ALECOMM-BILL-MWVP-2026-001 ·

Migrant Worker and Visitor Protection (Passport Autonomy and Safe Exit) Bill 2026

A Bill for an Act to protect foreign nationals against identity-document control and related coercion, to establish urgent protective responses and independent digital visa access, and for related purposes.

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The Parliament Of Australia Enacts:

Part 1 — Preliminary

1. Short title

This Act may be cited as the Migrant Worker and Visitor Protection (Passport Autonomy and Safe Exit) Act 2026.

2. Commencement

Sections 1–5 commence on Royal Assent. Parts 2 and 3 commence six months after Royal Assent. Parts 4–6 commence twelve months after Royal Assent, or earlier by Proclamation.

3. Objects

The objects are to prevent coercive identity-document control; secure the practical liberty and safe exit of foreign nationals; enable immediate intervention; facilitate independent immigration verification; and complement existing Commonwealth trafficking and workplace protections.

4. Definitions

Associated person means a person acting for, under the direction of, or in connection with an employer, recruiter, sponsor or accommodation controller. Foreign national means a person who is not an Australian citizen. Identity document means an original passport, travel document, national identity document or original official immigration document. Worker includes a prospective worker and a person providing labour regardless of the lawfulness of the arrangement. Authorised officer means a person appointed under section 17.

5. Application and interaction

This Act applies to persons and conduct within the constitutional legislative powers of the Commonwealth. Existing lawful powers of police, border officers, courts and diplomatic missions are preserved. This Act does not restrict protections or remedies under other laws.

Part 2 — Absolute Passport Autonomy

6. Absolute prohibition on employer custody

(1) An employer, recruiter, sponsor, labour-hire provider, manager or associated person must not take, retain, store, conceal or otherwise exercise custody or control over a worker's original identity document.

(2) Subsection (1) applies even if the worker requests, agrees to or purports to consent to the custody, whether orally or in writing.

(3) Any contract term or waiver inconsistent with this section is of no effect.

(4) A reasonable inspection in the holder's presence for lawful verification is not custody if the document is immediately returned.

7. Other coercive custody

A person who controls accommodation, recruitment debt, transport or access to employment must not retain a foreign national's identity document to secure payment, attendance, labour, accommodation or compliance. This section applies regardless of any purported consent where the custody arises in connection with that control.

8. Individual control and no carrying offence

A foreign national is not required under this Act to carry an original passport or keep it physically on their person. A foreign national commits no offence under this Act where a document is missing, stolen or withheld. Independent private storage chosen and controlled exclusively by the holder is unaffected.

9. Duty to surrender wrongly held documents

A person subject to section 6 or 7 who possesses a relevant original document must return it without delay, safely and directly to the holder or, at the holder's confidential request, to an authorised government recovery officer. The person must not condition return upon repayment, withdrawal of a complaint, meeting an employer or surrendering another right.

10. Civil contravention and offence

(1) A person contravenes this subsection by engaging in conduct prohibited by section 6 or 7; an authorised regulator may seek a civil penalty of up to 500 penalty units for an individual or the applicable corporate multiple.

(2) A person commits an offence where the person intentionally retains, conceals or refuses to return the document, knowing that section 6 or 7 prohibits that conduct: maximum 5 years' imprisonment or 500 penalty units, or both.

(3) Where accompanied by threats, confinement or coercion directed to work or immigration status, the maximum is 10 years' imprisonment or 1,000 penalty units, or both.

(4) The same conduct must not result in impermissible double punishment. Nothing limits prosecution under more serious trafficking offences.

Part 3 — Immediate Safety And Recovery

11. Confidential emergency reports

A foreign national or another person may report suspected document custody or coercion, including anonymously. Agencies must provide multilingual, disability-accessible, telephone and face-to-face reporting. No complainant must confront an alleged controller to initiate intervention.

12. Urgent triage

On receiving credible information, a designated agency must assess immediate safety, document location, risks of retaliation, accommodation, transport and need for consular assistance as soon as practicable, with urgent cases prioritised.

13. Document production notices

An authorised officer who reasonably believes a person holds an original document contrary to section 6 or 7 may serve a written notice requiring production or return within a specified reasonable period, including immediately where urgency is justified. A recipient may raise a lawful excuse and obtain prompt review. Noncompliance without lawful excuse is a civil contravention.

14. Warrants and safety

Where necessary, officers must seek an appropriate warrant under applicable law; this Act does not authorise warrantless entry into private premises. Recovered documents must be transferred securely to the holder or an independent officer designated by the holder, never to an employer as custodian.

15. No automatic employer notification

The agency must not disclose the identity or location of a complainant to an employer merely because a complaint was made. Any necessary disclosure must be lawful, proportionate and preceded by a safety assessment where practicable.

Part 4 — Independent Digital Access And Prevention

16. Digital verification service

The Minister must establish or designate an accessible secure service enabling a foreign national to view government-held visa status and conditions, obtain a digitally verifiable status statement and access protection reporting. Participation is voluntary; no person is required by this Act to own a smartphone, maintain connectivity, enrol biometrics or share a device with an employer.

17. Authorised officers and independent channels

The Minister may designate trained officers to perform recovery and welfare functions. Employers must not require access to the worker’s credentials, complaint records, protected contact information or location. An independent non-digital verification channel must be maintained.

18. Rights information

Prescribed visa notices and designated employers must present a clear multilingual statement that employer custody of originals is unlawful; employers do not control visa cancellation; and confidential assistance is available.

19. Designated risk arrangements

The Minister may designate elevated-risk employment arrangements on published evidence and consultation. Designated arrangements may require independent confidential worker check-ins and compliance audits. A worker’s refusal to participate does not itself establish any visa or criminal contravention.

Part 5 — Safe Exit, Retaliation And Enforcement

20. Interim protective referral

An official receiving credible information suggesting trafficking or serious worker exploitation must offer prompt referral for assessment under the Migration Act 1958 and applicable regulations. The responsible Minister must propose or make the necessary migration-law changes to enable timely temporary lawful stay and employment rights for eligible persons without requiring an employer’s consent or a criminal conviction.

21. Prohibition on retaliation

A person must not intentionally threaten, dismiss, evict, injure, penalise or disadvantage an individual because they sought return of documents, requested help, gave evidence or left suspected exploitative work. Serious intentional retaliation is an offence punishable by up to five years' imprisonment or 500 penalty units, or both.

22. Misuse of visa and passport information

An employer or associated person must not publish, transmit or threaten to disclose a foreign national's passport image, identity-document numbers, personal contact details or non-public immigration details with intent to coerce, intimidate, endanger or retaliate. Legitimate disclosures required or authorised by law, confidential agency reports and bona fide legal proceedings are excluded.

23. Emergency assistance

The Minister may arrange safe temporary accommodation, transport, interpretation, legal referral, consular assistance and employment and wage-recovery referrals. Emergency support must not depend on a completed prosecution.

24. Employer prohibitions and compensation

A competent court may make appropriate compensation, restitution or migrant-worker employment prohibition orders on application by the regulator. Any interim administrative suspension must be risk-based, time-limited and reviewable.

Part 6 — Administration And Review

25. Interagency coordination

The Minister must publish a protocol coordinating Home Affairs, the Australian Federal Police, Australian Border Force and the Fair Work Ombudsman, including referral, confidentiality, victim safety and investigation responsibilities.

26. Information protection

Information collected under this Act must be limited to necessary purposes, protected by access controls, independently audited and not disclosed to employers through the digital service. Existing legal obligations, procedural fairness and statutory disclosure exceptions remain applicable.

27. Annual reporting

The Minister must table anonymised annual statistics on reports, recoveries, protection referrals, enforcement outcomes, digital access and barriers identified. Information enabling identification of victims must not be published.

28. Independent review

An independent review must begin no later than three years after commencement of Part 4 and be tabled in Parliament, including assessment of unintended harms, digital exclusion, enforcement effectiveness and worker safety.

29. Regulations

The Governor-General may make regulations necessary or convenient to give effect to this Act, but regulations must not expand search powers or create imprisonable offences unless expressly authorised by primary legislation.

Related Documents

- ALECOMM-EM-MWVP-2026-001 — Explanatory Memorandum: Migrant Worker and Visitor Protection (Passport Autonomy and Safe Exit) Bill 2026
- ALECOMM-POL-MWVP-2026-001 — National Passport Autonomy, Digital Identity and Anti-Trafficking Protection Policy 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.