



Reconceptualising Employer Immigration Liability in the Platform Economy

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Abstract

The expansion of the platform economy has transformed labour markets while exposing structural weaknesses in traditional frameworks of employer immigration liability. Digital labour platforms, characterised by algorithmic management, flexible work arrangements, and the widespread classification of workers as independent contractors, increasingly engage migrant labour across multiple jurisdictions. These features challenge core assumptions underpinning immigration compliance regimes, particularly those concerning employer responsibility for work authorisation, monitoring, and enforcement. This review paper examines how employer immigration liability operates within the platform economy, drawing on legal scholarship, policy reports, and comparative regulatory developments in the United States, the European Union, and selected common-law jurisdictions. It analyses the implications of worker misclassification, enforcement fragmentation, and cross-border digital work for immigration control and migrant worker protection. The paper argues that existing liability models, rooted in conventional employment relationships, are ill-suited to platform-mediated labour. It further contends that effective regulation requires a reconceptualisation of employer responsibility based on functional control rather than formal contractual status. By situating immigration liability within broader debates on platform governance and labour precarity, this paper contributes to emerging discussions on how immigration law must adapt to the realities of digital labour markets.

Keywords: platform economy, gig work, immigration compliance, employer liability, migrant workers, labour law

1. Introduction

Work is changing rapidly across the world. Digital platforms now play a central role in how labour is organised, managed, and delivered. Instead of traditional employment relationships, many workers now find jobs through online platforms that connect them directly to customers or clients. This model “*platform economy* or *gig economy*”, has reshaped sectors such as transportation, food delivery, domestic work, and online freelancing. While this transformation has created new opportunities for flexible work, it has also exposed significant legal and regulatory gaps, particularly in the area of immigration law.

One of the most pressing challenges raised by the platform economy concerns employer immigration liability. Immigration systems in most countries are built on the assumption that employers are clearly identifiable entities that recruit, supervise, and pay workers within stable employment relationships. Under these systems, employers are typically responsible for verifying a worker’s legal right to work, complying with sponsorship rules where applicable, and avoiding the employment of unauthorised migrants (Weil, 2014). However, platform-based work often does not fit neatly into this model.

Digital labour platforms frequently classify workers as *independent contractors* rather than employees. This classification allows platforms to distance themselves from many legal responsibilities, including obligations linked to labour standards and immigration compliance. As a result questions arise about who should bear responsibility when migrant workers perform platform work without proper authorisation or under precarious legal conditions.

Is it the platform, the worker, or the end user who should be considered the “employer” for immigration purposes? Existing legal frameworks often provide no clear answer to this question (Prassl, 2018).

The issue is important because migrant workers are heavily represented in platform-based work, especially in low-paid and labour-intensive sectors. Many migrants turn to platform work due to barriers in accessing formal employment, language constraints, or restrictions tied to their immigration status. At the same time, their precarious legal position can make them more vulnerable to exploitation, misclassification, and weak enforcement of rights (ILO, 2021). When immigration liability is unclear or poorly enforced, migrant workers may bear the consequences, including loss of income, detention, or removal, while platforms avoid accountability.

Governments and regulators are increasingly aware of these challenges. In recent years, courts and policymakers in multiple jurisdictions have begun reassessing how platform work should be regulated. Some legal systems are moving toward recognising the reality of control exercised by platforms, rather than relying solely on contractual labels, when determining responsibility (European Commission, 2021) [5]. Nevertheless, immigration law has often lagged behind labour law in responding to platform-based work, leaving enforcement mechanisms fragmented and inconsistent.

Against this background, this paper examines how employer immigration liability operates within the platform economy. It reviews existing legal frameworks, identifies key enforcement challenges, and explores emerging regulatory responses across selected jurisdictions. Therefore, by focusing on the intersection of immigration law and platform labour, the paper highlights the need to rethink traditional concepts of employer responsibility in order to reflect the realities of digital work and better protect migrant workers.

2. Conceptualising the Platform Economy

The platform economy refers to a system of work in which digital platforms act as intermediaries between people who want services and those who provide them. Instead of hiring workers directly, platforms use mobile applications or websites to match labour supply with consumer demand, often in real time. Well-known examples include ride-hailing, food delivery, home services, and online freelancing platforms. In this model, work is organised through technology rather than through traditional employment structures.

At its core, the platform economy relies on digital intermediation. Platforms do not usually produce goods or services themselves; rather, they provide the technological infrastructure that enables transactions to take place. This infrastructure includes algorithms that assign tasks, set prices, monitor performance, and sometimes discipline workers through rating systems or account deactivation. Although platforms often describe themselves as neutral marketplaces, research shows that they exercise significant influence over how work is performed (De Stefano, 2016; Prassl, 2018).

A defining feature of the platform economy is the widespread classification of workers as independent contractors. Platforms typically argue that workers choose when and how to work, supply their own tools, and are therefore self-employed. This classification has major legal consequences because it allows platforms to avoid many obligations

associated with employment, including minimum wage protections, social security contributions, and employer liability under immigration law (Cherry and Aloisi, 2017) [3]. However, critics argue that this formal classification often does not reflect the reality of platform work.

In practice, many platforms exercise a high degree of functional control over workers. They may determine pricing, limit communication with customers, impose performance standards, and use automated systems to reward or penalise behaviour. For example, drivers or delivery workers may lose access to the platform if they reject too many tasks or receive low ratings. These mechanisms blur the line between independent contracting and employment, creating what scholars describe as “disguised” or “dependent” self-employment (Prassl and Risak, 2017).

Another important dimension of the platform economy is its cross-border nature. Digital platforms often operate across multiple countries while maintaining a limited physical presence in each jurisdiction. Workers may provide services in one country while the platform is headquartered in another, or they may offer online services to clients located abroad. This global reach complicates regulation, as national labour and immigration laws are typically designed for territorially bounded employment relationships (Berg *et al.*, 2018) [2].

For migrant workers, the platform economy can be both an opportunity and a risk. On the one hand, platforms can offer quick access to income and flexible entry into labour markets. On the other hand, the lack of clear employment relationships can leave migrant workers exposed to legal uncertainty. When responsibility for immigration compliance is unclear, migrants may unknowingly violate work authorisation rules or be excluded from legal protections available to employees (ILO, 2021).

Conceptualising the platform economy is therefore essential for understanding employer immigration liability. If platforms are viewed merely as technology companies or marketplaces, they can deny responsibility for immigration compliance. If, however, they are understood as labour organisers that exercise control over workers, stronger arguments emerge for extending employer-like obligations to them. This conceptual debate lies at the heart of ongoing legal and policy discussions surrounding platform work.

3. Employer Immigration Liability: Traditional Frameworks

Employer immigration liability refers to the legal responsibility placed on employers to ensure that the people they hire are legally allowed to work in a particular country. In simple terms, it means the law expects employers to “check and confirm” that workers have valid immigration or work authorisation before they are employed. If employers fail to do this, they can face penalties such as fines, sanctions, or even criminal charges depending on the country and the seriousness of the violation.

In most traditional immigration systems, the employer is seen as a clearly identifiable person or organisation that directly hires, supervises, and pays workers. Because of this clear relationship, immigration laws are built on the assumption that employers have full control over hiring decisions and can easily verify workers’ legal status. For example, employers are often required to collect and keep documents such as passports, work permits, or visa approvals before allowing someone to start work (Weil, 2014).

In the United States, employer liability is strongly shaped by

the Immigration Reform and Control Act (IRCA) of 1986. This law makes it illegal for employers to knowingly hire or continue employing individuals who are not authorised to work. Employers must also complete verification procedures, such as the Form I-9 process, to confirm a worker's eligibility. Failure to comply can lead to civil fines and, in serious cases, criminal penalties (Gleeson, 2020) ^[7]. This system is designed to place responsibility at the point of hiring, making employers the first line of immigration enforcement.

In the European context, employer immigration liability is also tied to the idea of preventing irregular migration and undocumented employment. Member states of the European Union require employers to check work authorisation documents before hiring third-country nationals. The EU Employers' Sanctions Directive strengthens this obligation by requiring penalties for employers who hire undocumented migrants and by encouraging inspections and enforcement cooperation across states (European Commission, 2021) ^[5].

In most common-law countries such as the United Kingdom, Canada, and Australia, similar systems exist. Employers are expected to carry out "right to work" checks before employment begins. If they fail to do so, they may be held liable even if they did not intentionally hire an unauthorised worker. These systems are designed to discourage irregular migration by making employers accountable for compliance at the point of recruitment (Anderson and Ruhs, 2010) ^[1].

A key assumption behind all these traditional frameworks is that employment relationships are stable, direct, and easy to identify. The employer is expected to have authority over hiring, supervision, and payment. This makes it possible for the state to delegate part of immigration enforcement to employers, turning them into what scholars sometimes call "gatekeepers" of the labour market (Weil, 2014).

However, this traditional model works best in formal workplaces such as factories, offices, or registered businesses. It assumes that employers and employees are clearly connected through contracts and physical workplaces. As long as this structure exists, immigration authorities can enforce compliance relatively easily through inspections, document checks, and sanctions.

The challenge today is that this traditional framework is increasingly being tested by new forms of work, especially digital platform work. When workers are hired through apps or online platforms, it becomes less clear who the "employer" is and who should be responsible for immigration compliance. This creates gaps in enforcement and raises important questions that traditional frameworks were not designed to answer.

4. Worker Classification and Its Immigration Implications

One of the most important issues in understanding employer immigration liability in the platform economy is how workers are classified under the law. Worker classification simply refers to whether a person is treated as an *employee* or an *independent contractor*. This distinction is very important because it determines who is responsible for taxes, labour protections, and immigration compliance duties.

In traditional employment systems, employees are hired by an employer who has clear responsibilities, including checking the worker's immigration status and ensuring they are legally allowed to work. However, in the platform economy, many companies argue that workers are not

employees but independent contractors. This means the platform claims it is only a "middleman" connecting customers and workers, rather than a true employer.

At first glance, this classification may seem reasonable because platform workers often choose their working hours and use their own tools (such as bicycles, motorcycles, or smartphones). However, in practice, many platforms still exercise strong control over how work is done. They use algorithms to assign tasks, set prices, monitor performance through ratings, and even deactivate workers who do not meet certain standards. Because of this level of control, many scholars argue that platform workers are not truly independent (Prassl and Risak, 2017; De Stefano, 2016).

This classification problem has serious immigration consequences. Immigration laws are usually built around the idea of a clear employer–employee relationship. When workers are classified as employees, employers are responsible for verifying work permits and ensuring compliance with immigration rules. But when workers are labelled as independent contractors, platforms often argue that they have no legal duty to check immigration status or enforce work authorisation requirements.

This creates a legal gap. Migrant workers who depend on platform work may fall outside normal employment protections, even though they are still economically dependent on the platform. In some cases, they may unknowingly work in situations that violate immigration rules, especially when documentation requirements are unclear or when platforms fail to properly regulate access to work opportunities (ILO, 2021).

Courts and regulators in several jurisdictions have started to challenge this classification. In many cases, they look beyond the contract label and focus on the actual level of control exercised by the platform. If a platform controls key aspects of the work such as pricing, task allocation, and performance monitoring, it may be legally recognised as an employer, even if it calls workers "independent contractors" (Cherry and Aloisi, 2017) ^[3].

This shift is important for immigration law because it could expand employer liability. If platforms are legally recognised as employers, they may become responsible for ensuring that migrant workers have valid work authorisation. However, if classification remains unclear or inconsistent, enforcement becomes difficult, and responsibility may fall unfairly on workers themselves.

The issue is especially significant in global platform systems where work is performed across borders. A worker may be physically located in one country, serve clients in another, and be managed by a platform headquartered elsewhere. This complexity makes it harder for immigration authorities to determine who is responsible for compliance and which jurisdiction's rules apply.

In summary, worker classification is not just a labour law issue, it directly affects immigration enforcement. The way platforms define their workers determines whether immigration liability is clearly assigned or whether it becomes fragmented and difficult to enforce. As platform work continues to grow, resolving this classification problem is central to ensuring fair and effective immigration governance.

5. Comparative Jurisdictional Approaches

Different countries are responding to employer immigration liability in the platform economy in different ways. While the

problem is similar everywhere, how to regulate platform work and assign responsibility for migrant workers, the legal solutions vary depending on each country's labour system, immigration policy, and regulatory culture. Looking at these differences helps us understand both the strengths and weaknesses of current approaches.

5.1. United States Approach

In the United States, employer immigration liability is mainly based on the idea that employers must verify whether a worker is legally allowed to work before hiring them. This is enforced through the Immigration Reform and Control Act (IRCA), which requires employers to complete documentation checks and avoid hiring unauthorised migrants (Gleeson, 2020) ^[7].

However, platform companies such as ride-hailing and delivery services often argue that they are not employers but technology companies that only connect users with independent contractors. Because of this classification, they usually claim they are not responsible for verifying immigration status in the same way traditional employers are. This creates a regulatory gap where responsibility for immigration compliance becomes unclear.

At the same time, enforcement agencies have started to look more closely at misclassification practices. If courts or regulators determine that platform workers are actually employees in practice, platforms could become liable for immigration-related obligations retroactively. Still, enforcement remains inconsistent and largely reactive rather than preventive (Weil, 2014).

5.2. European Union Approach

In the European context, there is generally a stronger emphasis on worker protection and regulatory harmonisation. The European Union has introduced policy initiatives aimed at addressing the challenges of platform work, particularly around worker classification and accountability.

The EU's approach tends to focus less on formal contractual labels and more on the *reality of control*. If a platform controls how work is performed such as setting prices, allocating tasks, or monitoring performance, it may be treated as an employer for regulatory purposes. This functional approach makes it more likely that platforms could also be held responsible for immigration compliance where migrant workers are involved (European Commission, 2021) ^[5].

The proposed Directive on platform work reflects this direction by aiming to improve working conditions and reduce misclassification. Although immigration law is still largely the responsibility of individual member states, EU-level labour regulation influences how responsibility is interpreted in practice. This creates a more integrated approach compared to systems where labour and immigration enforcement are more separated.

5.3. United Kingdom, Canada, and Other Common-Law Systems

In countries such as the United Kingdom and Canada, the approach sits somewhere between the US and the EU models. These systems still rely heavily on employer obligations to prevent illegal employment, but they also allow for flexible interpretation of employment status.

In the United Kingdom, employers must carry out "right to work" checks before hiring. Failure to do so can result in

penalties even if the employer did not intentionally hire an undocumented worker. However, platform companies often avoid these responsibilities by classifying workers as self-employed. This creates uncertainty about whether platforms should be treated as employers for immigration purposes (Anderson and Ruhs, 2010) ^[1].

In Canada, similar challenges exist. Immigration enforcement is strict, but platform work is still largely regulated through traditional legal categories that do not fully capture the complexity of digital labour. As a result, enforcement tends to focus on individual workers rather than platform companies, even when platforms play a central role in organising work.

5.4. Comparative Insights

Across all jurisdictions, one major pattern is clear: immigration law is still built around traditional employment relationships, while platform work operates through more flexible and fragmented structures. This mismatch creates enforcement challenges everywhere.

Three major differences stand out

- **United States:** Strong formal compliance rules but weak recognition of platform responsibility
- **European Union:** More willingness to look at actual control and redefine employer responsibility
- **Common-law systems (UK/Canada):** Mixed approach with strict enforcement but unclear classification rules

Despite these differences, all jurisdictions struggle with the same core issue: platform companies can often avoid immigration liability by relying on worker classification, even when they exercise significant control over the labour process.

As platform work continues to expand globally, these differences in legal approach may become harder to maintain. Migrant workers often operate across borders, meaning that inconsistent rules can lead to uneven protection and enforcement gaps. This makes comparative legal analysis essential for developing more coherent global responses to platform-driven labour migration.

6. Enforcement Challenges in the Platform Economy

Enforcing immigration and labour laws in the platform economy is becoming increasingly difficult. This is because platform work does not fit neatly into the traditional systems that governments use to monitor employers and workers. Instead of fixed workplaces and clearly identifiable employers, work is now organised through apps, algorithms, and cross-border digital networks. This creates several practical and legal challenges for enforcement authorities.

6.1. Difficulty in Identifying the "Employer"

One of the biggest challenges is simply identifying who the employer is. In traditional workplaces, it is easy for immigration authorities to inspect a business and determine who is responsible for hiring workers. However, in the platform economy, companies often describe themselves as "technology platforms" rather than employers.

For example, platforms such as Uber or similar services argue that they only connect service providers with customers. Because of this, they claim they are not responsible for verifying immigration status or enforcing work authorisation

rules. This creates a legal grey area where enforcement agencies may struggle to assign responsibility (Prassl, 2018).

6.2. Cross-Border and Digital Nature of Work

Another major challenge is that platform work often crosses national borders. A platform may be headquartered in one country, operate servers in another, and have workers and customers located in many different jurisdictions. This makes it difficult for any single country to fully regulate or monitor the system.

Immigration enforcement is usually territorial, meaning it is tied to a specific country. However, platform work is non-territorial and digital, which limits the ability of governments to carry out inspections, audits, or compliance checks (ILO, 2021). As a result, enforcement becomes fragmented and inconsistent across borders.

6.3. Data Control and Lack of Transparency

Platforms have strong control over data, including worker identities, task allocation, earnings, and performance ratings. However, this information is not always fully accessible to regulators. Without access to accurate data, immigration authorities may find it difficult to determine whether workers are legally authorised to work or whether platforms are complying with labour laws.

This imbalance of information creates what scholars describe as a “data asymmetry problem,” where platforms know far more about workers than the state does. This weakens enforcement capacity and allows compliance gaps to persist (De Stefano, 2016).

6.4. Worker Misclassification and Fragmented Responsibility

A major enforcement issue is the continued classification of workers as independent contractors. Because of this classification, platforms often avoid legal obligations related to immigration compliance. Instead, responsibility may be pushed onto individual workers, even though they have little control over platform rules.

This fragmented responsibility makes enforcement difficult because no single actor clearly holds full legal accountability. Courts in some jurisdictions have begun challenging this classification, but enforcement still largely depends on case-by-case litigation rather than systematic regulatory reform (Cherry and Aloisi, 2017) ^[3].

6.5. Limited State Capacity and Rapid Technological Change

Government agencies often struggle to keep up with the speed of technological change. Platform systems evolve quickly, introducing new work models, payment systems, and forms of digital coordination. Immigration enforcement agencies, however, tend to operate using slower administrative and legal processes.

This mismatch between rapid innovation and slower regulation creates enforcement delays and gaps. As a result, platform companies can adapt faster than regulatory systems, making it harder for governments to enforce immigration compliance effectively (European Commission, 2021) ^[5].

6.6. Migrant Worker Vulnerability

Finally, enforcement challenges are closely linked to migrant worker vulnerability. Many migrant workers in platform jobs

are in precarious legal and economic positions. They may fear reporting violations or challenging platforms because of concerns about losing income or affecting their immigration status.

This fear reduces the effectiveness of enforcement systems that rely on worker complaints or reporting. As a result, many violations go unreported, and enforcement agencies may not even be aware of the extent of non-compliance (ILO, 2021). Furthermore, enforcement in the platform economy is difficult because:

1. Employers are not always clearly identifiable
2. Work is cross-border and digitally organised
3. Platforms control key data but limit access to it
4. Worker classification reduces accountability
5. State enforcement systems are slower than technological change
6. Migrant workers are often too vulnerable to report violations

These challenges show that traditional enforcement models were not designed for the platform economy. As digital labour continues to grow, governments will need new tools and frameworks to ensure that immigration laws remain effective and fair.

7. Migrant Workers and Vulnerability

Migrant workers play a major role in the platform economy, especially in sectors like ride-hailing, food delivery, cleaning services, and online freelance work. Many migrants are drawn to platform work because it is often easier to access than formal employment, requires less documentation at the point of entry, and offers flexible working hours. However, while these jobs may appear accessible, they often come with significant risks and vulnerabilities.

7.1. Precarious Legal and Employment Status

Many migrant workers in the platform economy are in precarious immigration situations, meaning their legal right to live or work in a country may depend on strict conditions such as visa type, sponsorship, or time limits. Because of this, they may feel forced to accept platform work even when conditions are poor or unclear.

In many cases, platform companies treat workers as independent contractors rather than employees. This means workers are not protected by standard labour rights such as minimum wage guarantees, paid leave, or unemployment protection. As a result, migrant workers often operate in a space where they have income opportunities but very limited legal protection (International Labour Organization [ILO], 2021) ^[8].

7.2. Fear of Reporting and Limited Access to Justice

A major vulnerability faced by migrant workers is the fear of reporting abuse or unfair treatment. Many migrants worry that complaining about working conditions or immigration-related issues could lead to job loss or even immigration enforcement action. This fear is especially strong where immigration systems are strict or enforcement is aggressive. Because of this fear, many workers remain silent even when they experience exploitation, wage theft, or unfair deactivation from platforms. This weakens enforcement systems because many violations are never reported or documented (Fudge and Strauss, 2014) ^[6].

7.3. Economic Dependency and Lack of Bargaining Power

Platform work often creates economic dependency, especially for migrants who may have limited access to alternative jobs. Since platforms control access to work through apps and algorithms, workers can be easily removed or “deactivated” without clear explanation or due process.

This lack of bargaining power means migrant workers often accept unfavourable conditions, including low pay, long working hours, and high levels of uncertainty. Even though they are formally labelled as independent, many workers are economically dependent on platforms for survival (De Stefano, 2016).

7.4. Immigration Status and Exploitation Risks

Migration status plays a key role in shaping vulnerability. Workers with temporary visas, irregular status, or limited work permits are often more exposed to exploitation because they may fear deportation or loss of legal status if they lose their job.

In some cases, unclear rules around platform work may lead migrants to unknowingly violate immigration conditions. This creates a situation where workers are both economically necessary to the platform economy and legally vulnerable within immigration systems (International Labour Organization [ILO], 2021) ^[8].

7.5. Algorithmic Control and Invisible Management

Another important source of vulnerability is algorithmic management. Many platforms use automated systems to assign tasks, monitor performance, and evaluate workers. While this may appear neutral, it often creates pressure on workers to accept low-paying or high-risk jobs to maintain good ratings.

Because decisions are made by algorithms rather than human managers, workers often do not understand why they are penalised or removed from platforms. This lack of transparency makes it difficult for migrant workers to challenge unfair treatment (Prassl, 2018).

7.6. Social Isolation and Lack of Representation

Unlike traditional workplaces where workers may have unions or collective representation, platform workers are often isolated. They usually work individually and communicate mainly through apps. This makes it difficult to organise, share concerns, or negotiate better conditions.

For migrant workers, this isolation is even stronger due to language barriers, cultural differences, and fear of authorities. As a result, many migrant platform workers lack access to meaningful representation or collective bargaining structures (Cherry and Aloisi, 2017) ^[3].

Furthermore, migrant workers in the platform economy face multiple overlapping vulnerabilities:

1. Precarious immigration and legal status
2. Fear of reporting exploitation or abuse
3. Weak bargaining power and economic dependence
4. Risk of immigration-related penalties
5. Algorithmic control without transparency
6. Social isolation and lack of representation

These challenges show that migrant workers are not just participants in the platform economy, they are among its most vulnerable actors.

Without stronger legal protections and clearer employer responsibilities, platform work can deepen existing inequalities between migrants and other workers.

8. Emerging Regulatory and Policy Responses

As the platform economy continues to grow, governments and international organisations are beginning to respond to the legal gaps it creates, especially around worker protection and immigration-related responsibility. In simple terms, policymakers are trying to answer a difficult question: *how do we regulate a work system that is digital, flexible, cross-border, and often avoids traditional employer responsibilities?*

While there is no single global solution yet, different jurisdictions are developing new laws and policy ideas aimed at making platform work fairer and more accountable.

8.1. Reclassifying Platform Workers

One of the most important policy responses is the effort to reclassify platform workers from independent contractors to employees or a new intermediate category. This matter because once workers are recognised as employees, platforms may become legally responsible for labour protections and immigration compliance.

For example, in parts of Europe, courts and policymakers increasingly focus on the *actual level of control* platforms have over workers, rather than what the contract says. If a platform controls pricing, assigns tasks, or monitors performance, it may be treated as an employer in practice (Cherry and Aloisi, 2017; Prassl, 2018) ^[3].

This approach reduces the ability of platforms to avoid responsibility simply by labelling workers as “independent.”

8.2. The European Union Platform Work Directive

A major policy development is the proposed European Union Platform Work Directive, which aims to improve working conditions and reduce misclassification in digital labour platforms. The directive introduces the idea of legal presumption of employment in certain situations.

This means that if a platform shows significant control over a worker, the law will automatically assume the worker is an employee unless the platform proves otherwise. This shifts the burden of proof away from workers and toward platforms (European Commission, 2021) ^[5].

Although the directive is mainly focused on labour rights, it also has indirect implications for immigration enforcement because employee status usually comes with clearer employer responsibilities, including verification of work authorisation.

8.3. Strengthening Enforcement and Data Access

Another key policy response is improving regulatory access to platform data. Governments are increasingly recognising that platforms hold large amounts of information about workers, including identity, work history, payments, and performance ratings.

Some proposed regulations require platforms to share relevant data with authorities to ensure compliance with labour and tax laws. This helps regulators verify whether workers are legally authorised to work and whether platforms are following employment rules (International Labour Organization [ILO], 2021) ^[8].

However, this raises concerns about privacy and data protection, so policymakers are trying to balance enforcement with worker rights and data security.

8.4. Joint Liability and Shared Responsibility Models

Some countries are exploring joint liability systems, where both the platform and other actors (such as clients or intermediaries) share responsibility for compliance. Instead of placing all responsibility on a single employer, liability is distributed across the system.

This model is important in the platform economy because work is often fragmented across multiple actors. Shared liability makes it harder for platforms to avoid responsibility by outsourcing or reclassifying workers (De Stefano, 2016). In immigration terms, this could mean that platforms may be required to take at least partial responsibility for ensuring that workers are legally allowed to work, especially when they exercise significant control over access to jobs.

8.5. Improved Labour Inspection and Digital Enforcement Tools

Governments are also modernising labour inspection systems by using digital tools and algorithmic auditing. Instead of relying only on physical workplace inspections, regulators are beginning to use data analysis to detect patterns of non-compliance in platform work.

This includes monitoring app-based labour markets, tracking suspicious hiring patterns, and using digital reporting systems. These tools are designed to improve enforcement in environments where work is not tied to a fixed physical location (International Labour Organization [ILO], 2021) ^[8].

8.6. Global Policy Coordination Efforts

Because platform work operates across borders, there is growing recognition that regulation cannot be purely national. International organisations such as the ILO are promoting global discussions on how to ensure decent work in digital labour markets.

These efforts aim to create shared principles around fair pay, transparency, and responsibility in platform work. While these are not legally binding rules, they help guide national reforms and encourage consistency across countries (ILO, 2021).

Across different jurisdictions, emerging responses generally focus on:

1. Reclassifying platform workers based on real control
2. Creating legal presumptions of employment
3. Increasing access to platform data for regulators
4. Introducing shared or joint liability models
5. Using digital tools for labour inspection
6. Encouraging international coordination on platform governance

These reforms show a clear shift away from older legal models that treated platforms as neutral intermediaries. Instead, there is growing recognition that platforms play an active role in organising work and should therefore share responsibility for compliance, including immigration-related obligations.

However, these reforms are still evolving, and enforcement remains uneven across countries. This means that while progress is being made, significant gaps still exist in how platform work is regulated globally.

9. Conclusion

The platform economy has changed the way work is organised around the world, but it has also created serious challenges for immigration law and employer responsibility. In simple terms, the main problem is that traditional immigration systems were built for a world where employers are easy to identify, workplaces are fixed, and employment relationships are clear. Today, those assumptions no longer fully apply.

Instead of hiring workers directly, digital platforms now act as intermediaries that connect workers and customers through apps and algorithms. While these platforms often describe themselves as neutral technology companies, they still play a major role in controlling how work is assigned, priced, and monitored. This makes it difficult to clearly separate “employers” from “non-employers,” especially when it comes to immigration compliance and legal responsibility (Prassl, 2018).

Across the paper, it has been shown that this shift creates several interconnected problems. First, worker classification allows platforms to avoid many legal duties by labeling workers as independent contractors. Second, enforcement becomes difficult because responsibility is fragmented across platforms, workers, and sometimes customers. Third, migrant workers are often the most affected group, as they face both legal uncertainty and economic vulnerability in accessing platform work (International Labour Organization [ILO], 2021) ^[8].

Comparative analysis also shows that different regions are responding in different ways. The European Union is moving toward stronger regulation through proposals that focus on actual control rather than contractual labels, while countries like the United States and many common-law systems continue to rely on older frameworks that separate employment status from platform responsibility (European Commission, 2021; Gleeson, 2020) ^[7]. However, no system has yet fully solved the problem of immigration liability in platform work.

The overall argument of this paper is that employer immigration liability needs to be rethought in functional terms, not just formal ones. In other words, responsibility should depend on how much control a platform actually has over workers, rather than how it labels them. If a platform effectively manages work processes, it should also share responsibility for ensuring that workers are legally allowed to work.

Without such reform, immigration systems will continue to struggle with enforcement gaps, and migrant workers may remain exposed to legal uncertainty and exploitation. At the same time, platforms will continue to benefit from legal ambiguity that allows them to operate across borders with limited accountability.

In conclusion, regulating the platform economy requires updating immigration law to reflect modern realities of digital labour. This means building systems that are flexible enough to handle cross-border platform work, but also strong enough to ensure accountability, fairness, and protection for migrant workers in an increasingly digital global economy.

References

1. Anderson B, Ruhs M. *Migrant workers: Who needs them? A framework for the analysis of immigration policy*. Oxford: Oxford University Press; 2010.

2. Berg J, Furrer M, Harmon E, Rani U, Silberman MS. Digital labour platforms and the future of work: Towards decent work in the online world. Geneva: International Labour Organization; 2018.
3. Cherry MA, Aloisi A. Dependent contractors in the gig economy: A comparative approach. *Am Univ Law Rev.* 2017;66(3):635-689.
4. De Stefano V. The rise of the just-in-time workforce: On-demand work, crowdwork, and labour protection in the gig economy. *Comp Labor Law Policy J.* 2016;37(3):471-504.
5. European Commission. Proposal for a directive on improving working conditions in platform work [Internet]. Brussels: European Commission; 2021 [cited 2026 Jun 30]. Available from: EUR-Lex
6. Fudge J, Strauss K. Temporary work, agencies, and unfree labour. *Oxf J Leg Stud.* 2014;34(3):451-478.
7. Gleeson S. Precarious claims: The promise and failure of workplace protections in the United States. Oakland: University of California Press; 2020.
8. International Labour Organization. World employment and social outlook: The role of digital labour platforms in transforming the world of work. Geneva: International Labour Organization; 2021.
9. Prassl J. Humans as a service: The promise and perils of work in the gig economy. Oxford: Oxford University Press; 2018.
10. Prassl J, Risak M. Uber, TaskRabbit, and Co.: Platforms as employers? *Comp Labor Law Policy J.* 2017;38(3):619-652.
11. Weil D. The fissured workplace: Why work became so bad for so many and what can be done to improve it. Cambridge (MA): Harvard University Press; 2014.

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