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Thanh-Dam Truong  
Des Gasper  
*Editors*



# Transnational Migration and Human Security

The Migration-Development-Security Nexus

 Springer

**Hexagon Series on Human  
and Environmental Security and Peace**

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Thanh-Dam Truong • Des Gasper  
Editors

# Transnational Migration and Human Security

The Migration–Development–Security Nexus

With 6 Figures, 18 Tables and 2 Boxes

 Springer



*Editors*

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## Preface

The book has grown out of collaborative research endeavours of migration experts and development practitioners in the *International Institute of Social Studies* (IISS) of Erasmus University Rotterdam in The Hague, The Netherlands and the Centre on Human Security at Chubu University, Japan. Most of the chapters in the book are extensively revised versions of a selection from 54 papers presented at a conference held in The Hague in August 2007. Others are additional papers that extend and complement the conference papers. A separate set of papers from the conference has appeared as a special issue of the journal *Gender, Technology and Development*, 12,3 (2008), with the title “Trans-local Livelihoods and Connections: Embedding a Gender Perspective into Migration Studies” (co-edited by Thanh-Dam Truong and Des Gasper). A volume co-edited by Kinhide Mushakoji and Mustapha Kamal Pasha on “Human (In)Security in the Networks of Global Cities” was published in 2008 (Kasugai City, Japan: Chubu University, Centre for Human Security Studies).

The network of scholars and practitioners engaged in this volume approach the study of migration with a focal understanding that the social divisions and legal ambiguities brought about by transnational migration cannot be resolved by piecemeal and one-off policies. Often, these policies are de-contextualized from broader processes of neoliberal globalization, and in turn, produce stopgap solutions. Challenging and changing a globally unsustainable system promoted, and/or supported, by neoliberal forms of thought and practices requires the cooperation of academics from a variety of fields and bridging of the divides between professionals (advocates, activists, practitioners and academics) involved directly or indirectly in decision-making processes.

This collection of chapters strives to enhance the quality of debates on the ‘migration-development-security’ nexus by clarifying their factual premises and theoretical terms and by asking new questions from a transnational perspective. All contributions to this volume have been anonymously peer-reviewed.

The volume brings together concerns that drive practical action as well as those that are set more in theoretical discourses that bear particular values and agendas. The essays seek to speak across the domains of practice and theory and to orient the messages towards public concerns for human dignity, rights and security. Through this collection of chapters, we hope to stimulate our readers towards engaging in a more rigorous study of transnational migration, as well as taking stock of its historically situated meanings.

The Hague, July 2010

Thanh-Dam Truong and Des Gasper

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## **Part I      Introduction**

### **Chapter 1      Transnational Migration, Development and Human Security**

*Thanh-Dam Truong and Des Gasper*

### **Chapter 2      The Governmentality of Transnational Migration and Security: The Making of a New Subaltern**

*Thanh-Dam Truong*

# 1 Transnational Migration, Development and Human Security

*Thanh-Dam Truong and Des Gasper*

## 1.1 Introductory Remarks

Driven by diverse forces – economic pressures and opportunities, climate change, war, conquest, and transformation of political regimes – human migration has been central to circulation of knowledge and values, goods and labour. Yet it has been subject to mainly disciplinary inquiries and the existing body of studies has lacked a comprehensive perspective. This volume precisely attempts such a comprehensive historical and experiential perspective, and as a result leads us to reconsider the meanings of ‘human’, ‘movement’, and ‘borders.’

The ‘migration-development-security’ nexus has deep historical roots set in the construction of the modern state, but has only recently emerged as subject of a self-conscious discursive field. It has been influenced by the changing modalities of governing, with processes of neoliberal globalization contributing to the intensification of the existing forms and the creation of new transnational forms of migration. The acceleration of globalization has produced unprecedented transnational flows (of finance, goods, ideas, people, small weapons and substances), changed the organizational frameworks that facilitate them, and altered the workings of the modern nation-state in dramatic ways. A host of complex questions have been raised regarding how the organization of these cross-border flows undermines, or alters, state authority over national security and people’s security in daily lives. The sociological, political and economic drivers behind these flows, the multifaceted identities of their actors, and the permeability of territorial, cultural and political borders reveal the limits of the traditional conception of the ‘nation-state’ and the need to rethink its dynamic construction beyond a self-identified and fixed entity.

The ongoing reconfiguration of borders manifests attempts to revise this centuries-old concept which has sought to integrate the meaning of a geopolitical entity with a cultural and/or ethnic entity. ‘Re-bun-

ding’ of economic, social and cultural affinities at regional levels is one way to provide more effectiveness in the management of resources and human flows, given the lack of consensus at the global level. The management of human flows remains particularly problematic due to the tension between legal approaches that judge the legitimacy of border crossing according to a codification system of singular reasons for movement (business, tourism, employment, education, asylum-seeking, or family reunion) and the sociological realities that involve intermeshing motives and evolving human relationships within and across borders. Although migrants’ choices are conditioned by legislation, their actions also transform the legal space. For this and other reasons, the migration policy domain is essentially interactive and can be torn between competing goals and rationalities.

Foucault’s insights into the mechanisms of societal control and the delimitation of scientific discourses are suggestive for exploring the ‘migration-development-security’ nexus. He emphasizes the need for attentiveness to the institutional context of an emergence of mechanisms and discourses, and to how different ideas have been brought into a field of intervention and become enacted in particular directions (Gutting 1994). Questioning the fundamental epistemological and ontological assumptions that are prevalent and exploring their biases and how they drive the dynamics of practice are fundamental to understanding current social tensions and finding possible ways of transformation.

This volume tries to bridge the divides in social thought between explanation and justification, and between philosophical and substantive concerns. In doing so it is part of a wider search for new pathways for change. Approaching the subject of migration by way of revisiting presuppositions that have been taken as givens, and exploring their role in shaping rules and institutions governing the movements of people across borders, have helped to reveal the mentalities

and rationalities that made up, and continue to make up, the reality of today.

The essays contained here reveal aspects of power and privilege set within ‘international migration’ as a discursive field and at its intersection with two related fields: ‘development’ and ‘security’ – with attention to the human implications. The essays bring to the fore areas that require more systematic assessment of the knowledge claims that inform migration policy regulation, penalties and incentives, and the modalities of intervention, in order to draw lessons for theory and practice. Time-bound and historically-situated meanings ascribed to human movement across borders vary greatly. Territoriality, sovereignty and their reconfigurations play a central role in shaping such social meanings which affect the lives and experiences of the subjects of migration themselves. The volume attempts a cross-disciplinary way forward in contemporary understanding of international migration and its links with both development and human security as research fields and policy domains.

Collins’ (2000) concept of matrix of domination – inspired by Foucault’s knowledge/power apparatus and Weber’s insights on bureaucracy – addresses interlocking systems of oppression and disempowerment (race, class and gender) by shifting social thought away from the conventional additive approach to relations of dominance. She reveals how different systems of domination may operate through reliance (in varying degrees) on mechanisms that can acquire simultaneously a systemic and interpersonal nature. Her matrix of domination is relevant to migration as a field of intervention and its intersections with the two associated fields of security and development. An adjusted version of this matrix for our purposes contains the following:

1. *A hegemonic dimension*: how ideology, culture, knowledge and consciousness can lend legitimacy to the workings of power in the delimitations of human movement as a subject of study and field of intervention.
2. *An institutional dimension*: how dominant values, norms and beliefs produce and reproduce practices that define ‘security’ in relation to forms of human movement in particular ways.
3. *A disciplinary dimension*: how bureaucracy and surveillance practices that use these values play an important role in hiding the effects of structural inequality among the migrant populations.
4. *An interpersonal and inter-group dimension*: how the first three dimensions are played out in every-

day life situations and affect people on the move under specific circumstances.

The next two sections in this introductory chapter sketch the domains of migration, security and development, and suggest their interconnections in terms of the dimensions mentioned above. We highlight key dividing issues, and identify areas for reflection, conversation and action on different ethical frameworks in relation to migration, within a core concern for the improvement of the position of groups subjected to various forms of disempowerment.

## 1.2 The ‘Migration-Security-Development’ Nexus: Danger and Opportunity

### 1.2.1 Migration and Security

The term ‘migration’ stems from the Latin root *migrare*, meaning to move from one place to another. It first appeared in the English language in the 1610’s, referring to persons; and in the 1640’s referring to animals.<sup>1</sup> Today the term also refers to a variety of movements, amongst them the processes of transferring data between storage types, formats or computer systems; or the movement of microorganisms between people, animals and plants. It is clear that migration of diverse kinds is essential to life in all aspects and that, for humans, migration involves organization, change and adjustment.

Surveillance of human movement has been a core activity for modern nation-states since their inception in the 16<sup>th</sup> and 17<sup>th</sup> centuries in Europe. Foucault (1975) traced the historical transformation of discipline and punishment associated with the rise of the modern state and provided insights into why and how human migration became an issue for state surveillance. Begun as a system of permanent registration of the population in a given locality in order to control the plague, systems of registration became extended to the documentation of growing floating populations in urban areas. With population dislocation and pauperization growing as the capitalist system took hold, anti-nomadic techniques – such as workhouses, schools and induction to the military – were adopted to neutralize dangers, fix those people seen as ‘useless or disturbed populations’, and avoid the inconven-

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1 See at: <<http://www.etymonline.com/index.php?term=migration>> (30 January 2010).

iences and perceived threat of over-large assemblies. The function of these techniques of power was gradually adapted to take up a more positive role in the society – notably to increase the possible utility of the individuals subjected to these techniques of surveillance – in other words, to make them ‘productive’. This inversion of the functionality of power – from repressive to ‘enabling’ – initiated the formation of a disciplinary society, connected to the broader historical processes of economic, juridico-political and scientific reform in the search for progress.<sup>2</sup>

Viewed from this vantage point, human movement between different localities within modern Europe was originally framed in the negative terms of a *danger* to society.<sup>3</sup> But with transformations of production relations and the recognition of migration as a structural and durable phenomenon with far-reaching economic, social and political consequences, the notion of ‘danger/threat’ began to be juxtaposed with that of ‘opportunity’.

Torpey’s (2000) analysis of the gradual emergence of the passport over the past three centuries extends Foucault’s insights on state surveillance of population movements and complements two key perspectives in historical analyses of the state. These are Marx’s concept of appropriation of the means of production by the capitalist classes, and Weber’s concept of appropriation of the means of violence and the control of their legitimate use by the state. Torpey emphasizes a third dimension of processes of appropriation and monopoly: that of “the legitimate means of movement” (2000: 1).

Torpey shows that the passport was not an invention of the early 20<sup>th</sup> century, but of a much earlier era. Monopolization of the right to authorize and regulate movements has been intrinsic to the state, even in its early modern form. The progressive advance of the use of the passport as a means of controlling population movements today expresses the ‘stateness’ of states and their power to provide an ‘identity’ – a national identity – for citizens, which is not independ-

ent of the documents that ‘prove’ it. It distinguishes the ‘national/citizen’ from the ‘alien’ and from the undocumented. Without this passport as a document of national identity, not only is identity unknowable, it is non-existent from a legal perspective. Although a national identity gives access to rights, and can be therefore crucial to livelihood, people can only enter it on stringent conditions and escape from it with difficulty. This monopolization has the effect of reinforcing an interlinked set of processes. They include:

the (gradual) definition of states everywhere – at least from the point of view of the international system – as ‘national’ (i.e., as ‘nation-states’ comprised of members understood as nationals); the codification of laws establishing which types of persons may move within or across their borders, and determining how, when and where they may do so; the stimulation of the worldwide development of techniques for uniquely and unambiguously identifying each and every person on the face of the globe, from birth to death; the construction of bureaucracies designed to implement this regime of identification and to scrutinize persons and documents in order to verify identities; and the creation of a body of legal norms designed to adjudicate claims by individuals to enter into particular spaces and territories (Torpey 2000: 7).

A product of incremental juridico-political reform, the passport conjoined the repressive side of state discipline with its enabling side. State-security and the security of its citizens or nationals were connected through this means. The question of states accepting aliens from other countries arose as an issue during the two World Wars, owing to rising concerns for institutional accountability for the massive movements of refugees across the continents. Ambivalence about state accountability was evident (O’Brien 2003) and has persisted until today. Nevertheless, the legacy of inter-state collaboration did provide a certain degree of institutional accountability for international labour migrants as guest workers (Cholewinski 1994) and for refugees, most of whom would be today termed ‘forced migrants’ or ‘asylum seekers’. For many countries today, the economic utility of aliens has become the prime criterion by which to assess the impact of in-migration.

Cross-border migration patterns since the end of the Cold War show complex characteristics that pose new challenges to established notions of identity and security. Attempts to address problems arising from cross border migration have given birth to several different (through logically interconnected) policy agendas on migration in development cooperation:

2 See at: <<http://foucault.info/documents/disciplineAndPunish/foucault.disciplineAndPunish.panOpticism.html>> (14 September 2009).

3 According to Bader (2005), in the Western world, membership regimes in the city-states of classical Greece were severely restrictive. Aristotle who initiated a long tradition of republican exclusionism declared them legitimate. The subsequent decline of the city-states and the rise of the Roman Empire saw unprecedented freedom of movement and multiple-citizenship, supported by the idea of cosmopolitanism and moral inclusiveness.

1. Post-conflict reconstruction, durable solutions for refugees, and co-development to stem the outflows of economic migrants;
2. Control over movements facilitated by privately organized networks that challenge state surveillance and undermine state security;<sup>4</sup>
3. Economic costs and benefits of migration to sending and receiving countries;
4. Globalization, the knowledge economy and the supply of talents.

Government control is compartmentalized into these separate policy agendas and remains also within the dualistic frame of 'danger' (to be contained) and 'opportunity' (to be promoted). Taking into account the mixed forces that often drive the migration processes remains a challenge for policymakers.

From a developmental and North-South perspective, although the volumes of the flows of people and remittances are often referred to as a key concern, there is reason to think that the politics of human migration and its relationship with the nation-state are really the core issues. In 2003 the United Nations estimated that the total number of international migrants in the world stood at 175 million in 2000, up from 154 million in 1990, or about three per cent of the total world population.<sup>5</sup> Today the estimated stock of people living outside their country of birth is 214 million in 2010, or 3.1 per cent of the total world population of 6,900 million. The statistical picture shows gravitation from low to high-income areas, suggesting that cross-border labour migration is to a great extent an issue of security of livelihood and economic advancement.<sup>6</sup> By contrast, refugees and internally

displaced persons are primarily located in the developing world, reflecting pervasive conflicts in the development process. The UNHCR database shows that there were some 42 million forcibly displaced people worldwide at the end of 2008, including 15.2 million refugees, 827,000 asylum-seekers (pending cases) and 26 million internally displaced persons. Developing countries are host to 80 per cent of the world's refugees.<sup>7</sup>

Unlike cross-border movements of goods - which can be stored, destroyed or sold cheaply when in excess - the movements of people involve human lives, which are inevitably interwoven with each other in intricate ways. States' handling of migrants affects both the individuals concerned and the lives of those connected to them, and therefore human rights and dignity have always been a primary issue. Beyond the questions of economic efficiency and effective border control, migration policy of all types has broader implications for social ethics and the morality of a given polity.

Attempts to make social ethics more prominent in international relations have brought the link between international migration and human security to the fore (Graham/Poku 2000; Truong 2005, 2006; Gasper/Truong 2010a). The concept of human security entails that states are responsible not only for national security but also for protecting the basic rights of citizens and residents. The concept challenges the orthodox approach to international security which

4 For example, in the case of Canada, Bear (1999) illustrates seven distinct categories of migrants based on their entry status and long-term status, being: 1) legal-legal (legal entry and legal immigration); 2) illegal-legal (illegal entry under false or undocumented methods with the goal to change status after arrival); 3) legal-illegal (legal entry with time-specific visas and overstay); 4) illegal-illegal (by independent means such as own-account or through friends); 5) illegal-illegal (by indentured means such as through the service of organized crime networks who prepay migration costs to be repaid after successful entry, sometimes even when entry is unsuccessful); 6) 'indentured' legal-legal (through similar indentured means as under 5, but with a legal status); 7) internal migration (mobility within the same national jurisdiction during intermediary status prior to integration).

5 See at: <[http://www.iom.int/jahia/webdav/shared/shared/mainsite/policy\\_and\\_research/un/58/A\\_58\\_98\\_en.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/policy_and_research/un/58/A_58_98_en.pdf)>.

6 See at: <[http://migration.ucdavis.edu/mn/more.php?id=3585\\_0\\_5\\_0](http://migration.ucdavis.edu/mn/more.php?id=3585_0_5_0)> (16 February 2010). This source indicates that the countries with the greatest numbers of international migrants are: US (43 million); Russia (12 million); Germany (11 million); Saudi Arabia, Canada, and France (about seven million each). Forty per cent of the total population of migrants are found in these six countries. Oil exporter states in the Gulf of the Middle East have the highest population proportions of international migrants. In Qatar more than 85 per cent of residents are migrants, and in UAE and Kuwait the figure is 70 per cent. The countries with the lowest international migrant shares of residents include China, Indonesia, Vietnam, Peru and Cuba where the figure is less than one-tenth of one per cent of current residents.

7 See at: <<http://www.unhcr.org/4A375C426.html>> (30 March 2010). Open conflicts in Iraq, Afghanistan, Sudan, Democratic Republic of Congo and Georgia have contributed to the growing number of refugees, though localized conflicts are also responsible. It is doubtful if UNHCR figures on internally displaced persons also cover those affected by large-scale development projects, such as the construction of dams and infrastructure.

marginalizes concerns for security of the daily lives of ordinary people. The international security policy agenda has similarly tended to marginalize issues of human displacement and migration – both as a cause and a consequence of conflict (Newman/van Selm 2003; Fagan/Munck 2009). The concept of human security further helps to draw out the connections of migration issues in a continuum of events, from conflict to failures both in development efforts and development-related global governance frameworks (Commission on Human Security 2003; Truong 2009a; Gasper 2010). The concept respects the personal dimensions of security, and those factors of oppression and exploitation derived from the specific nature of migrants' entry to circuits of cross-border movement. Migrants are often placed in a situation of liminality, suspended at a threshold, straddling between different administrative and juridical systems, cultures and identities. Apart from social and economic vulnerabilities, this situation generates new types of risks for migrants owing to the perceptions held by society about the legitimacy of their presence and to a process of identity construction based on fear and distrust for the 'Other'.

Since 9/11, the 'War on Terror' has re-asserted the orthodox approach to international security, thwarting the concept of human security. Security now acquires communitarian meanings. For example 'homeland security' in the US; 'societal security' (which involves the security of a collective identity) in the EU. Law and policy in many parts of the world today reflect the tendency to approach migration management in a narrowly instrumental way. Emphasis is placed on economic expediency, exclusionary communitarian principles, and technological fixes in surveillance aimed at discouraging particular types of migration.

The legal space around international migrants is hierarchical, conditioned by state preferences and admission policies that define the relation between the alien and the state in specific ways. Those in the lower strata are the least protected groups under international law. The race, class and gender effects of migration restrictions are visible through societal discourses characterized by polarizations between 'cultural diversity' versus 'homogeneity', economic 'gains' versus 'losses', or 'social cohesion' versus 'disintegration'. These framings of 'opportunity' and 'danger' can translate into discriminatory practices that impose great financial, social and physical costs, especially upon the weakest groups.

### 1.2.2 Migration and Development: Integrating Perspectives From Across a Fragmented Field

Migration became a subject of scientific interest in the late 19<sup>th</sup> century with the work of Ernest Georg Ravenstein, an English geographer of German origin who sought to demonstrate that migration occurs according to specific laws rather than erratically.<sup>8</sup> In the last few decades, the subject has proliferated across many disciplines: economics, legal studies, sociology, anthropology, history, political science and international relations. Until recently the field of study has largely concentrated on deepening some of Ravenstein's ideas with the intention of providing answers to the following questions: Why do people migrate, through which pathways, how and with what consequences for sending and receiving areas? Traditional pursuits on the behaviour of migrants and states continue to dominate the field. Recently questions regarding cultural identities and associational life, assimilation and resistance have been added.

Massey and colleagues note that the field consists of "a fragmented set of theories that have developed largely in isolation from one another, sometimes but not always segmented by disciplinary boundaries" (Massey/Arango/Hugo/Kouaouci/Pellegrino/Taylor 1998: 17). Given that migration has accelerated in the last centuries, with distinct cycles correlated with changes in the world economy and transformations of politics, there is now consensus on the need to study this phenomenon as part of the globalizing processes driven by the emergence and growth of capitalist economies. Close reference to the perspectives of social ethics in migration, the meanings given to 'economic efficacy', and the consequences for politics and cultural systems in the long term become vital.

The field is currently subdivided into separate study areas. Forced migration covers displacement and cross-border refugees. International migration is

8 Using census data from the United Kingdom, Ravenstein (1885 and 1889) developed his 'Laws of Migration' which included 1) 'push-pull' process, or a gravitation from unfavourable conditions in one location – such as oppressive laws, and heavy taxation – towards another location with more favourable conditions; 2) each main current of migration produces a compensating counter current; 3) the decrease in volume of migration as distance increases; 4) migration takes place in stages rather than one long move; 5) social differentials (e.g., gender, social class, age) influence a person's experience and pattern of mobility.

sub-divided into different foci (labour, education, marriage formation, retirement, assimilation, ethnic relationships) and overlaps with transnational migration research. The latter examines a variety of practices, including plural civic memberships, economic involvements, social networks and cultural identities linking people and institutions together across two or more nation-states in diverse and multi-layered patterns (Levitt/Glick-Schiller 2004).

An emerging area of research on transmigration examines the phenomenon of migrants-in-transit in one or more countries while on the way to their planned destination of settlement. Exploring the movements and adaptations of transiting groups (the routes chosen, the use of multiple locales, and the livelihoods they pursue), this area of research looks at 'transitivity' as a social condition within the continuum of a migratory trajectory. There are some important implications for understanding 'temporality', 'permanence', and the notion of country of origin and transit. The traditional understanding of migration trajectories based on a linear and bidirectional move – from a country of origin to a recipient country and return – no longer holds. Instead, multi-directional patterns have emerged among those passing through one or more countries while on the way to their preferred destination. Their trajectories are not comparable with the conventional definition of international (or transnational migrants) who usually cross borders, settle in a recipient country and maintain ties with their home countries. Labour migrants can enter a recipient country legally, but may consider it an in-between station on the way to somewhere else, rather than a final destination.

In research on human trafficking the term 'transitivity' is used to bring to light the complexity of this process, which may start in a different country from the country of origin, or occur in distinct phases. Diverse forms of transitivity have been found: people migrating legally from one country to another who find themselves at risk because of poverty, discrimination and marginalization and become trapped in a trafficking network; people trafficked from one country to another for a particular purpose who are later trafficked to a third country for a different purpose; and people trafficked internally, from a rural area to an urban area, who are later trafficked to another country for a different purpose (UNICEF 2003: 13).

Driven primarily by policy concerns, migration research has been influenced mainly by behaviourism, in varying forms and degrees. It draws largely from the body of thought in, or strongly influenced by, neoclas-

sical microeconomics and macro-sociology (Arango 2000). These traditions have considered only observable behaviour as relevant, and place issues of 'mind' or 'consciousness' in the subjective domain outside the area of focus of objective social science.

Attempts to overcome the limits of the dominant frameworks in international migration studies have now produced a rich body of literature on transnational migration, most of it recent, concerned with migrants' agency and the formation of their social identities. Scholars have borrowed insights from recent social constructivist theories in international relations that analyse the relations between nation-states in light of the activities of transnational corporations and civil society organizations that pierce through borders. Such studies use the term 'transnationalism' to refer to the multifaceted and multi-local processes of cross-border migration (Smith/Guarnizo 1998). The transnational approach aims to expose the deceptive binary constructs – such as national-international and local-global – found in dominant discourses on migration, and to reveal and explore the locations of transnational interactions, including villages and townships, borders and bureaucracies.

Built on an actor-oriented approach to the study of the 'missing middle', or the meso level of interaction, this approach offers valuable alternative methods to analyse how rights, security and livelihoods are affected by migration, at multiple sites, thus uncovering the broader significance of 'transnationalism' for sending and receiving societies. Faist (2000) introduces the concept of 'transnational social spaces' as virtual as well as real spaces – made up of practices adopted by migrants and stay-behinds – that connect both worlds as well as the activities of institutions such as nation-states that try to control these spaces. Activities in such spaces also influence the dynamics of mobility and immobility (e.g. providing resources and information for those wishing to move, and supporting the stay-behinds).

Migrants' social identities, subject positions and agency are formed by a convergence of diverse social forces which can involve complex intersections between different structures of social inequality (legal status, gender, class, age, race and sexuality) and social consciousness. Representation, boundary marking and the construction of social and political space in relation to migrants as subjects reflect this complexity and pose great challenges to deliberative democracy and access to rights. Far from being uniform, diverse power relationships control these transnational social spaces. For those who migrate through

'irregular means' today, information asymmetry and cognitive conflicts about the rights and obligations of the involved actors prevail. Information asymmetry can lead to unjust economic redistribution, and cognitive conflicts add to the denial of rights on grounds of 'culture'.<sup>9</sup>

Today transnational migration often occurs in cross-cultural contexts, implying an encounter between different frames of reference about rights and obligations. Cognitive conflicts about rights and obligations that arise at different moments in the entire migration process (decision-making, transit, job placement, return) typically leave those who are voiceless with no support, at best, and with fatal consequences at worst. The fluidity of migrants' social identities may often obstruct the kind of consciousness required to overcome social divisions, and hence may undermine resistance to oppression, or exacerbate competition where there are opportunities.

More analysis is required of the transnational social spaces through which migrants can assert their sense of being and belonging in order to claim rights. The nation-state, its polity, territorial and cultural boundaries pose significant barriers to the deliberative agency of footloose transnational migrants and transmigrants, with or without an approved formal legal identity. Thus, as useful as it is, the transnational migration paradigm must accord greater significance to structures of state, local configurations of administrative power, and the glaring imbalances in power relations between different transnational actors.

Recent studies of the migration industry as a loosely formed entity, comprised of private employment agencies, migrant networks and state agencies, have helped to reveal the working of social hierarchies within transnational spaces. Despite our having only fragmented knowledge which frequently lacks an evaluative and comparative dimension, existing studies show that states' practices and political norms do mould the conditions under which migration brokers can operate (Lucas 2005). Migration policy regimes and recruitment practices therefore bear specific regional geopolitical and cultural features. Particular macro-economic and institutional linkages also play

an important role in selectively channelling certain types of migrant labour to particular sectors within a country or region. These linkages also influence the behaviour of recruiting networks, which not only provide services passively but also actively mobilize labour and shape migration patterns.

The emerging architecture of the migration brokerage industry formed by interactions between different actors – the state through its administrative laws, service providers and migrants through market mechanisms – now involves a plethora of activities (recruitment, provision of loans, arrangement of legal documents and travel, job placement and so forth) and operates across different national jurisdictions (Kuptsch 2006). In a neoliberal environment which advocates free movement of factors of production but imposes selective restrictions on the movement of people, the operation of this industry generates intermeshing practices that need to be scrutinized from a human rights perspective.<sup>10</sup> Studies have shown a wide range of rights violations in the low-skill sectors; many of the violations are not formally classifiable.<sup>11</sup>

One widespread practice is to tie migrants to their employers or 'sponsors'. They withhold travel documents and identity papers or impose excessive charges for food and accommodation. This not only reduces migrants' earnings but also prevents them from finding alternatives. Excessive fees charged upon arrival for non-transparent purposes, failure to fulfil placement obligations, contract substitution and disappearance of agents after collection of fees, have also been widely reported (Kuptsch 2006). Practices in the migration industry also contribute to the shaping of the conditions of migrants' entry to the labour market indirectly, such as becoming 'structurally embedded' in 'temporary' arrangements, meaning: circular labour migration on short-term visas without the possibility for extension (Tsuda 1999), and 'Just-in-Time' labour delivery to support the 'flexible staffing' system adopted by employers to operate in highly fluctuating markets (Higuchi/Tanno 2003).

9 For example domestic workers perform household tasks that historically have been assigned a diminished value due to the culture of gender, a problem further exacerbated by their association with particular groups (women, minorities, migrants). Workers are often forbidden from leaving the house. See at: [http://www.global-rights.org/site/DocServer/Domestic\\_Workers\\_report\\_FINAL.pdf?docID=5503](http://www.global-rights.org/site/DocServer/Domestic_Workers_report_FINAL.pdf?docID=5503) (25 February 2010).

10 Goldstein (2006) describes the 'sweating system' or labour recruitment practices prevalent in the 18th, 19th and early 20th centuries in low-skilled work, in which workers' bargaining power was weakened and improvements in wages and working conditions suppressed. Today's realities, he suggests, may well mean a return to this system, which is an outcome of the dysfunctionality of law and democratic deliberation at several levels.

11 National legislations often do not recognize some of the abuses experienced by migrant workers as violation of their rights.

Maltreatment of migrant workers can lead receiving states to encourage direct recruitment in order to eliminate brokers' fees and malpractices. However, direct hiring has failed due to 'kickback' arrangements involving employers, brokers and state officials (Tierney 2007). Close cooperation between recruiters and state agents in sending countries can lead to the formation of an alliance of interests which can be detrimental to migrant workers' rights (Wee/Sim 2004). The scope for justice-seeking actions in migration is often limited by the monopoly of the state over the means of movement, since this monopoly can be abused. Governments are the only actors who can provide legal papers, but government officials can collude with recruiters by receiving 'kickbacks' to grant permissions without having checked the true nature of the work contract. These problems, reflecting information asymmetry between recruiting agents and the migrants, then spill over to the domains of workplace entitlements and remittances.

The return to a systems approach in migration studies as discussed above recognizes the mutual interplay between 'structure' and 'agency', and how migration systems evolve from interactions between regulations and the (potentially transformative) actions of those involved: the migrants, employers, social networks, civic organizations and law enforcement agents. Understanding these interactions can contribute to new theoretical insights which may then extend to the domain of intersecting inequalities, shaping security-seeking actions of particular groups of migrants and the challenges these pose to justice-seeking actions.

Feminist scholarship on migration investigates the relationships between gender, worlds of work and culture. It has explored the emotional and social as well as economic values of female niches of migration for work – such as domestic and care work, commercial sex work, or cross-cultural family formation (Truong 1996; Ehrenreich/Hochschild 2003; Palriwala/Uberoi 2008). The cultural representation of 'women' and 'gender' has become a site for competing understandings of many different migration-related controversies (such as prostitution and trafficking; migration for marriage formation through brokers; global care chains which outsource care, thus creating deficit and crisis in the sending countries). These analyses reveal rival ethical-political rationalities which establish the 'objects' of protection in opposed ways – in terms of asserted public morality and general societal well-being versus concern for specific categories of migrants.<sup>12</sup> Analyses of gender dynamics in the socio-

cultural contexts of migration decisions further show how state ideology and policy shape the social environment in which networks operate and form their distinctive spatial arrangements and pathways of movements (Tyner 2000; Oishi 2005).

Feminist scholarship in migration studies has furthered our understanding by bringing the significance of 'gender' and distinct epistemological and methodological values to bear in research and interpretation. Besides gender-differentiated patterns of mobility, identified by Ravenstein more than 100 years ago, scholarship shows how gender moulds thinking, reasoning and understanding of human movements and the identities of those on the move. Now seen as a multifaceted process, transnational migration is analysed as something that profoundly influences a variety of domains in social lives – sexuality, gender, work, organization of caring practices, institutional life, as well as domination and resistance. In this respect feminist scholarship has deepened the meaning of the term 'feminization of migration' far beyond just one of Ravenstein's laws of migration.

Practices of control of migration in most countries today are born out of shifting modes of power, the declining commitment to welfare provision or assurance, and the ascendancy of a new logic dominated by public fiscal concerns. Today's new forms of debt-financed migration<sup>13</sup> undertaken by individuals for the sake of private household survival and growth are being stimulated by a migration industry that extends itself in the nebulous zone of services. The new forms reflect a complex web of inequalities co-constituted by neoliberal doctrines and pre-existing hierarchical relations between knowledge forms, people and their societies. Despite processes which enhance the interdependence – between reproductive, productive and virtual economies – and weave human lives together,

12 For example, the focus on the care sector has exposed the chains of negative externalities by which an enhancement of care provision through labour import in some country can lead to the denial of the entitlement to care of others who stay behind (Parreñas 2002). In many countries this has led to a moral outcry about the care crisis that places the blame on women migrants (for neglecting their children and families) rather than examining state policy and the organization of care as a domain. See: Perera (2009).

13 Debt-financed migration is characterized by the central role of intermediaries (mostly private) in financing the costs of migration for resource-constrained migrants, who may enter servitude contracts on a temporary basis to pay back the debt before they can retain their full earnings.

people remain divided by unequal structural relations based on race, gender, class and nation (Peterson 2003). A cognitive frame that insists on sharply distinct social entities, rather than acknowledging their interconnectedness and interlocking nature, serves to reinforce these structures.

### 1.3 Overview of the Chapters

The book contains twenty two chapters, grouped in five parts.

#### 1.3.1 Part I: Introduction

The two chapters in Part I address the main themes of the book. This introductory chapter presents the field of discussion and gives synopses of the chapters. It is followed by a keynote chapter by Thanh-Dam Truong on “The Governmentality of Transnational Migration and Security: The Making of a New Subaltern”. It provides a historical and factual survey setting the scene and presenting interpretive themes relevant to the whole book. By tracing the main lines in the framing of ‘security’, Truong identifies the historical junctures where its specific meanings have merged with those of ‘migration’ and ‘development’, involving the use of particular ethical norms and modes of conceptualization. A core issue today is the gradual practical and conceptual erosion of the legal boundaries set in the Westphalian framework of inter-state relations and the emergence of fragmented modes of regulation. By exploring the meanings of human mobility in the four extant frameworks of international legislation, Truong shows how the differentiation of meanings reflects an ‘art’ of governing migration, which seeks to maintain a hierarchical global society supported by a logic of triage moulded by politics within nation-states rather than to secure human rights in the migration process. She argues that this ‘art’ of governing has been bolstered by a neoliberal perspective on ‘being human’, centred on a restricted notion of ‘autonomy’ that contains a serious ontological and epistemological bias. It also carries important ethical implications because it promotes excessive individualism at the expense of relations of care and reciprocity in mutual recognition and respect. This perspective cannot be expected to deliver human security outcomes. The challenge ahead is for critical thought to engage with, and learn from, the experiences of insecurity endured by the new ‘subalterns’ – those who have no line of social mobility although their exist-

ence may involve constant physical re-location. Learning from these experiences can help expose the currently fragmented vision of human movement across borders and the narrow utilitarian and nationalist logics that underpin it. Such an engagement – combined with learning from practices of reflexivity within and across cultures – can help to introduce an alternative conception of security-oriented collective agency by building on an ontology of care and deepening the notion of caring in social thought and action.

#### 1.3.2 Part II: Neoliberal Governmentality and Transnational Migration: The Interplay of Business Forces and Security Fears

Governments frequently select migration policy positions which privilege security, trade and finance considerations over more people-centred concerns. The chapters in Part II show how giving priority to business concerns can lead to support for forms of migration considered ‘desirable’ and ‘profitable’ for business while retaining tight restrictions on those forms labelled as ‘undesirable’ and ‘costly’ to the state. Mirroring the wider construction of a ‘neoliberal subject’, migration management policy is biased towards the entrepreneurial aspects of ‘being’ and ‘moving’. The chapters show the entrenched instrumental reasoning that sees people overwhelmingly as tools for economic gain rather than integrally as whole human beings. At the same time the wish to keep out some categories of migrants means that immigration and asylum issues often become conflated, leading to the framing of their presence as potential cause for disintegration of social and public ‘security’. Use of the vocabulary of ‘security’ and ‘threat’ in discourses on immigration conflicts with and can override routine economic concerns.

Mexico is one of the top handful of countries as a source of out-migration and is a major transit country for aspirants from further south who seek to enter the United States or to return from there and travel home. Responding to demands for labour, and seeking to support or join their families, these travellers and work-seekers are often harassed, legally victimized and culturally denigrated within both Mexico and the US. Chapter 3 on “Migration from Mexico and Central America to the United States: Human Insecurities and Paths for Change”, by Gustavo Verduzco and María Isabel de Lozano, looks at the experiences of those who attempt to cross Mexico, both Mexican and non-Mexican nationals. It draws on secondary data and a survey of migrants in two Mexican cities

on the US border and interviews with migrants, officials, priests and representatives of human rights groups. The chapter illustrates how, located at the intersection of the two universes along the Mexico-US border, the cities on the Mexican side have become extraordinary containers of mobile populations: those expelled from the US, those seeking to get in or get back in, and those returning home and becoming stranded.

The Mexican government has come under great pressure from the US to seal both its northern and southern borders against migrants and drug smugglers. While on paper Mexico's internal surveillance of migration has been relatively humane (protecting transit migrants from abuse, not treating them as criminals), policy practices have hardened in recent years. Intensive border patrols and increased roadside checks within Mexico have led to use of more dangerous routes, and to higher prices charged by person-smugglers (*polleros*), which suggests that it is the migration-facilitating networks who benefit most from the surveillance. Some *polleros* dupe migrants and channel them into sex-work, or kidnap them in order to demand a ransom from family members in the US. In turn, the US border police avoid paperwork and expense, by placing all captured illegal migrants in one category and repatriating all to Mexico, including third country nationals, without the consent of the Mexican government. Many of those dumped in this fashion by the US police are minors. One result is homelessness among transmigrants. Verduzco and Lozano underline the irony that in the land of opportunity and the market economy where many citizens wish to hire the services of these willing potential immigrant workers, the 'huddled masses' face such difficulties. They also show a further irony, for as wage-earning migrants face greater difficulties now in crossing borders to revisit their country of origin, the motivation increases for their dependants to join them there in the US.

In chapter 4 on "The Blind Spot of Repression: Migration Policies and Human Survival in the Central Sahara", Julien Brachet examines the growth of measures by European Union (EU) countries to block trans-Sahara and trans-Mediterranean migratory flows. Labour migration from the Sahel countries into North African countries includes long established migratory patterns connected with livelihood systems. Most of those involved in newer patterns of movement northwards into and across the Sahara also seek to go no further than the North African countries. However, fears of massive inflows of sub-Saharan mi-

grants into Europe seem now to drive policy in EU states and they have taken what appear to be disproportionate actions, including several recent bilateral agreements with North African states to curb the flows. Libya - a country that seeks to re-establish its international respectability - agreed to increase border controls and to accept illegal migrants deported from Italy who had purportedly entered via Libya, in exchange for considerable development aid. Brachet finds that for the EU virtually all sub-Saharanans travelling in the Sahara are now redefined as intercontinental economic migrants. The rhetoric of fear and control contributes to a misinterpretation of all trans-Saharan migration as trans-Mediterranean migration. Based on several years of research in Niger - the one country with which Nigeria (by far the most populous country in Africa) shares its northern border - Brachet estimates that only 10 to 20 per cent of the migrants travelling to North Africa through Niger every year continue on to Europe. This would be a modest figure compared to official estimates.

The new policies and practices in North and West African countries towards migrants, under pressure from the EU, have doubtful impact in curbing the number of migrants reaching Europe, yet they carry broader consequences for the region: they disrupt patterns of movement, within this region of Africa and endanger the livelihoods of large populations, they drive them into more dangerous routes and channels; and detention and deportations of migrants into North Africa become increasingly frequent - often in deplorable conditions that trample basic principles of human rights whose defender the European Union claims to be. Brachet concludes that the new policies put ordinary inhabitants of the sub-Saharan region "under house arrest", and contravene the guarantee in the Universal Declaration of Human Rights that everyone has the right to leave any country, including their own.

Chapter 5 on "Europeanization and the Right to Seek Refugee Status: Reflections on Frontex", by Wies Maas and Thanh-Dam Truong, looks at EU border and asylum policies and practices. The effects of the abolition of internal borders through the implementation of the Schengen Agreement since 1995, amplified also by unanticipated external pressures, led to the creation of Frontex in 2005 by the European Council of Ministers, with the aim of strengthening the EU's external borders. Placed at the junction between migration and security politics, Frontex's formation and trajectory reflect both the flaws in the process of European integration and the limited suc-

cess in putting the Common Asylum Policy into effect. A more restrictive interpretation of the right to seek asylum and a higher degree of control without agreement on adequate human rights standards for border and pre-border control means that member states run the risk of violating the European Convention on Human Rights and are vulnerable to the criticism of state-led group-profiling and racism. Given that asylum seekers are now almost forced to enter illegally, a netherworld of illegality has emerged – which is considered further in the chapters by Skilbei and Tveit and by Hintjens, Kumar and Pouri. Overseeing a hybrid policy system with blurred competences and various opt-outs, Frontex's effectiveness now requires public scrutiny. With the European Parliament only marginally involved, and national parliaments of member states not being part of controlling Frontex operations, a 'democratic deficit' has arisen. Together with a surveillance approach that is obsessed with danger and crime, all this has dangerous implications for basic liberties within the EU itself.

The sheer scale of Europe's demographic imbalance – a fast aging population, and reproduction by the indigenous population at far below replacement levels – brings both strong demands for immigrant workforces and major resistance to them. In chapter 6 on "Fortress Europe and the Dutch Donjon: Securitization, Internal Migration Policy and Irregular Migrants' Counter Moves", Godfried Engbersen and Dennis Broeders discuss the measures in the EU to identify and penalize those migrants who still gain unauthorized entry, with special reference to the Netherlands – one of the countries where resistance to immigrants has become intense. They present in particular the measures to prevent unauthorized ('irregular') migrants from having access to formal employment and social services, and evidence on the various intended and unintended effects.

Recognizing that the Union's external borders are inevitably somewhat porous, EU leaders and officials have instituted an array of internal 'gates' by which to capture irregular migrants or exclude them from important goods. The Netherlands is at the forefront here. First, there is identity control: to prevent irregulars from acquiring the documents required to access vital goods; and to acquire information on excluded individuals in order to identify and continue to exclude them, including expel them after due legal process. Identity control measures include database projects at the EU level, including biometric data. People unable to provide legally satisfactory documents are held in a greatly expanded system of deten-

tion centres while they are investigated prior to possible expulsion. 'Irregulars' sometimes resist by destroying their original legal identity markers – individuals with no confirmed legal identity are difficult to expel since other countries are unwilling to accept them – and/or by acquiring new ones. Inevitably the situation has generated a market in 'legal' identities. Second, there are increased inspections and penalties imposed on employers of irregular migrants, although various adaptive responses exist for employers and migrants including use of subcontractors and intermediary recruitment agencies who are skilled in operating the system. Irregular migrants are being driven out of formal sector work into informal employment, as in hotels and restaurants, and more than before into criminal activities. The mega database projects have a similar perverse effect: the more that those who have overstayed – after an original legal entry on a visitor's visa or as an asylum applicant – become at risk of detection, the more that latecomers instead enter illegally via smuggling organizations.

The next step in the migration control chain, after seeking to block and discourage entry, and to detect, discourage and expel illegal migrants, is to encourage return to the country of origin and to reduce the pressures for others to come. The expectation among Northern policymakers has been that economic development in sender countries will reduce migrant outflow. Various studies suggest instead that economic development increases the ability to move and perhaps also the aspiration to move. It also increases the need to move in the case of people who are physically displaced by new infrastructure or economically displaced by restructuring.

Chapter 7 by Alejandra Boni and Joan Lacomba on "The New Co-Development Agenda: Official and Non-Official Initiatives between Morocco and Spain" looks at how the idea of 'co-development' emerged in negotiations between the European Union and especially its immediate southern neighbours during the 1990s, and how it has grown since then. They show how advocates of co-development in Europe express the need to consider a migrant population as a vector or agent of development between its 'host' country and its 'sending' country, establishing a central role to be played by migrants by becoming a development link on both sides. Yet EU policy on co-development has in practice been subordinate to measures of direct migration control and prevention. The authors observe that the reference to positive links between migration and development is absent at the level of the relationship between the EU and Morocco, where a

view of migration centred on illegal immigration and migratory flow control prevails. Similarly, Spain's migration policies perceive co-development as linked to economic development in the countries of origin and to the return of migrants. Yet Spain's multi-level polity allows for independent initiatives from Autonomous Communities, as well as from NGOs and migrant groups, and these agents have been more flexible and imaginative than Madrid. Referring to Ramón (2005: 51), Boni and Lacomba emphasize that the agents of co-development are not just governments in their bilateral relationships, but primarily migrants themselves and secondarily the social agents of both societies (labour unions, companies, educational institutions, citizen organizations, NGOs). A large gap typically exists between migrant associations and official co-development programmes: the former lack recognition and resources and distrust the very term 'co-development' as officially used, owing to its strong connotations of migration control and encouragement to return. Official co-development policies, Boni and Lacomba reveal, are characterized by a remarkable distance between discussions and actions, and between the statements that present migrations as positive for development and the attempts to prevent them. A less contradictory and better scientifically grounded conception of co-development, they suggest, may be found in Malgesini (2007: 31) who defines it "as the set of positive effects of immigration for the development of the origin and hosting society generated by the contact and exchange between people from different backgrounds".

The major recent focus of attention regarding relations between international migration and economic development has been the rapidly increasing and impressive volume of migrants' financial remittances to low- and middle-income countries of origin. This has been matched by ambitious schemes to facilitate, channel and regulate the remittances through formal banking channels. At present half or more of remittances are still handled through informal providers, who offer a flexible, non-bureaucratic, door-to-door service - which is also anonymous: a vital consideration for migrants with irregular legal status. Chapter 8 on "Financial Globalization and the Mechanisms of Migrants' Remittance Institutions: Formed by Supply or Demand?" by Amrita Sharma and Karim Knio, examines the motives involved in creating a new assemblage of financial institutions, with attention to the cases of India, Indonesia and the Philippines. Financial sector agencies have become keen to control what are seen as substantial and fast growing money flows,

and to weave around them new financial products which can be traded, as part of the realms of speculation that eventually crashed in 2008-2009. In addition, some governments of migrant sending countries have been keen to compensate for actual or expected declines or fluctuations in foreign aid or foreign private investment; and governments of many countries have feared that informal remittance channels are or can be used to fund terrorist organizations. Reviewing the evidence, the authors suggest that the current drive to formalize remittance channels, and the mechanisms thus set up, come more from commercial interest than from concerns for migrants' well-being. Financial system regulators should seek to understand and serve migrants' needs rather than drive their monies into the circuits of speculative financial capitalism.

Spanning all these concerns - recruitment, legal and illegal; prevention and repatriation; remittances and other lines for 'co-development' - is the largest specialist organization in the field: the International Organization for Migration (IOM), an intergovernmental giant with more than 7,000 employees. Originally the Intergovernmental Committee for European Migration, it continues to be dominated in funding and orientation by its high-income member states. It produces the largest periodic survey, the *World Migration Report*, a series that started appearing from 2000 as high-income countries began to realize that a stance of exclude-and-restrict, while domestically politically popular, could not meet their economic and social demands. Elaboration of the 'migration management' agenda has involved two broad thrusts. First, arguments to persuade low-income country governments that while high control and selectivity with respect to migration into high-income countries would prevail, there would be large potential profit from cooperation with the governments of these countries to prepare and supply various categories of skilled and semi-skilled labour, typically through temporary but often recurrent migration. Second, efforts to quietly persuade the populations of high-income countries that continuing inflows on a large-scale are unavoidable and that it is better to handle these through legally controlled channels. In effect, the model low-income country becomes the Philippines. Since the 1970's this country has done as recommended above and built an enormous bureaucracy that helps place Filipino workers in high-income countries around the world. More than ten per cent of its population are at any given moment abroad, sending remittances which comprise around ten per cent of GDP, although, as many scholars judge, with little

long-term benefit for its economy, society or polity: remittances have become a substitute for internal reform.

Chapter 9 on “Managing Migration in the IOM’s World Migration Report 2008”, by Beatriz Campillo Carrete and Des Gasper, looks at the most recent of the *World Migration Reports*. The chapter illustrates the use of methods of discourse analysis to identify the principles of selection, interpretation, prioritization and argumentation that structure such a report. It gives particular attention to the choices and use of key terms, like ‘mobility’, ‘needs’ and ‘globalization’, and of key metaphors that guide the discussion, notably the metaphor of ‘flows’. Dominated by the model of thinking and reasoning in neoclassical and neoliberal economics and the policy preoccupations of high-income countries, the central policy claims in the Report concern the ‘need’ for international cooperation to match labour demand and supply within a global framework (as a concomitant of economic globalization in other respects), and that such cooperation will support economic development worldwide. It proposes in great detail methods for managed labour migration. A human rights stance makes occasional appearances, represented by uses of the term ‘human mobility’ rather than ‘labour mobility’ or ‘mobility for economic purposes’, but it remains firmly subordinated to economic priorities based on market power. Migrants’ opinions and agency receive little attention. Even so, the *World Migration Report 2008* represents efforts towards a more open global economic order and an attempt to shift from an agenda overwhelmingly focused on restriction, by building public acceptance of substantial immigration to match labour demand. Low-skilled migrants, however, will remain largely excluded formally, since the informal supply of such migrants is expected to be ample, and formal exclusion helps to keep their labour low-cost.

### 1.3.3 Part III: Migration as Life Experiences: Agency in the Grey Zone

The chapters in Part II were largely discussions at the macro-level, examining also the perspectives of officials in governmental or intergovernmental organizations or associations of employers or bankers, with only occasional references to the life experiences of individuals who seek a livelihood or family reunion through migration. In contrast, the focus in Part III is on migration as life experiences, to consider the unintended or intended effects of the migration management regimes which combine formal restriction and

controlled entry with large-scale informal reliance on immigrant labour. Policies shaped by global market expansion under a cloud of security fears create ‘grey zones’ for specific groups of migrants, with little concern for their welfare. The panoply of legal controls creates a series of ambiguous spaces in interpreting and applying the laws, in balancing the wishes of employers and potential employees against the fears and objections of others, and in living outside the law. Part III examines the effects and side effects, the resulting lived experiences, in a series of locales: foreign women working as street prostitutes in Norway; young women in South East Asia on the move in order to seek work; youth moving likewise between European countries; and students from low-income countries who combine studies in Australia with paid work while also aiming for longer-term residence. The essays show how migrants negotiate their way in pursuit of economic and personal goals while facing the risk of falling into exploitative traps, and the importance for policy formulation of taking cognisance of this insiders’ knowledge and experience.

The population of women in street prostitution in Norway rapidly transformed in just a few years, between 2003 and 2008, to become predominantly composed of women from Nigeria. A high proportion of these have been trafficked – brought in illegally and with elements of deception or even duress by organizations that typically continue to control and to some degree exploit them. Chapter 10 on “Mission Impossible? Voluntary and Dignified Repatriation of Nigerian Victims of Trafficking”, by May-Len Skilbrei and Marianne Tveit, builds on interviews with 150 Nigerian women in street prostitution, representing one-third of that group in Norway in 2006, to cast light on the possibilities for repatriation of identified victims of trafficking who request assistance. Driven by poverty and deteriorating family circumstances, and in consultation with their families in Nigeria, these women sought entry into Europe to earn and send money back home. To gain entry they used the services of smugglers (for amounts between US \$13,000 and \$80,000, often closer to the higher figure) leaving themselves with large debts in addition to their targets for earning in order to save and remit. In many cases deception was involved: women were promised a job and residence permit, but subsequently received no such document and were forced into commercial sex work. Most of the interviewed women had spent some years already in other European countries before beginning to work in Norway, and often were not permanently resident there but periodically flew

in to take advantage of the higher prices paid for sexual services. Uninterested in the option of assisted return made available by the Norwegian government, most interviewed women felt strong needs to make something out of their huge investments of money and personal suffering, rather than return ‘home’ merely older, empty-handed and humiliated. Many also indicated fear of punishment by their pimp or madam if they were to return to Nigeria, and expressed dissatisfaction at the male dominance and relative frequency of violence there. Fear of arrest and detention upon return – the alternative being to bribe the responsible state officials – was also prevalent. Returning home in such circumstances would make sex work in some other part of Nigeria the only viable ‘home’ option for many of them. Taking up new debts and re-entering the stream of trafficked and smuggled persons returning to Europe was a more likely outcome.

The Norwegian-Nigerian case study shows limitations of the assumption that victims of trafficking want, or will benefit from, repatriation. Chapter 11 on “Migrant Women and Their Vulnerability in the Trafficking-Migration Continuum: Evidence from Asia”, by Yu Kojima, shows how a policy approach built on a dichotomous contrast between human trafficking and legal routes of migration is misguided. She examines the full spectrum of the migration process of female migrant workers in some parts of Asia who are involved in private care and commercial sexual services. Many are drawn into illegal work after an initial period in legal activity. From the experiences of these young women Kojima shows how the scope of present legal measures does not fully reflect the complex process and context of migration in which these women are involved. Kojima argues for greater attention to the various intersecting aspects of inequality and vulnerability. Understanding the intricate and dynamic nature of the material and subjective conditions associated with the migration-trafficking continuum and the importance of the intersecting processes of discrimination against migrant women and youth could significantly improve policy and human rights protection.

Chapter 12 on “The EU’s Ambiguous Position on Migrant Underage Workers”, by Roy Huijsmans, examines the European Union’s possible circumvention of human rights policy on children by adoption of the conceptual category of ‘youth’. Huijsmans explores the (in)compatibility of the dominant concept of children (those under the age of 18, according to the Convention on the Rights of the Child) and the phenomenon of adolescent migrant workers (between

the ages of 15 and 18) within the EU, for example under the ‘Youth in Action’ programme that promotes inter-EU cultural exchange and labour movement. Besides, among young people who move for purposes of work, a majority combine study, ‘volunteering’, ‘traineeship’ and ‘exchange’ with paid work. The 1994 EU Directive on the Protection of Young People at Work in fact allows that children be employed from the age of 13, if it will not be “detrimental to regular school attendance or prevent children benefitting fully from their education”.<sup>14</sup> Full-time work by 13 and 14 year olds during school vacations and by 15–17 year olds throughout the year and in any part of the EU appears permissible. Seeing the positive in the possibilities opened up for children to express agency and independence, Huijsmans examines also the risks to children’s rights. The introduction of the term ‘youth’ (understood as from 13 to 30 by the ‘Youth in Action’ programme) may be seen as an attempt by the EU to free itself from some of the constraints set by the rights-based and human trafficking discourses. Huijsmans considers the data on migrant teenage workers, and notes the risks that the introduction of the ‘youth’ terminology within the EU entails, including for temporary seasonal work under harsh conditions and possibly even for trafficking into sex work. He concludes however that adolescents of 15, 16 and 17 are not infants. The chances that they make high-risk choices are no greater than those for adults in comparable situations. While some migrants classified under the category of ‘youth’ may become subject to abusive practices, the alternative should not be to condemn their migration for work but to find a framework for safe migration. Overall, he suggests that, by endorsing migrant work under the age of 18 but making it subject to labour law at the national level, the EU provisions for free movement of workers can make involvement by minors in migrant work safer, targeting exploitation and abuse rather than migration itself.

The following essay (chapter 13) on “Learning how to Work the Grey Zone: Issues of Legality and Illegality among Indian Students in Australia”, by Michiel Baas, takes us from teenage workers to international university students who also become involved in paid work. Baas examines the aggressively marketed tertiary education industry in Australia, which plays a sig-

14 EU Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, consulted on 24 May 2010 at: [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31994L0033&model=guichett](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31994L0033&model=guichett).

nificant role in facilitating the entry of migrants. Indeed chapter 4 of the 2008 *World Migration Report* is devoted to this type of migration. In 2006, almost two per cent of Australia's population consisted of foreign students, and there are now close to 100,000 students from India alone. Many of the Indian students whom Baas interviewed spoke of a problematic quality of education and of current poor conditions of living and working, but said that they planned to apply for permanent residence. Many had this intention in advance of applying for a study programme. Almost half of foreign students come through private agencies, which channel them to particular educational institutions from which the agencies receive a commission, and to particular courses that favour the students' qualification for permanent residence. To obtain this qualification and pay off educational debts, they work long hours in paid employment alongside their studies – often beyond the legally permitted 20 hours per week and with 'cash-in-hand' payment to avoid any paper trail. Baas indicates that the motivation of Indians to study in Australia has increasingly become to acquire permanent residence rights. An 'Overseas Students Act' and an associated 'National Code' in Australia regulate the international marketing of educational services. Recruitment with a primary purpose to provide an immigration route is prohibited, but many tertiary education organizations and immigration businesses are critically dependent on income from foreign students. Economic analysis is insufficient however – at least for the prospective migrants. It cannot explain why still relatively so few people try to migrate, and why emigrants are concentrated among particular social groups and localities. So Baas explores also the imaginative dimension of transnational migration: how large numbers of middle class young Indians have become able to not just imagine but also act on a vision of an alternative life based far away in Australia. The gains reaped by the providers have led the Australian state and universities to ignore the grey zone that has emerged, and the lifestyles envisaged by the students inure them to endure it.

### 1.3.4 Part IV: Transnational Identities and Issues of Citizenship

The meanings ascribed to citizenship are under intense pressure from globalization. Migration in particular leads to the reconstruction of social identities and worldviews, for both migrants and non-migrants. The chapters in Part IV illustrate how identities, be-

longingness and relationships are re-positioned by the effects of globalization, the political and policy environments and the predominance of market imperatives. Several chapters examine migrants' transnational identities and multi-local politics, to explain tensions and dilemmas arising around state obligations to citizens and migrants. The chapters attend to the life realities of the subjects themselves – whether migrants, 'indigenous' citizens, or state-less nationals. The authors reveal a need to re-conceptualize citizenship and re-cast state obligations in ways that are more ethically inclusive and appropriate for societies that are increasingly heterogeneous and multicultural – themes taken further in Part V.

Chapter 14 on "Gender, Technology and Migration in Export-Production of Shrimps: Identity Formation and Labour Practices in Surat Thani Province, Thailand", by Bernadette P. Resurreccion and Edsel E. Sajor, illuminates how migrants seek to make sense of and in their lives, in their specific geographical, social and legal setting. Their identities are formed and re-formed in daily interactions and discourses in their work 'habitus'. In particular, the identity-markers of 'gender', 'migrant' and 'worker' interact to produce specific labour control practices affecting wage levels and migrant workers' well-being. The chapter draws from research on the use of migrant labour from Northeast Thailand, Laos and Myanmar in the production for export of genetically engineered shrimp in Southern Thailand. Whereas large-scale enterprises employ Thai migrant workers coming from the North, medium and small farms employ mainly migrant husband-wife couples from neighbouring countries. Migrant couples are often together with their pre-school children but the school age children have to be sent back to the home area. Owners consider couples more reliable and more productive: the wife is available to support in the round-the-clock tasks of shrimp farming as well as to keep the male worker stable and responsible. The couples are usually paid a 'family wage' far less than a double wage; typically the wife is not classified as a 'real' worker. The family wage system is applied much less to Thai workers. Most Thai female workers receive a separate wage, and although they too fulfil supplementary and lower status roles, they are able to engage in additional income generating activities locally in combination with childcare. Burmese workers in particular have much less latitude to engage in supplementary paid work, though their 'wife' role is comparable with their Thai counterparts. Resurreccion and Sajor show how a particular set of life-world niches has emerged around

shrimp farming, and how, through migration, different gender and ethnic identities are formed and solidified – partly according to the scale of production; and how they sustain different systems of rights and entitlements.

Chapter 15 on “Changing Identities, Multi-local Politics and Citizenship: Reflections on the Agency of Migrants from Indonesia and their Descendants in the Netherlands”, by Ton van Naerssen, looks at the dialectics of migrant identity formation and transnational practices among people from the former Dutch East Indies who moved to the Netherlands, concentrating on the two largest groups: the *Nederlands-Indisch* (mixed-race ‘Dutch-Indonesians’ or in this chapter, ‘Indisch-Dutch’) and the Moluccans (from what are now two provinces in the east of Indonesia). The case has particular interest since it extends over several generations, has been much studied, shows both continuing evolution of identities and continuing distinctive group identities, and provides a sharp contrast between these two groups. The differences are understood within a transnational perspective, including reference to factors in both the host country and the migrant-sending country as well as to their mutual relations. For example, Moluccan identity and citizenship in the Netherlands have critically depended on the Moluccan struggle for independence from Indonesia. Historically classified as temporary residents in the Netherlands by the Dutch state, the Moluccans’ failure to realize an independent Moluccan Republic pushed them into a grey zone owing to their inability to identify as either ‘Dutch’ or ‘Indonesian’. The chapter asks how this identification may change if and as meanings ascribed to citizenship undergo fundamental changes. Second, van Naerssen explores how the increasing economic linkages between Indonesia and the Netherlands in the various strands of the ‘migration-development nexus’ are at the same time a cultural space which gives new dimensions to the identities of some of the migrants and their families, and to the meaning of their citizenship. For both groups, the Moluccans and the *Indisch-Dutch*, ties to Indonesia seem not to wither over time: instead, the number of transnational community organizations grows. The chapter casts implicit light on the ‘host’ community of white Dutch and on their Netherlands-specific official concept of *allochtoon*, whereby the grandchildren and great-grandchildren of immigrants sixty years ago from ‘the Indies’ remain conceptually separated from the white Dutch, whether or not they are Dutch citizens and regardless of how they identify themselves.

Chapter 16 on “Pro-asylum Advocacy in the EU: Challenging the ‘State of Exception’”, by Helen Hintjens, Richa Kumar and Ahmed Pouri, looks at the motivations and practices of activists and advocates who seek to protect the rights of asylum seekers and refugees in Western Europe. It looks in particular at the felt identities of the activists, and how these are affected by their resistance to the ‘3-Ds’ that have become central instruments in EU policy towards asylum seekers – destitution, detention and deportation. As seen earlier in Maas and Truong’s chapter on Frontex, people claiming asylum in the European Union are now virtually forced to enter illegally. If they reach Europe they face the battery of deterrence policies illustrated in the chapter by Engbersen and Broeders, that seek to exclude asylum seekers from all access to a legal existence and thus to dissuade them through destitution. Hintjens, Kumar and Pouri describe not only the policies but also the practices of how asylum-seekers’ rights are routinely suspended by officialdom and decision-makers whenever they see fit, within the ‘state of exception’ that now operates across the EU. Detention camps, often run by private companies, are operated as instruments of deterrence. Similarly, the lessons learned by destitute asylum seekers are intended for a wider audience of transmigrants or potential asylum seekers as well; and private companies and corporatized public agencies have quotas and targets for deportations.

In the context of the felt threat of ‘terrorism’, the rise of a ‘surveillance state’, and the progressive erosion of the rights of asylum seekers, those who seek to assist or defend them are themselves increasingly liable to surveillance and harassment. What motivates them to enter and persist in such work? The cases from the Netherlands and UK presented by Hintjens, Kumar and Pouri show people who stumbled by chance onto the harsh realities of current-day practice of the 3-Ds in the EU. The experiences of the activists, including of these authors, lead them to reflect on the nature of the world system and the possible parallels (now at a global level) with the elaborate system of privilege, exclusions and deportations that was practised in apartheid-era South Africa. Advocates across Europe converge on a perception of the 3-Ds as part of a system of global injustice.

Chapter 17 on “Human or Public? The Referents of Security in Discourses on Migrants in Japan”, by Tatsuo Harada (with Kenji Kimura), shows how Japanese government policy documents on development cooperation and international relations use the discourse of ‘human security’ to stress the security of the

individual human being, worldwide. In stark contrast, much internal discourse about those ‘distant others’ who have arrived as labour migrants in Japan identifies them as threats to ‘public security’ whose ‘dangerous’ character justifies their exclusion from mainstream society. They are excluded even from the public education system. The ‘human’ seen at a distance becomes the dangerous ‘other’ when viewed at close quarters in the homeland. Strikingly, this exclusion, which relates in part to the Japanese self-image of being ethnically homogeneous, has occurred also for groups who had been identified as preferred immigrants after Japan’s domestic ‘reserve armies’ of rural labour and women were exhausted: the *Nikkeijin* – the ethnic Japanese from Brazil and Peru whose entry was permitted by the immigration law of 1990 based on *jus sanguinis*. Understanding of the real and felt insecurities of people in Japan, both migrants and indigenes, becomes an essential but neglected task for the voluminous Japanese work on ‘human security’. The chapter takes up this challenge with special reference to the Chubu region, one of Japan’s manufacturing heartlands, to which many *Nikkeijin* workers were drawn. It looks first at Brazilian *Nikkeijin*. Their children speak Portuguese at home and often cannot cope in Japanese schools; those rejected by the school system have no access to other state-supported education (indeed foreigners in Japan have no legal right to education at all) and become adrift, rendering them almost unemployable except in illicit activities. The chapter reports also the experiences of overstayers from South Asia who work in factories under exploitative terms. Rather than requesting approval to hire foreigners the factories prefer to use ‘illegals’ – who can be paid less, lack medical care rights, and can be easily dismissed. Given trends that undermine local communities, such as local government expenditure cuts and closure of local hospitals and small shops, the immigrants become targets of reactions that express locally felt insecurity. Harada advises that responding to these negative cycles of social exclusion requires that domestic policymakers absorb the principle of pervasive interconnection which has justified adoption of a ‘human security’ perspective in international relations.

The themes of mutual interconnection, inclusion and mutual benefit, and preservation or building of community all appear again but in special forms in the final chapter in Part IV, “The Global Forum on Migration and Development: ‘All Talk and No Action’ or ‘A Chance to Frame the Issues in a Way that Allows You to Move Forward Together?’”, by Bernice Roldan and

Des Gasper. It explores the proposed rationale of the Global Forum launched by Kofi Annan in 2006 as UN Secretary General, as an informal inter-governmental discussion space rather than as part of the UN system. The first part analyses Annan’s advocacy of the Forum, through close textual analysis of his speech to the High-Level Dialogue that he convened in New York. His position involved a series of claims: 1) migration must be managed; 2) to proceed from the present entrenched disagreements and mistrust requires constructive structured communication; 3) the Global Forum can provide this and is a feasible way forward, unlike proposals for binding international conventions; 4) through processes of growing mutual education and mutual acceptance the Forum can be fruitful. Annan’s hypotheses could appear to be rather optimistic when the implied notions of building trust and community (amongst those referred to in the chapter as ‘migro-crats’, the managers and policymakers in the global networks of migration) are unpacked, and the validity of the assumptions (about how regular channels and fora of systematic but relatively informal communication can affect attitudes and in turn affect choices) is tested.

The second part of the chapter monitors how these hypotheses had fared by the time of the second GFMD conference, held in Manila in 2008, using other methods of discourse analysis to dissect its concluding report. The Manila meeting’s declaration of a ‘focus on the person’ appeared in reality to mean a focus on the ‘migro-crats’ and their interactive processes of mutual education and teambuilding aimed at producing practical cooperation. The report is relatively silent on migrants themselves, but claims that the Forum process is “changing the way the world looks at migration and development” and, “more importantly...changing the way we deal with each other on [migration and development]” (paragraphs 2 and 3 of the conference’s final report: Conejos 2008). To clarify this whole strategy and draw out its mindset and assumptions, the chapter presents a series of accessible tools of discourse analysis that may be more widely useful in migration studies and for participation in migration policy debate.

### 1.3.5 Part V: Ethics of Modern-day Transnational Migration: A Human Security Perspective

Transnationalism involves the intensive routine interconnection of what were previously largely separate national spaces. We see diverse competing global

models of reasoning for ordering this emergent global space. One model envisions a world of separate national homes in which international migrants are felt as a troublesome complication – useful but also a threat. Another is the model of the global market in which migrants are considered as a mobile factor of production with few rights. Thirdly is the vision of a world of international human rights in which migrants share and belong, and which includes instituted accountability for protecting their rights and well-being. The final section of this volume consolidates a framework for description, explanation, evaluation and response: a version of human security thinking which seeks to ground human rights values both in a critique of the predominant forms of liberal and neoliberal thought, as well in the search for alternatives which are sensitive to contextual differences. Intra-nationally we must move beyond a Rawlsian liberal justice framework and conception of a social contract, which continues to conceive of people only as autonomous legal units. Focussing only on the individuality of people narrows the potential for fellowship with others. Internationally, a human security framework goes beyond the Westphalian conception of states and citizenship and responds to a transnational and interpenetrated system. It offers a suitably pluralist approach, setting universal human rights thinking within humanly richer and more conflict-aware perspectives.

Chapter 19 on “International Migration, Well-being and Transnational Ethics”, by Des Gasper, gives a perspective for considering the well-being of migrants – of people in the ‘sender’ society and people in the ‘receiver’ society – integrating human rights thinking with care ethics and a sensitivity to subjectivities. Active respect for each person worldwide relies on some informed awareness of the contents of their lives. In reaction to much philosophical literature in international relations, the chapter seeks a better empirical grounding for the stage of philosophical argument. Starting by looking at the contents of migrant lives, it moves to consider their evaluation, in terms of well and ill-being and the justice and injustice of their generation and distribution, including reference to criteria of fair process, fair deserts and fair opportunity. The relevant empirical background includes awareness of the historical record of dispossession, domination and discrimination over the past five centuries. Linking to the chapters in Part IV, Gasper notes how migration jumbles up the contents of the national ‘societies’ that are assumed to be discrete units by ‘realist’ international relations and nationalist ethics theo-

rists. Migration creates new liminal zones and increases the plurality within identity, building a world system of a myriad of overlapping communities, not of self-contained nation-states. These more complex liminal identities can help to counter the ‘othering’ processes that often render identities crude and mutually antagonistic. Nevertheless, any rethinking of the contents of the ‘self’ and of one’s ‘interests’ is a long-term process which may depend on a prior phase of respectful coexistence motivated by enlightened self-interest. Human security thinking thus centrally emphasizes the theme of ‘common security’: that in an interconnected world to disrespect the security of others will undermine your own security. Cooperative coexistence motivated by awareness of interdependence can gradually foster acceptance of plurality among and within identities, and of sharing across identities, and the perception that one’s identity can be enriched rather than threatened by that of others.

Chapter 20 on “Migration, Morality and Finance”, by Amiya Kumar Bagchi, further investigates the assumptions used in philosophical discussions of the ethics of migration. Bagchi challenges the lack of attention to macro-structures and systems that reproduce and exacerbate inequality and poverty, including those financial and trade structures which contribute strongly to injustice in most societies, and the assumption that dramatic socio-economic inequality is inevitable. He posits gross international inequality and poverty as the root causes of streams of ‘illegal’ migrants. Here he removes the ‘veil of ignorance’ placed over the historical record, and identifies several recent major shifts that have in his view aggravated international inequality and fed pressures to emigrate: the movement since the 1970s against granting predominant roles to the state in developing countries in long-term economic development strategy and in provision of social services; the transfer instead of sovereign authority to financial markets; and the decline and fall of the Soviet bloc. The nature and widespread failure of the associated economic structural adjustment programmes implemented in the 1980s and 90s fed new waves of migration. So too has unlimited and unregulated capital mobility across international borders, including the acceptance of funds by many international banks without asking any questions, which permits continuous capital flight from poor economies. Yet the countries which receive these funds impose the strictest restrictions on inflows of labour. Bagchi suggests that the required reforms must start from principles of universal human rights. They should include regulation of the export and import of capital in all