difficult in sectors characterised by isolation or private working environments. Domestic workers and live-in care workers may work inside private homes without labour inspections or external oversight. Seasonal agricultural workers may live in remote employer-controlled accommodation with limited access to information or support services. Workers in warehouses, meat processing, or logistics sectors may be employed through several intermediary agencies, making employment relationships difficult to trace.

As a result, many exploited workers remain invisible and do not receive the information, assistance and support they are entitled to. Instead, they may be treated primarily as irregular migrants or undocumented workers and run the risk of being detained and expelled from the country when reporting; or to remain in a very vulnerable situation.

Lack of reliable recruitment agencies

Recruitment agencies play a key role in the employment process for third-country nationals. However, this is also the stage where abuse and exploitation most frequently occur. These agencies operate both in countries of origin and in destination countries, making them a critical point of control within the system. The absence of a proper licensing regime results in weak control and creates conditions that enable abuse of labour rights and exploitation. To address this, it is essential to establish licensed agencies in countries of origin, ensuring that workers are connected with safe, transparent, decent and legitimate job opportunities abroad. Equally important is the regulation of licensed recruitment agencies in destination countries, which would be responsible for the fair and lawful recruitment and placement of foreign workers.

Lack of access to safe reporting (no firewall)

The multiple forms of dependence, the lack of alternative work and/or alternative housing, the lack of a social network, the language barrier, and the lack of knowledge of laws and regulations make it difficult for migrant workers to report unacceptable (work) situations.

In many European countries, effective and adequate safe reporting mechanisms remain limited. People who are undocumented are at times even facing arrest, detention, and deportation if they approach the police to report violence or abuse. The dependency on their employer for their residence and work permit creates the risk not only losing their work, but also their housing and residence. A clear 'firewall' between labour protection systems and immigration enforcement would allow workers to safely file a complaint to police or labour authorities, and to get access to services and justice, without facing immigration enforcement as a result.

Lack of attention to labour exploitation

Generally, it is noted that labour exploitation does not receive the same focus as sexual exploitation from policymakers who draft laws and policy around human trafficking or from law enforcement and other authorities who implement them. The apparent lack of political will to prevent labour exploitation on the same scale as sexual exploitation also affects the proper detection of victims of labour trafficking and their subsequent support.

Labour exploitation mainly occurs at the lower end of the labour market. It is commonly found in low-paid, low-skilled and flexible labour, in sectors such as construction, agriculture, and horticulture, distribution, the meat processing industry, cleaning, hospitality, and domestic/care work. These sectors often rely heavily on temporary agency work, posting arrangements, subcontracting, and informal recruitment channels. International subcontracting and complex agency structures create diffuse chains of responsibility, which complicates enforcement.

Workers may be formally employed by one company, recruited by another, housed by a third intermediary, and work for an end-user company in another country. This fragmentation enables exploitative practices to persist while reducing accountability across labour supply chains.

Lack of access to a reflection and recovery period or unconditional support

Although EU anti-trafficking frameworks provide for reflection and recovery periods, NGOs frequently report that these protections are not offered to persons identified as (potential) trafficking victims. This is particularly the case when authorities suspect that no sufficient evidence might be found for the start of a successful prosecution.

Access to support for victims of human trafficking is very closely tied to the criminal justice system and, in practice, often depends on the successful prosecution of perpetrators. Currently most EU member states provide hardly any unconditional access to assistance. However, there are EU countries that do offer assistance and support without requiring the victim to file a report or cooperate.

Victims who are not able or willing to cooperate with the authorities - often out of fear of the risks this entails - are left without any (even basic) support. Practice shows that even victims who do cooperate have limited access to protection, support and assistance, if the criminal procedure has not started or is discontinued.

Especially (potential) trafficked persons who fall under the Dublin Regulation can often be hindered in their access to a reflection and recovery period as they are returned to the first country of EU entry, even though there might be clear indications of human trafficking. This seriously undermines the human rights-based approach and the effective implementation of the EU Anti-Trafficking Directive.

Lack of adequate investigation and non-prosecution

The number of court decisions regarding cases of labour exploitation is limited. In general, it is quite difficult to prove human trafficking. Cases might not meet all elements of the legal definition of human trafficking, as it is difficult for courts to prove people have been forced to work under duress or have been exploited.

Workers may lack written contracts, receive cash payments, work excessive hours without proper records, or be employed through opaque agency structures. This significantly complicates evidence collection and often places a heavy burden on victims themselves.

In practice, many severe exploitation cases are addressed through administrative fines rather than criminal proceedings. The fines are relatively low and have little deterrent effect.

Cross-border labour arrangements further complicate accountability. Letterbox companies, abusive posting arrangements, fraudulent subcontracting, and transnational agency chains can obscure legal responsibility for exploitation. As a result, workers who are trafficked or exploited may struggle to identify who their legal employer is, which country is responsible, and which authority is able to effectively investigate the abuse.

Lack of adequate investigation and application of the non-punishment principle

The number of court decisions in cases of labour exploitation remains limited. In general, it is difficult to prove human trafficking, as cases often fail to meet all elements of the legal definition. Courts frequently struggle to demonstrate that individuals were subjected to coercion, deception, or abuse of vulnerability, or that they worked under conditions amounting to exploitation. This is further complicated by the difficulty of obtaining sufficient evidence in hidden or informal sectors. The fact that servitude, slavery, and forced labour are not always defined as separate criminal offences in national legal systems also complicates prosecution.

In addition, legal protections for private residences - which generally prohibit inspection or entry without a court order - can hinder efforts to identify and investigate cases of human trafficking and severe labour exploitation occurring in such settings. In practice, judicial authorisations may be denied or not issued with sufficient speed to allow timely intervention.

The burden of proof often rests heavily on victims. Workers employed in diplomatic households, in particular, may have extremely limited access to effective investigation or prosecution of exploitative employers due to diplomatic immunity.

Not sufficient binding measures to hold employers accountable

Across many European countries, binding and consistently enforced measures to ensure employer accountability remain insufficient. Labour inspectorates often face limited resources, restricted access to informal or fragmented workplaces, and difficulties investigating complex subcontracting or cross-border supply chains. This leads to delayed, reduced, or absent sanctions, particularly where responsibility is dispersed across multiple actors, weakening deterrence and limiting effective protection for workers exposed to exploitation.

Lack of access to assistance (and protection)

There are significant gaps in the provision of assistance and support for trafficked persons across Europe. This includes limited access to safe and appropriate accommodation, as NGOs frequently report insufficient shelter capacity, full facilities, or restricted eligibility criteria. Similar shortcomings exist in the provision of material assistance, as well as access to necessary medical care, including psychological support, counselling, information, and interpretation and translation services.

Access to legal aid is also limited, due to financial barriers and a lack of specialised legal assistance for victims of trafficking and labour exploitation. As a result, many victims fall between institutional gaps and struggle to access accommodation, healthcare, counselling, and legal advice, particularly in cases where trafficking cannot be formally established or where individuals are not recognised as victims of crime. As noted earlier, many countries have prioritised and funded public policies to support women who are victims of trafficking for sexual exploitation. However, comparable levels of assistance and sustained funding are often not available for victims of other forms of trafficking, including labour trafficking, affecting both women and men.

Lack of access to residence permits

There is no guarantee of a (temporary or long-term) residence permit following positive identification as a trafficked person. Directive 2004/81/EC regulates the granting of a residence permit to third-country nationals who are victims of trafficking in human beings or who have been subjected to actions facilitating irregular migration, provided that they cooperate with the authorities in investigations against suspected traffickers. However, the laws or policies determining which trafficked persons are granted residence permits vary substantially between different EU countries.

Significant differences are noted between the numbers of identified victims and issued residence permits⁷⁶. In some cases, victims may be issued a renewable residence permit if their personal situation requires so, or if they need to stay in the country in order to cooperate with the authorities in the investigation of the trafficking offence. In general, there are only a few possibilities to obtain (permanent) residence on personal grounds in the different European countries.

Limited access to justice/compensation

Although trafficked persons have an established right to compensation and various compensation mechanisms are in place in EU member states, in practice the actual receipt of a compensation payment to a trafficked person is extremely rare. Research on the issue unveiled several - often interconnected - barriers that prevent trafficked persons from accessing compensation. Obstacles include a lack of awareness among police and the judicial system, a lack of access to legal aid and adequate information for victims, the postponement or excessive duration of criminal and civil proceedings, and - in the case of foreign victims - their return or deportation to their country of origin before a verdict is reached. Other reasons for denying compensation to trafficked persons may be their irregular immigration status or their involvement in the sex industry.

But even when compensation is granted, victims rarely have the means to ensure a compensation order is actually enforced. Another barrier to trafficked persons obtaining compensation is that the traffickers are not found, or are not prosecuted, or have moved their assets abroad and/or have declared themselves bankrupt to avoid confiscation of their assets and having to pay compensation. In transnational cases, access to compensation is further limited by mobility and fragmented legal systems, as victims may be located in different countries, lack stable residence status⁷⁷, struggle to

⁷⁶ Conclusion from statistical available data by LSI members. See also

<https://documentation.lastradainternational.org/lsidocs/3635-LSI%20Data%20Report%202024.pdf>

⁷⁷ The number of residence permits issued to victims of human trafficking is low across State Parties to the Convention, and there are considerable delays in processing applications for residence permits, depriving victims of the possibility to work or access medical or other assistance for prolonged periods of time. GUIDANCE NOTE on residence permits for victims of

access legal support and stay involved in proceedings, next to lacking information and means, which are all reasons that prevent many trafficked persons from claiming their rights, including the right to compensation.

Moreover, with the exception of the Netherlands, European countries do not have an advance payment scheme that can advance payments to victims when convicted traffickers fail to pay the compensation.

No (sufficient) access to information

EU member states should take appropriate measures to ensure that victims are able to understand and to be understood from their first contact with competent authorities and during any further necessary interaction in the context of criminal proceedings, including when information is provided by those authorities. In practice, many victims do not receive information relating to their rights or the status of their case or the information is presented in a way that prevents them from understanding it, because it is not properly adapted and is therefore inaccessible to them. Moreover, workers should have much more access to information about their rights and language barriers should be overcome.

It is important that victims have the opportunity to seek advice from, or consult with, local NGOs or trade unions on which avenues for claiming their rights are most appropriate and effective in their particular situation. A list of rights alone is probably not enough.

Strong focus on return

It is frequently reported that victims are returned without proper risk assessment. It is very worrying that returned victims (including those with a 'Dublin claim') often have no access to adequate protection and support.

Non-application of non-punishment clause

Despite international and European legally binding standards on non-punishment and the adoption of specific legislation in several countries, trafficked persons in Europe are often still wrongly detained, prosecuted and punished for offences they have been compelled to commit in the course, or as a result, of being trafficked. This constitutes a serious human rights violation and undermines access to justice, while also reinforcing distrust in the criminal justice system among victims. A variety of interpretations can be observed: a lack of awareness among legal professionals, and serious shortcomings in the implementation of the non-punishment provision. Successful applications of the non-punishment provision do exist, but these positive experiences are far more often the exception than the norm. Overall, LSI members report failures to apply the non-punishment provision for all forms of human trafficking.

The implementation of the non-punishment provision should be applied in accordance with a human rights-based approach, fully complying with the available legal instruments and not being limited in scope, but applying to any civil, administrative or criminal offence, including serious offences.

trafficking in human beings (Article 14 of the Council of Europe Convention on Action against Trafficking in Human Beings)
THB-GRETA(2026)05

Lack of (undocumented) workers' rights/fair labour rights

In general, there are limited possibilities for people from outside Europe to migrate to Europe and find legal employment. As a result, many migrant workers in Europe work without adequate protection, fair wages, or decent working conditions, and lack access to basic labour standards, including timely payment and occupational health and safety measures. Workers in irregular employment or in an irregular migration situation are especially at risk of severe labour exploitation and abuse, including human trafficking and forced labour.

Loopholes in the enforcement or control of legislation on work permits, visas, labour rights and working conditions are misused, and legitimate business structures and regulations are abused to conceal illicit activities. Through subcontracting, the misuse of the EU Posted Workers Directive and the establishment of letterbox companies, national legislation and enforcement mechanisms are circumvented, allowing employers to avoid liability for exploitation and abuse. There is still not much effort taken by the Commission or EU member states to ensure adequate working conditions for migrant workers or a structural regularisation of undocumented migrant workers.

A large gap has been observed between government immigration policies and actual outcomes in the labour market.⁷⁸ Regrettably, laws and policies often fail to reflect employers' demand for labour, particularly in low-paid sectors. The gap between immigration law, policies of governments and outcomes in practice is the most pronounced regarding domestic workers, most of whom are women.⁷⁹ Female migrants have limited access to formal sector jobs, which indirectly forces them to take on informal sector jobs (e.g. those derived from traditionally delineated gender roles).⁸⁰ These jobs often include cooking, cleaning and caring.

Domestic work not recognised – non ratification C189 (and C190)

Domestic work is often specifically excluded from the country's labour code.⁸¹ The employment relationship is therefore strictly a private matter between the migrant workers and their employers and/or the agents - and the women migrant workers are normally not able to negotiate or bargain their terms and conditions of employment.

Domestic and care work represents one of the most invisible and severe forms of TCN labour exploitation. A significant number of female TCNs (especially from South America and Africa) end up in live-in care arrangements. The structural isolation of a private home, the lack of formal contracts, and the fact that their regularisation is often tied to the employer make them deeply vulnerable.

⁷⁸ ILO, Booklet 3. Recruitment and the journey for employment abroad.

⁷⁹ ILO, Booklet 1. Introduction: why the focus on women international migrant workers.

⁸⁰ *ibid*

⁸¹ ILO, Booklet 1. Introduction: why the focus on women international migrant workers.

Interaction between labour, migration, and criminal law & practice and impact on TCNs

The gaps and challenges described above demonstrate a significant disconnect between the formal rights available under labour, migration, anti-trafficking, and human rights frameworks, and the ability of TCNs to access these rights in practice. Although European and national legislation provide protections against labour exploitation, forced labour, and trafficking in human beings, implementation remains inconsistent and fragmented. Victims often face barriers linked to lack of identification, limited access to information and legal aid, language barriers, fear of immigration enforcement, lengthy procedures, and dependence on employers for work, housing, and residence status. As a result, many exploitative situations remain invisible.

The interaction between labour law, migration law, and criminal law has a particularly strong impact on TCN workers. Labour law may formally provide access to fair wages, safe working conditions, and labour inspections, while migration law often ties residence permits to a specific employer or legal status, creating dependency and discouraging reporting. Criminal law frameworks provide additional protections in cases of trafficking or severe exploitation, including access to victim support and residence permits, but these protections generally depend on formal identification and often cooperation with criminal investigations and successful prosecution.

In practice, workers frequently fall between these legal frameworks. Exploitation may be treated merely as a labour violation rather than human trafficking, while irregular migration status may take precedence over labour rights or victim protection. This overlap creates legal uncertainty and increases the risk that exploited workers are detained, returned, or left without effective remedies.

A further structural gap concerns the absence of a specific and coherent legislative framework governing the posting of third-country nationals within the EU. Existing posting rules were primarily designed for EU workers and do not adequately address the vulnerabilities of TCNs recruited through complex subcontracting chains, temporary work agencies, or cross-border intermediary structures. In practice, TCN workers may be recruited in one country, employed through another, and posted to a third-country, creating uncertainty regarding applicable labour standards, employer responsibility, social protection, and access to remedies. These fragmented arrangements make enforcement difficult and are frequently linked to abusive practices such as underpayment, dependency, fraudulent recruitment, and the misuse of letterbox companies or posting arrangements to circumvent labour protections and liability.

Conclusions and recommendations

This report demonstrates that Bulgaria, the Netherlands, Poland, Portugal, and Spain all possess legal frameworks addressing labour exploitation, forced labour, and trafficking in human beings through a combination of labour, migration, criminal, and victim protection law. At international and European level, the countries are bound by a broad range of obligations derived from EU law, Council of Europe instruments, United Nations treaties, and ILO standards. Together, these frameworks formally provide important protections and rights for TCN workers and trafficked persons, including access to labour rights, assistance, residence permits, compensation, and protection against exploitation and abuse.

At the same time, the findings reveal a persistent and significant gap between the existence of legal protections and their accessibility in practice. Across all five countries, labour exploitation remains under-identified and under-reported, particularly in sectors characterised by subcontracting, temporary agency work, seasonal labour, domestic and care work, logistics, agriculture, hospitality, and construction. Many exploitative situations affecting TCN workers are treated as labour or administrative violations rather than recognised as severe labour exploitation or trafficking in human beings. This limits access to victim-centred protections, residence rights, compensation, and specialised support.

Across all five countries, several common structural gaps emerge. First, access to rights is often closely linked to immigration status and formal victim identification. Undocumented or precariously employed workers often fear detention, deportation, loss of employment, or homelessness if they report exploitation. Safe reporting mechanisms and effective “firewalls” between labour enforcement and immigration enforcement remain insufficiently developed.

Second, labour inspectorates and frontline authorities are not always adequately equipped or mandated to identify indicators of trafficking or severe labour exploitation, especially in private or isolated sectors.

Third, access to assistance, legal aid, psychosocial support, trauma care, and compensation remains inconsistent and often conditional on cooperation with criminal proceedings. Many exploited workers therefore fall outside specialised protection systems.

Fourth, the findings also highlight significant challenges resulting from the interaction between labour law, migration law, and criminal law. While labour law may provide mechanisms to address wage theft or unsafe working conditions, migration systems frequently tie residence permits to a single employer, increasing dependency and discouraging reporting. Criminal law protections linked to trafficking often require a high evidentiary threshold and formal identification processes that many exploited workers do not reach. As a result, workers frequently remain without effective remedies or protection.

The report also identifies important gaps concerning the absence of a coherent legal framework governing the posting and cross-border recruitment of third-country nationals within the EU. Existing posting rules were primarily designed for EU workers and do not adequately address the vulnerabilities of TCN workers operating within complex subcontracting chains, temporary work arrangements, and transnational recruitment systems. This creates enforcement difficulties and facilitates exploitative practices, including underpayment, fraudulent recruitment, excessive deductions, tied accommodation, and misuse of letterbox companies or intermediary structures. Overall, the findings demonstrate that labour exploitation and trafficking affecting TCN workers cannot be addressed

through criminal law alone. The issues are closely linked to labour market structures, restrictive migration systems, temporary and precarious labour migration schemes, cross-border recruitment practices, and weak enforcement of labour rights.

Recommendations

To address the gaps identified in this report, stronger implementation and enforcement of existing legal standards are needed, alongside targeted legislative and policy reforms at both EU and national level.

- First, States should strengthen safe reporting mechanisms by establishing clear firewalls between labour inspection, victim support services, and immigration enforcement. TCN workers should be able to report exploitation and access justice without risking detention, return, or loss of residence status.
- Second, labour inspectorates, police, prosecutors, and judicial authorities should receive specialised training on identifying labour exploitation, forced labour, and trafficking indicators, particularly in hidden sectors and situations involving TCN workers. Labour inspectorates should be strengthened through increased mandates, resources, and cross-border cooperation capacities to adequately identify and refer potential victims.
- Third, residence permits linked to exploitation or trafficking should be made more accessible and less dependent on cooperation with criminal proceedings. Greater use should be made of humanitarian and personal-ground residence permits, particularly for victims who are unable or unwilling to participate in criminal investigations due to fear, dependency, or risk of retaliation
- Fourth, access to assistance and protection should be expanded beyond formally identified trafficking victims. This should include unconditional access to emergency accommodation, healthcare, psychosocial support, interpretation, legal aid, and clear information on rights and available procedures, regardless of immigration status or the progress of criminal proceedings.
- Fifth, stronger regulation and oversight of recruitment agencies, subcontracting chains, and posting arrangements should be introduced. This includes mandatory licensing systems for labour intermediaries, joint liability mechanisms across subcontracting chains, stricter controls on recruitment fees, and enhanced monitoring of temporary work agencies and cross-border posting structures involving TCN workers. Greater transparency in recruitment and employment chains is also essential to reduce opportunities for abuse and enable workers to claim their rights effectively

At EU level, consideration should also be given to developing a clearer legislative framework specifically addressing the posting and cross-border employment of third-country nationals. Such a framework should clarify employer responsibility, applicable labour standards, access to remedies, and enforcement cooperation between Member States.

Finally, greater efforts are needed to ensure effective access to compensation and justice for exploited workers. This requires simplified procedures, specialised legal support, stronger asset recovery mechanisms, and protection against premature return or deportation before proceedings are completed.

Overall, the findings underline the need for a more coherent, rights-based, and victim-centred approach to labour exploitation and trafficking affecting TCN workers in Europe, one that moves beyond formal legal protections and ensures meaningful access to rights and remedies in practice.



Trafficked en Route Project | Work Package 1 (D.1.5.)



Co-funded by
the European Union



ASSOCIAÇÃO PARA O PLANEAMENTO DA FAMÍLIA



ANIMUS
ASSOCIATION
FOUNDATION



amarantha
Fundación de Solidaridad
ADORATRICES

FAIRWORK



La Strada
INTERNATIONAL