ALECOMM-POL-MWVP-2026-001 ·

National Passport Autonomy, Digital Identity and Anti-Trafficking Protection Policy 2026

Policy to prevent trafficking, forced labour and coercive control by securing foreign nationals' practical control of their original identity documents.

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1. Purpose

Prevent trafficking, forced labour, debt bondage and coercive control by removing the ability of employers and intermediaries to hold foreign nationals' original identity documents. Make prevention, immediate document recovery and safe exit practical rights, rather than remedies obtainable only after prolonged litigation.

2. People Protected

This policy protects working holidaymakers, seasonal and skilled workers, students, tourists, domestic workers and any other foreign national in Australia, irrespective of immigration status. It protects people who have not yet been formally recognised as trafficking victims.

3. Non-Negotiable Rule

An employer, recruiter, sponsor, manager, labour-hire intermediary or a person acting for them must never take custody or control of the original passport or identity document of a worker or prospective worker, including for "safekeeping". Consent, signed waivers, contractual conditions and purported requests by the worker do not create exceptions. Inspection in the holder's presence for a legitimate purpose is permitted; the document must not be removed or retained.

4. Independent Document Control

Workers may retain documents at home, on their person, or in an independent facility that the worker alone selects and controls. No requirement is imposed to carry an original passport at all times. Official custody by police, immigration officials or consulates remains governed by existing lawful powers.

5. Digital Visa And Identity Access

Create an optional, secure government service building on VEVO. Individuals can independently access visa status, conditions, a digitally signed verification record and emergency help, without obtaining employer approval. Digital verification must use privacy-preserving, time-limited proof; employers cannot see complaints, locations or case files. The service does not replace a passport for international travel.

6. Front-End Prevention

At visa grant and arrival, supply multilingual notice of document rights, support contacts and the fact that employers cannot cancel visas. In designated high-risk arrangements, provide confidential independent worker check-ins, with safe offline alternatives and no penalty for declining an interview.

7. Immediate Intervention

Create a round-the-clock passport-retention response service. On credible information, agencies undertake urgent safety triage, contact the worker privately, issue enforceable production directions when legally justified and use existing or newly authorised warrant processes where necessary. Emergency intervention aims to begin immediately; a two-hour target may guide the most urgent cases but is not a legal guarantee.

8. Safe Exit Without Employer Permission

An at-risk worker must be able to leave the workplace or accommodation without employer consent. Provide an interim protective immigration assessment, temporary lawful status and work rights where eligibility is established, emergency accommodation and safe transfer. No criminal conviction is needed to seek initial protection.

9. Digital And Public Intimidation

Prohibit employers and associated persons from publishing or threatening to publish a worker’s passport, personal identification or visa details to coerce, locate, shame or punish them. Preserve legitimate confidential reports to authorities, legal obligations, public-interest speech and necessary procedural fairness.

10. Financial And Communication Control

Address coercive recruitment debts, confiscated bank cards, employer-controlled wage accounts, restricted communications and dependence on employer-controlled transport or accommodation. Refer wage violations to the Fair Work Ombudsman and criminal indicators to law enforcement.

11. Compliance And Accountability

Prioritise prompt document restoration and victim safety. Regulators may impose notices, seek civil penalties, and refer serious or repeated conduct for prosecution. Courts may issue compensation and prohibition orders; temporary administrative suspensions require independent review and procedural fairness.

12. Governance, Privacy And Review

Home Affairs, the Australian Federal Police and Fair Work Ombudsman coordinate through a published protocol. Digital access must have accessibility, cybersecurity, data minimisation, audit and independent oversight. Publish anonymised annual metrics and commission an independent effectiveness review after three years.

Related Documents

- ALECOMM-BILL-MWVP-2026-001 — Migrant Worker and Visitor Protection (Passport Autonomy and Safe Exit) Bill 2026
- ALECOMM-EM-MWVP-2026-001 — Explanatory Memorandum: Migrant Worker and Visitor Protection (Passport Autonomy and Safe Exit) Bill 2026

Sources And Legislative References

- Department of Home Affairs, Information for migrant workers — https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/migrant-worker-protections/information-for-migrant-workers
- Criminal Code Act 1995 (Cth), Divisions 270–271 — https://www.legislation.gov.au/C2004A04868/latest/text
- Migration Act 1958 (Cth) — https://www.legislation.gov.au/C1958A00062/latest/text
- Fair Work Act 2009 (Cth) — https://www.legislation.gov.au/C2009A00028/latest/text
- Department of Home Affairs, Visa Entitlement Verification Online (VEVO) — https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online

Note: This is a proposed reform, not enacted law. Legislative counsel should settle constitutional heads of power, offences, penalty units, procedural safeguards and consequential amendments before introduction.