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# Hyper-precarious lives: Migrants, work and forced labour in the Global North

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### Abstract

This paper unpacks the contested inter-connections between neoliberal work and welfare regimes, asylum and immigration controls, and the exploitation of migrant workers. The concept of precarity is explored as a way of understanding intensifying and insecure post-Fordist work in late capitalism. Migrants are centrally implicated in highly precarious work experiences at the bottom end of labour markets in Global North countries, including becoming trapped in forced labour. Building on existing research on the working experiences of migrants in the Global North, the main part of the article considers three questions. First, what is precarity and how does the concept relate to working lives? Second, how might we understand the causes of extreme forms of migrant labour exploitation in precarious lifeworlds? Third, how can we adequately theorize these particular experiences using the conceptual tools of forced labour, slavery, unfreedom and precarity? We use the concept of 'hyper-precarity' alongside notions of a 'continuum of unfreedom' as a way of furthering human geographical inquiry into the intersections between various terrains of social action and conceptual debate concerning migrants' precarious working experiences.

### Keywords

adverse incorporation, forced labour, globalization, migrants, modern slavery, neoliberalism, precarity, refugees, unfree labour

## I Introduction

This paper is concerned with unpacking the contested inter-connections between neoliberal work and welfare regimes, asylum and immigration controls, and the exploitation of migrant

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workers. Our interest is sparked partly out of concern at the rise of racism and anti-immigrant feelings in North America and Europe (Law, 2010), and partly from increasing evidence that migrants, together with forced migrants, are centrally implicated in highly precarious work experiences at the bottom end of labour markets in Western capitalist countries (Standing, 2011), including forced labour (Anderson and Rogaly, 2005). But we are also motivated to critically interrogate the rigid binaries (such as free/forced) within dominant portrayals and conceptualizations of migrant work, precarity and forced labour by recent scholarship that highlights variations, continuums and processes in migrant labour experiences (Andrees, 2008; O'Connell Davidson, 2010; Skřivánková, 2010; O'Neill, 2011; Strauss, 2012).

In its literal sense, precarity refers to those who experience precariousness, and thus conjures lifeworlds that are inflected with uncertainty and instability (Waite, 2009). Precarity is used far more in European countries including France, Italy and Spain, and in North America (Cranford et al., 2003; Kalleberg, 2009), as opposed to the UK (Düll, 2003), where the terms 'casualization' and 'vulnerable' work (TUC, 2008) tend to be used to describe insecure employment. Many have suggested that the rise of precarity, as both a descriptor and a condition, has gone hand in hand with neoliberal globalization. Connections between global economic change and related transformations in the world of work form the key explanatory framework for workplace exploitation. An important backdrop is the erosion in the political and industrial power of the working class since the world capitalist crisis of the 1970s.

In a widely-held perspective most famously articulated by Marxist geographer David Harvey, the crisis opened the door to the dominant assertion of neoliberal ideas and policies across the world, whose primary goal has been to flexibilize labour markets and restore the conditions for profitable growth (Harvey, 2005). In the

industrialized capitalist societies of the Global North, governments have restored management's 'right to manage' the labour process, while abandoning the post-war commitment to full employment and universal welfare in favour of wholesale privatizations that have directly attacked workers' collective power by undermining trade unionism (Martin and Ross, 1999). In this perspective, therefore, globalization is intimately connected to neoliberalization as a complex process of capitalist and market transnationalization in which capital has developed an unprecedented and decisive level of mobility principally through the organizational strategies of transnational corporations (TNCs) and the constitutive power of states (Radice, 2000; Harrod and O'Brien, 2002). The result is that workers everywhere no longer have a quasi-monopoly of jobs but must now compete with an apparently 'inexhaustible pool of potential labour' in the global economy, creating for capital a supply of labour of comparable efficiency but at different prices (Sengenberger and Wilkinson, 1995; Boswell and Stevis, 1997: 291). As we discuss, this pool of potential cheaper labour does not just exist 'out there' in poorer countries but, through international migration, it also exists 'in here' in the Global North.

Although, in popular debate, migration is seemingly forever cast as an exceptional event outside the norms of everyday life (Rapport and Dawson, 1998), one need only look back over the past six centuries – just a brief snapshot of human history – to see ever-present, major and continuous waves of migration. These include the enslavement and transatlantic trafficking of African people, the flow of indentured labour into Europe and European colonies from India, China and Japan, the European colonization of much of the planet, mass emigration to the United States, and post-Second World War immigration into the Global North. All of these waves have been inextricably connected to the development of capitalism, colonialism and

imperialism (Cohen, 1987), and most have been closely associated with forced migrations of people (Marfleet, 2006; Castles and Miller, 2009). Popular understandings, framed by frequently xenophobic political discourses, tend to portray migration as moving in one direction – from poor Global South to rich Global North – for a sole purpose: access to jobs and welfare denied to them back ‘home’. The truth is different. Most of the world’s one billion migrants move within their own national borders (United Nations Development Programme, 2009) and South-North flows are broadly on a par with those South-South and North-North (Standing, 2011).

Moreover, people cross borders for multiple reasons that render narrow notions of economic gain highly simplistic. Nevertheless, international migrants occupy an increasingly important role in the heartlands of global capitalism (Standing, 2011). While several studies have explored transnational labour elites in a variety of global settings (e.g. Hannerz, 1996; Smith, 2001; Beaverstock, 2002), our interest is in the more typical mass experiences of migrants at the bottom end of labour markets in Western economies. To explore the work experiences of migrants this paper asks: what is precarity and how does the concept relate to (migrant) working lives? How might we understand the causes of extreme forms of migrant labour exploitation in precarious lifeworlds? How might we adequately theorize these particular experiences using the conceptual tools of forced labour, slavery, unfreedom and precarity?

In this paper we argue that many exploited migrants’ lives are best characterized by a notion of *hyper-precarity* that emerges from the ongoing interplay of neoliberal labour markets and highly restrictive immigration regimes. We aim to interrogate the connections and intersections between the various terrains of social action and conceptual debate concerning precarious migrant labour experiences in the Global North. As a central theme of the paper, the following section focuses on the condition and concept of precarity in neoliberal contexts with

specific reference to work on precarious migrant workers. Section III briefly reviews the concept of forced labour as the key term applied to experiences of severe labour exploitation and proposes unfreedom as a more useful concept for explaining and understanding such experiences.

We then focus in Section IV on migrant workers at the bottom end of the labour market and how explanatory frameworks across geography, political economy, sociology and social policy particularly emphasize state stratification of socio-legal statuses as central to the production of (hyper)-precarious migrant workers. It is argued that understanding migrants’ engagement in exploitative labour must take into consideration their transnational social status, migration strategies alongside subsequent constraints on citizenship imposed through immigration regimes. This expansive perspective demands an appreciation of geographies of global inequality combined with a nuanced analysis of the socio-political spaces occupied by migrants in destination countries ‘to improve understanding of’ precarious migrant labour exploitation, an agenda that geographers are particularly well-placed to contribute to.

In Section V we move from explanation to conceptualization of the migrant labour experience, illustrating the production of unfreedom in the nexus of employment and immigration precarity. In line with recent work (e.g. Skřivánková, 2010), we suggest that hyper-precarity fits alongside a continuum approach built around the concept of ‘unfreedom’ as the best way to conceptualize multidimensional constraints resulting from compromised labour market position, socio-legal status, transnational social reproduction and gender relations that combine to structure migrants’ entry into and continuation in forced labour situations.

## II Precarity and migrant labour

Although migrants have long underpinned the low-wage economy in industrialized nations of

the 'North', it is argued that this dependency has grown in recent years (Burnett and Whyte, 2010; McLaughlin and Hennebry, 2010; Wills et al., 2010). The generalized intensification of migrant exploitation in the low-wage sectors of core capitalist countries in the Global North is drawn out by specific studies deconstructing the migrant division of labour in global cities like New York and London (Friedmann and Wolff, 1982; Sassen, 1991; Wills et al., 2010). It is here, in the urban command and control sites of global capitalism characterized by the deindustrialized FIRE sector (finance, insurance, real estate), that we find transnational migrants populating both the top and bottom ends of the labour market. However, although theories of labour market segmentation (Doeringer and Piore, 1971) and global cities (Friedmann and Wolff, 1982; Sassen, 1991) help to explain the increased demand for migrant labour in urban settings, they do not adequately explore why migrants per se are so prominent in low-paid, insecure work, especially when many are highly skilled and well educated.

In *Global Cities at Work*, Wills et al. (2010) seek to address this question by illuminating the working lives of migrants in London's low-paid economy within a historically-informed, multi-scaled political economy framework. They show how London's economy is 'now dependent upon the labour power of low-paid workers from across the world' for its cleaners, carers, builders, cooks, bartenders, and restaurant workers (2010: 29). Wills et al. explain this as the outcome of a dialectical interplay between globalization and neoliberal policies destructive to social reproduction, creating 'both the necessity and the desire for people to migrate across international borders in search of work' (2010: 2). Additionally, ever-tougher immigration systems are being developed in the Global North with reduced rights to work and welfare, compared to continuing welfare protections for UK 'nationals' that inhibit their entry into the low-wage economy. They further link this to

what Waldinger and Lichter (2003) conceive as the 'dual frame of reference' with migrants from the Global South comparing the low wages on offer in London favourably with the income generation opportunities back 'home'. Drawing on Marx's reserve army of labour theory and subsequent approaches (Piore, 1979), the result is a source of surplus labour-power from beyond the nation-state that can be hired, fired and deported to meet demand without regard to social reproduction (Wills et al., 2010).

What also emerges is evidence that the demand for cheap migrant labour is more complex than simply relative cost, something Anderson (2007) has found particularly true of the intimate labour associated with domestic migrant workers. Migrants, especially new arrivals, are seen as being harder workers, more loyal and reliable, and prepared to work longer hours due to their lack of choice and the large volume of available labour at the low end of the labour market (MacKenzie and Forde, 2009). This therefore intensifies competition and offers employers the pick of the 'best' migrant workers. Indeed, in London, the rise in jobs characterized by insecurity has been accompanied by increasing competition among migrant workers for these 'bottom end', often casualized positions which, as McDowell et al. (2009: 7) demonstrate, 'are not neutral slots but are, instead, socially constructed definitions, created to attract differently raced and gendered workers, creating a hierarchy of desirability within the category of "economic migrants"' (see also McDowell, 2008).

There is growing evidence that many migrants in low paid, insecure jobs in particular sectors – such as construction, cleaning, care, agriculture, food, hospitality and sex work – are the most exploited and insecure. Migrant workers are considered to be a key group facing insecurity due to what the British Trades Union Congress (TUC) has called the rise of 'vulnerable employment' – a form of labouring in which workers remain 'at risk of continuing poverty

and injustice resulting from an imbalance of power in the employer-worker relationship' (TUC, 2008: 12). Vulnerable jobs are typically insecure, temporary and low paid with non-payment, long and irregular working hours, and unfair dismissal all common (Jayaweera and Anderson, 2008: 14). Much research on migrant workers in vulnerable employment has concentrated on the constrained position of certain groups of migrants, categorized by immigration status (e.g. Anderson et al., 2006; McKay et al., 2009; Valentine, 2010), nationality (Pai, 2008; Kagan et al., 2011) or sector. Anderson and Rogaly's (2005) landmark study looked at construction, agriculture, care and cleaning sectors, drawing on the stories of 46 migrants from Asia, Africa, Latin America and central and eastern Europe with a variety of immigration and employment statuses. They show how migrants are engaged through a bewildering array of subcontracting chains and agents, which makes safeguarding their basic human and labour rights difficult, and that these combine to result in treatment of workers that can amount to forced labour in some cases. As they demonstrate, jobs in these sectors are highly time- and place-bound, and therefore insecure and flexible, making migrant workers 'desirable' as they may be more willing than relatively fixed 'local' workers to move within the UK for short-term employment. More recently, several studies detail forced labour within agriculture, fisheries and food processing sectors (Wilkinson et al., 2009; Allamby et al., 2011; Scott et al., 2012).

Lurking uneasily within constructions of low-paid migrant work is the question of how labour relations, conditions, exploitation and, above all, coercion are conceptualized and discursively represented through 'binaries' such as unfree/free or forced/voluntary labour. This point is elaborated on below, but it is worth noting here the growing problematization of how the discourse of precarity has been used in relation to particular social groups and subjects as a

defining condition or status of exceptional or unacceptable insecurity and suffering. Wills et al (2010: 6) assert that if 'subcontracting is now the paradigmatic form of employment across the world, the migrant is the world's paradigmatic worker'. The representation of migrants as the paradigmatic workforce of post-Fordist capitalism, and even as a new kind of political subject (see discussion of this in Neilson and Rossiter (2008), and also Standing (2011:7) on the precariat as a class-in-the-making), contains an inner logic which leads to positioning the irregular or undocumented migrant as the paradigmatic precarious worker inhabiting a qualitatively different lifeworld to the rest of the working class. The common tendency to give precarity – and, by extension, neoliberalism – a 'model worker' should be treated with caution, as 'precarity strays across any number of labour practices... it traverses a spectrum of labour markets and positions within them' (Neilson and Rossiter, 2005). Such problematization of the 'paradigmatic precarious subject' begs a closer examination of the very concept of precarity and the precarious condition, a topic which we now turn to through a review of key writers in this area.

### *I Precarious work or precarious lives?*

Understandings of precarity as a condition tend to divide between those who see it as something specific to work under neoliberal labour market conditions (e.g. Bourdieu, 1998; Dorre et al., 2006; Fantone, 2007) and those who see it as a feature of broader life. In terms of the former understanding, globalization, neoliberalization and the resulting erosion of working-class power are widely held to underpin the rise of insecure, flexible and nonstandard employment relations over the past 30 years in the Global North. A two-tier labour market has been created, divided between highly protected workers (civil servants and holders of permanent contracts, mostly in large companies) and highly

flexible jobs taken up by immigrants, as well as young people, women (see e.g. Vosko's (2004) feminist political economy work on the gendering of precarity), new entrants and unskilled workers (Barbieri, 2009). Flexibility within the labour market has increasingly led to bodies such as the EU calling for 'flexicurity' in recognition of so-called common pursuits between workers and employers in the new economy (see, for example, European Commission, 2007).

Such flexibility, however, is also increasingly associated with the discourse of precarity through characteristic 'new forms of non-standard or atypical employment contracts and relations, including casual, flexible, contingent and part-time work, multiple job holding and agency employment' (McDowell et al., 2009: 4). It is within the lower echelons of the labour market that migrant workers are often found (as the previous section revealed). Political economists and economic geographers have understood the increasing reliance on migrant labour in the low-wage economies of the Global North, and the evidence of their entrapment within vulnerable and forced labour practices (Strauss, 2012: see Section IV), as 'part of a larger international trend in labour relations in which employers increasingly evade and violate labour standards to maximise profit amid globalized competition' (McLaughlin and Hennebray, 2010: 1). Within industrial relations literature, a generally narrow employment focus restricts usage to precarious jobs or employment. In an early contribution, Rodgers and Rodgers (1989) developed four dimensions of precarious jobs for the International Labour Organization (ILO): uncertainty over the continuity of employment; a lack of individual and collective control over wages and conditions; low or no levels of social protection against unemployment, discrimination, etc.; and insufficient income or economic vulnerability. What this early definition and related approaches miss is the role of compromised socio-legal status in compounding precarity for migrants, which we discuss in Section IV.

Engagement with the concept of precarity as 'something more than a position in the labour market' (Neilson and Rossiter, 2005) has sought to encapsulate how precarious employment affects, and is also intertwined with, other areas of life, such as household dynamics, individual circumstances, and welfare provision (Barbier, 2002). Alex Foti, an organizer and writer in the precarity movement in Europe, links insecure work to the rise of a wider existential precarity characterized by being 'unable to predict one's fate or having some degree of predictability on which to build social relations and feelings of affection' (Oudenampsen and Sullivan, 2004). Here, precarity resembles ontological insecurity (Giddens, 1990; Neilson and Rossiter, 2008) and is seen by Ettliger (2007) to be an enduring feature of the human condition found within all micro-spaces of everyday life. Butler takes a similar stance, viewing widespread precariousness as deriving from oppressive everyday governmentality (Butler, 2004), and more recently as a response to differential exposure to violence and suffering that emanates from socio-political contexts (Butler, 2009). For the purpose of this paper and its empirical focus on migrant labour exploitation, we find the concept of precarity more illuminating as a term through which to explore labour conditions, acknowledging the profoundly destabilizing effects of precarious work on broader lifeworlds.

This leads to the question of whether it is certain jobs or particular people who are precarious; as Clement et al. (2009: 6) ask, 'precarious for whom and under what conditions? Are all lives becoming more precarious or does precariousness hit certain people more than others?'. While precarity may be distinguished from similar terms (such as risk or vulnerability) as not only a condition but also a possible point of mobilization (Waite, 2009) or connecting device, some caution should be noted when elevating precarity as a common platform for action due to the diversity of precarious experiences that cannot be equated (e.g. Neilson and Rossiter, 2005). Not all

forms of agency or temporary work are low status or low paid (McDowell et al., 2009). Ross (2008: 41) importantly identifies how ‘contingent work arrangements are imposed on some and self-elected by others’. He argues that the notion of a precarity platform from which to challenge insecurity can overlook the sizeable imbalance in the social capital enjoyed by workers, for example, in retail and low-end services, and the creative class temping in high-end knowledge sectors. Precarious workers include some who want the security of full-time work and associated benefits, and others who prefer an intermittent work life. While migrant workers are recognized as a group more likely to be ‘aggravated’ (Oudenampsen and Sullivan, 2004) by precarity, there remains a need to examine both the labour market position of migrants and the relationship between immigration status and rights to residence, work and welfare. Through our focus on migrants in the lower parts of the economy in this paper, we are interested in how this relationship may create particularly extreme variants of precarity where significant vulnerabilities and possibly forced labour and/or unfreedoms abound. In what follows we tease out and further discuss these problematized couplets of ‘free’/‘voluntary’ versus ‘unfree’/‘forced’ labour.

### III From forced labour to a continuum of unfreedom

When using the term ‘forced labour’, we are referring principally to the specific forms of ‘forced’ work practices and employment relations as defined by the ILO. Since its establishment in 1919, the ILO has dedicated a core part of its mission to eliminating ‘forced labour’, and its legal definitions and instruments largely underpin current policy and the legislative approaches of international bodies, national governments, and the campaigns of trade unions and NGOs (Hodkinson, 2005), as well as the

analytical frameworks of much academic research. The result has been the creation of a dominant international norm about what ‘forced labour’ is, outlined in the ILO’s 1929 Forced Labour Convention, as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [sic] voluntarily’. Recently the ILO has given this broad definition practical meaning by outlining six indicators of forced labour: (i) threats of or actual physical or sexual violence; (ii) restriction of movement of the worker; (iii) debt bondage/bonded labour; (iv) withholding wages or refusing to pay the worker; (v) retention of passports and identity documents; and (vi) the threat of denunciation to the authorities (ILO, 2005).

However, many scholars are increasingly dissatisfied with how forced labour is conceptualized by the ILO and the implication that it exists as a separate category to other labour forms (Kagan et al., 2011). There is concern that a rigid binary between forced/voluntary labour is unhelpful due to the heterogeneity of labouring types across a spectrum (O’Connell Davidson, 2010; O’Neill, 2011). Similarly, labour sociologist Jens Lerche (2007) argues that the ILO’s definition of ‘involuntary entry to the labour relation, and coercion to remain within it’ rests on a deliberate ideological decision to de-link forced labour both from labour exploitation per se and from ‘present-day capitalist development’ so that these ‘worst forms of “un-decent labour” . . . can be dealt with in isolation, without challenging the overall system that created the conditions for their occurrence in the first place’ (2007: 430–1). The desire not to challenge capitalism is structurally embedded within an institution forged as a tripartite social democratic platform between (capitalist) employers, trade unions and states. While Lerche understands the political constraints on the ILO, and the pragmatic opportunities this approach creates in working with governments and other international organizations to tackle

the worst abuses, he argues that ‘the difficulties in rehabilitating forced labourers, not least the difficulties in stopping them from returning to forced labour relations, indicate that such relations cannot be dealt with in isolation from the wider social and economic context’ (2007: 431).

Moreover, more complex forms of bonded labour, such as seasonal debt bondage of ‘jobbers’ in India, are also not regarded as ‘forced labour’ by the ILO though they clearly generate economic forms of coercion and the kind of conditions associated with forced labour (Lerche, 2007). The ILO’s refusal to recognize forced labour as facilitated through *economic* coercion is inkeeping with its pro-capitalist position, but it is not alone. Kevin Bales, whose work has been influential in propelling the use of the term modern or contemporary slavery into current debates, takes a similar approach in defining a slave as working for no pay and ‘a person held by violence or the threat of violence for economic exploitation’ (Bales, 2004: 280). While Bales acknowledges this is a very general definition, van den Anker (2009) argues that it is too restrictive as the ‘no pay’ element is misleading – there is remuneration in some cases. She suggests the key elements are being forced to work against one’s will and under threat of violence, often with restrictions on freedom of movement. Hence, while concepts of forced labour, slavery and unfree labour are all understood in opposition to ideas and characterizations of freedom, there are distinctions between the three concepts in how they emphasize different elements of unfreedom, coercion, control and exploitation. The menace of penalty and forms of coercion are considered central to definitions of forced labour. The conceptualization of contemporary slavery, though contested, serves to highlight control of one human being over another. However, a conceptual problem arises in recognizing that there is sometimes little to differentiate conditions of ‘free’ individuals or ‘free’ workers from those considered ‘slaves’ or unfree workers.

A theoretical way out of this impasse potentially lies in the concept of ‘unfree labour’, whose influence is growing in development studies and political economy. Unfree labour situates unfreedoms in opposition to ‘free’ labour, characterized by agreement, or ‘free’ contractual relationships. Morgan and Olsen (2009b) describe unfree labour in the following terms: that labour is not free to enter into alternative employment relations; that labour is not free to exit current employment relations; and that the terms and conditions of current employment contribute to the first and second criteria, and are themselves onerous. Phillips (2013) argues that contemporary unfreedom in the global economy differs from traditional forms of unfreedom – slavery, indenture and bondage – in four ways. First, modern forms take a ‘contractual’ form, are usually short-term in duration and are often sealed by indebtedness (see also Breman (2007, 2010) on ‘neo-bondage’, or Bales et al. (2009) on ‘contract-slavery’). Second, unfreedom is often related to the preclusion of exit – as opposed to a coerced point of entry – through indebtedness and/or the withholding of wages, but also because of workers’ own perceptions of their responsibilities, obligations or debts which are in turn used as disciplining mechanisms by employers. Third, in contrast to traditional unfree labour, contemporary forms frequently do involve an exchange of labour for money. Lastly, unfreedoms not only exist at the point of exit but characterize the work itself through harsh, degrading, dangerous conditions of work and violations of workers’ labour and human rights.

By switching the focus away from ILO-informed definitions of forced labour to unfree labour, these writers are able to move beyond unhelpful binaries and instead emphasize the importance of complexities, variations, processes, relations, contexts and, above all, *continuums*, in understanding labour experiences. Skřivánková’s (2010) intervention is particularly insightful here as it uses the concept of a

continuum of exploitation to highlight that ‘decent work’ can be more easily distinguished from exploitation, while it is difficult to draw a line between exploitation and forced labour. The reality of forced labour is not a static one: ‘there is a continuum of experiences ranging from decent work through minor and major labour law violations, to extreme exploitation in the form of forced labour’ (Skřivánková, 2010: 4; see also Andrees, 2008).

Similarly, Morgan and Olsen (2009a) describe how labourers who voluntarily enter into relationships which later turn out to be coercive or degrading fall into a ‘tunnel of entrapment’ as their options get narrower and narrower. These approaches importantly highlight how levels of coercion and mistreatment both within individual work situations and across different work situations may move along an exploitation continuum highlighting a causal relationship between more general exploitation and the existence of forced labour. It is here that we see the value of drawing in the concept of precarity, rooted in a broader analysis of labour market flexibilization, to the debate on unfree and forced labour. This offers the chance to further destabilize the treatment of modern slavery as ‘exceptional’, and instead to recognize severe labour exploitation as an ‘extreme end’ of precarity, wherein normalized, widespread practices of low pay and insecure work create the environment that allows forced labour to flourish.

What differentiates the position of many migrants in the Global North from large numbers of other precarious workers is that they frequently find themselves at the nexus of both employment and immigration precarity (Fudge, 2013). Migration processes and immigration restrictions compound precarity to produce various unfreedoms that can close down any real and acceptable alternative to engage in (severely) exploitative labour. Connecting precarity and unfreedom to understandings of forced labour can illuminate how employment

and (im)migration insecurities assemble for certain individuals at particular times, a situation we suggest can be characterized as ‘hyper-precarious’, as discussed in Section V. Before this, it is necessary to elucidate how both migration processes and immigration form part of insecure labouring experiences, and specifically to examine how stratified, compromised socio-legal status can operate to increase susceptibility to severe exploitation.

## **IV Migrant labour experiences**

### *1 From vulnerable migrant work to forced labour and unfreedom – the new slavery?*

Further developing understandings of coercion – a concept at the heart of both forced-ness and unfreedom – O’Neill (2011: 10) highlights how the UN protocol on trafficking describes that ‘a position of vulnerability is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved’. This idea of ‘compulsion by necessity’ – looking at acts that are involuntary not because there is no choice, but because there is ‘no real and acceptable alternative’ but to choose that act – is vital to understanding unfree labour. This situation is obviously relevant for migrants who have incurred debt in passage or are under pressure to remit money to family members, but this perspective should be expanded as a productive way to link labour precarity with the complex sets of migration factors to understand how these can generate more subtle forms of unfreedom when insecure work and immigration precarity align. Here we can see how migration strategies and immigration regimes may create direct routes into, or increase susceptibility to, exploitation and coercion. Multiple ‘points of vulnerability’ must be understood as global processes, Hynes argues (2010: 966) in her analysis of the trafficking of children, by recognizing factors both prior to arrival (former experiences of exploitation, loss of parents) and

after arrival, including: 'negotiating the immigration and asylum systems, the overarching environment of deterrence of new arrivals into the UK, accessing services, mistrust and disbelief of accounts provided'. Thus poverty and debt, pressures to support family, low expectations of treatment at work, lack of or low levels of education, low social position, mode of recruitment into employment and mode of entry into the destination country may render certain migrants more susceptible to exploitation in unfree labour at particular times. These factors may then be compounded in the destination country by compromised socio-legal status, lack of knowledge of rights, lack of access to information, isolation from society, multiple dependence on the employer, loss of or changes in employment, and debt accrued in migration – contributing to movement along a continuum of unfreedom towards forced labour (see Dwyer et al., 2011). Hence, the lens required to understand and explain unfree migrant labour should encompass both transnational migrant processes and processes of exclusion practised by states.

Domestic and care sectors have received attention as spaces where employment and immigration precarity of migrant workers is strongly compounded. This is due to a complex interaction between the tied nature of domestic work, the sector's inferior employment rights, the isolation of workers, the particular role of immigration status coupled with multiple dependence on the employer and specific gendered and racialized vulnerabilities of migrant workers (Anderson, 2000; Hondagneu-Sotelo, 2001; Ehrenreich and Hochschild, 2003; Frantz, 2008; Parreñas, 2008; Fudge, 2013). This interest in migrant domestic and care workers is due to long-standing mobilization against abuses and mounting evidence that these workers (often, but not always, women) have suffered the most extreme forms of labour exploitation within highly unequal power relations between employer and worker – particularly in private work spheres. UK studies have repeatedly

shown widespread physical, psychological and sexual abuse and intensive labour exploitation of migrant domestic workers within a wider setting of control, coercion, and employer impunity (Anderson, 2007; Oxfam and Kalayaan, 2008; Gordolan and Lalani, 2009; Lalani, 2011). Recent research by Clark and Kumarappan (2011) found abuses including pay and working hours in frequent contravention of minimum and maximum legal thresholds respectively, and high levels of work-related injury and stress, with workers feeling obliged to work when they were ill. Furthermore, the possibilities to challenge such exploitation are all but closed down when all manner of tax and contractual irregularities undermine migrants' immigration, employment and welfare status and access to rights and legal redress.

Migrant workers' subjection to these types of extreme forms of labour exploitation and insecurity connects with another area of recent scholarship on the phenomena of 'modern slavery' (Munck, 2010). Much of the academic and political focus is on the existence of unfree or forced labour in the so-called slavery supercentres of India, Pakistan and Brazil (Bales, 2004). However, recent high-profile UK court cases document migrants being kept 'like slaves' in their employers' homes (BBC, 2011; Fallon, 2011) and provide an important link to evidence of the existence and possible prevalence of forced labour experiences among migrants in the UK, recently substantiated by a review of data on forced labour in the UK (Geddes et al., 2013). Although increasingly problematized as a concept (see earlier discussion), numerous studies provide evidence of migrants in particular being compelled, coerced and confined into highly exploitative work formally outlawed as 'forced labour'. The early and still overwhelming focus of this literature has been on the 'trafficking' of mainly women and children into the UK and other EU countries for the purpose of commercial sexual exploitation (Kaye, 2003; Skřivánková, 2006;

Andrijasevic, 2010). Indeed, the notion of ‘modern slavery’ is being promoted in the UK as the chosen name for a new bill in 2014, though the draft legislation continues to focus almost exclusively on ‘trafficking’. However, it is important to acknowledge here that trafficking and forced labour are often unhelpfully framed as synonymous; both Flynn (2007) and van den Anker (2009) comment that not all forced labour results from trafficking, and those responsible for deceptive border crossings may or may not be directly linked to subsequent exploitation. Present but often submerged within analyses of severe migrant labour exploitation in the Global North is the role of borders, immigration status and the accompanying socio-legal status of different migrant groups in creating a hierarchy of precariousness within labour markets. It is to this area of inquiry we now turn – using the particular experiences of asylum seekers and refugees to illustrate our argument.

## 2 Border regimes, socio-legal status and stratified rights

Border regimes (encompassing borders as institutions and as sets of social relationships; Mezzadra and Neilson, 2008) routinely constitute and place mobile bodies along a spectrum. At one end are legitimate/welcome migrants, whilst at the other end are migrants who are highly constrained at best and illegitimate/unwelcome at worst (Isin, 2012). Very often, the precarious migrant workers under discussion in this paper sit at the latter end of this spectrum and become mired in two significant state imperatives. First, many Western neoliberal states are increasingly creating a broad ‘security continuum’ (Bigo, 1994) that stretches from terrorism to action against crime and includes migratory flows (Walters, 2004; Amoore, 2006; Staeheli and Nagel, 2008). Second, this climate of migration securitization has spawned an active

*managerialist* approach to migration by states (Kofman, 2005), a feature that is particularly evident in the UK with the relatively new Points Based System and the Borders, Immigration and Citizenship Act 2009.

Nevertheless, governments in the Global North have consciously enabled the supply of migrant labour to flow across these ever tightening borders while at the same time placing greater controls on and ever reduced rights to the mass migrant workforce – what Sparke (2006) calls ‘carceral cosmopolitanism’ – that facilitates their inability to refuse the low-paid, insecure work on offer (Solidar, 2010). This not only demonstrates the ‘ingenuity’ of migrants themselves in being able to enter and remain in Northern economies, but also their desperation to do so. Unsurprisingly, the increasing centrality of migrants to debates on, and evidence of, forced labour is linked to ‘how immigration status (whether irregular or tied by a permit to an employer) contributes to vulnerability to abusive employment relations’ (Anderson and Rogaly, 2005: 8–9). This emphasis on socio-legal status among sociologists and social policy analysts interrogates how the specific rights to residence, work and welfare that accrue to different migrants dependent upon their particular immigration status as defined by the host state shape all aspects of everyday social life and long-term planning (Vertovec, 2007; Dwyer et al., 2011). This in some ways mirrors literature on precarity that stresses encompassing, intersecting insecurities and existential or ontological crises (Harker, 2012). Thus, the importance of appreciating the role of global inequalities in pathways to precarity must be coupled in labour geography, and in the interdisciplinary debate on migrant unfree and forced labour, with a more sophisticated analysis of how socio-legal status conditions and creates susceptibility to exploitation.

Policymakers and advocacy organizations interviewed for Dwyer et al.’s study (2011) on

UK immigration policy and forced labour identified certain migrant groups as likely to be more susceptible to forced labour. While diplomatic domestic workers and migrant domestic workers were recognized for their perceived vulnerability, the list included a broad range of other categories of migrants: trafficked persons, irregular migrants, refused asylum seekers, spouse visa holders, European accession country nationals (A8 and A2, including Roma), and students. Each of these groups has restrictions placed on their labour market entry and access to welfare which can both precipitate avenues into more exploitative forms of work and act as tools of coercion used by unscrupulous employers to impose conditions of forced labour. What is a vital contribution here is the finding that restrictions placed on both documented and undocumented migrants can contribute to unfreedom in severe labour exploitation (Scullion et al., 2014) as both ‘illegal’ and ‘legal’ migrants are immobilized in the job market by the operation of borders and dependence on employers (Garcés-Mascareñas, 2012).

The use of ‘stratified rights’ (Morris, 2001) has long been an integral feature of the structured exclusion inherent in much UK immigration policy (Craig, 2007). Particularly subjectified through this vast edifice of civic stratification (Kofman, 2002) are forced migrants – those seeking asylum. Yet refugees and asylum seekers are not commonly understood as a sub-category of migrants at risk of forced labour. Their right to work has been prominent in a tiering of entitlement over the past decade, and a tool used by the state to legitimize a dramatic erosion of their rights and entitlements. The result is three main socio-legal groups: *asylum seekers* who since 2003 have been structurally and intentionally excluded from the labour market with no permission to work (except in exceptional circumstances) and instead supported under a highly conditional system of basic welfare which offers housing on a ‘no-choice’ basis through dispersal around the UK, and which provides asylum

support payments at a reduced level compared to mainstream benefits; *refused asylum seekers* who have no right to work and little or no recourse to public funds; and *refugees* who, in theory, have access to full rights to work and welfare. An individual claiming asylum in the UK will experience different degrees of ‘alienage’ (Bosniak, 2008) at different stages of the asylum process depending on the progress of their claim and whether they engage in unauthorized work.

Reflecting on these changes through a number of their own research studies, Jordan and Brown (2007) suggest that following New Labour’s 1997 General Election victory, the subject of the ‘immigrant’ was discursively reconstructed to de-emphasize notions of refuge and protection and instead bring work and entitlement to the fore for both political and economic motives. This shift involved a double movement in which ‘good migrants’, largely from the expanding EU and thus coincidentally ethnically and culturally similar, were celebrated as hard working and economically useful workers welcome to enter the UK to support the economy (and welfare state) in return for highly contingent, stratified and delimited forms of citizenship and entitlement. In contrast, ‘bad migrants’ were associated with asylum seekers or refugees who came from poorer, less developed countries, had ‘dubious’ claims, were ethnically and culturally dissimilar, were a burden on the state and a problem for cohesion.

Numerous studies have evidenced how asylum seekers feel excluded from society and how work – and their lack of rights to do it – forms the centre of both their possible lives and their current problems and frustrations. As this discussion has elaborated, the double whammy of precarious immigration status and structured exclusion from work and welfare underpin precarious labour market positions; indeed Standing (2011) argues this is a recipe for a ‘shadow-economy precariat’. This is especially so for refused asylum seekers who have their cash support and housing removed<sup>1</sup> when their

case is refused. Many remain in the UK with no right to work or recourse to public funds (Refugee Action, 2006; Smart and Fullegar, 2008; Smart, 2009; Williams and Kaye, 2010). Pushed into the informal economy as they try to meet their basic needs (Düvell and Jordan, 2002; Lewis, 2007), intensified by demands to remit money to their families back ‘home’ (Crawley et al., 2011), refused asylum seekers may be particularly susceptible to serious exploitation and, in some cases, forced labour practices (Dwyer and Brown, 2005, 2008; Burnett and Whyte, 2010).

Meanwhile refugees who have received leave to remain, and thus are theoretically able to find legal employment or access social security benefits,<sup>2</sup> face formidable structural barriers in accessing any employment. Barriers include limited English language skills, non-recognition or no proof of qualifications awarded in other countries, discrimination and/or a reluctance by employers to take on workers who lack UK work experience or references—due to the lack of right to work while their asylum claim is processed (Bloch, 2004; Hurstfield et al., 2004; Dwyer and Brown, 2008). Refugees are thought to experience one of the highest rates of unemployment of any group in the UK (Bloch, 2002).

Clement et al. (2009) argue more generally that systems that exclude certain groups of migrants from the right to work or access to social security leave them vulnerable not only to precarious employment but to precarious unemployment, and a combination of factors may push them into the informal and thus unregulated economy to find an income (Community Links and Refugee Council, 2011). As Goldring and Landolt (2011) suggest in their work in Canada, the legacy of periods spent out of work or working whilst undocumented can create tracks that are difficult to shift out of, leading to lasting job precarity even after gaining status. Taking refugees and asylum seekers together, the new book by Lewis et al. (2014) empirically demonstrates for the first time that

asylum seekers and refugees are indeed susceptible to forced labour in the UK – and not only in informal but also formal sectors of the labour market. In the final section of the paper we move towards conceptualizing the situation of migrants experiencing both employment and immigration precarity through the notion of hyper-precarity alongside the unfreedom continuum discussed in Section III.

## **V Rethinking precarity: Hyper-precarity and unfreedom**

What research such as Lewis et al. (2013, 2014) on the precarious lives of asylum seekers and refugees in the UK suggests more generally – irrespective of national context – is that migrants journeying through and around various immigration and socio-legal statuses whilst under serious livelihood pressures are at risk of entering the labour market at the lowest possible point in their effort to secure work. These constraints on migrants can combine with unfreedoms in labour market processes to create situations of what we are calling ‘hyper-precarity’. This idea of hyper-precarity links to Phillips’ (2013) argument that unfree labour should be considered in terms of ‘adverse incorporation’. In this line of thought, poverty results not only from conditions of exclusion, as the orthodoxy maintains, but also from the adverse terms on which some workers are incorporated into labour markets and relations.

This final section of our paper contextualizes this structuring of ‘adverse incorporation’ in citizenship and labour regimes that we are describing as hyper-precarious and suggests why such a term is a useful conceptual distinction alongside the continuum notion of unfreedom. As reviewed in Section II, precarity as a condition is variously perceived as resulting specifically from neoliberal working experiences or as emerging from a much more generalized societal malaise replete with oppressive governmentality and fear. For the purposes of

understanding migrant labour, we find the concept of precarity more illuminating as a term through which to explore labour conditions. That said, we also argue that the concept of work-derived precarity as it has been used by many writers (e.g. Dorre et al., 2006; Fantone, 2007) does not adequately differentiate the experiences of exploited/unfree migrants from those workers who are argued to be part of the precariat (Standing, 2011) yet are able to achieve some degree of self-pursued 'flexicurity' from their working lives. We argue that the viscerally lived unfreedoms within some migrants' working lives brought about by a layering of insecurities produced by labour and immigration regimes is better conceptualized as hyper-precious rather than 'merely' precarious.

What, then, are some of the distinguishing features of, and reasons for, these hyper-precious working lives that impel migrants into coercive working relationships, or at the very least prevent decent and free labour? For international migrants, the erosion of individuals' abilities to enter and negotiate decent work cannot be understood only in terms of labour market position within an isolated nation-state. Insecurities span pre-migration and journeying experiences (such as poverty, indebtedness, obligations to support family back home, low education/social position, control by trafficker/smuggler/labour recruiter). These factors are exacerbated in destination countries by socio-legal status restrictions (e.g. no right to work), lack of knowledge of rights and access to information resulting from social isolation, the enduring effects of indebtedness (O'Connell Davidson, 2013) and multiple dependence on employers/recruiters. Three manifestations of hyper-precarity produced by the nexus of employment and immigration precarity can illustrate this: deportability, risk of bodily injury coupled with restricted access to healthcare, and transactional relationships.

Fear of return, what De Genova (2002) has termed 'deportability in everyday life', is a

powerful disciplining device for irregular migrants that encompasses not only the practice of state enforcement at the moment of deportation but permeates migrant labour spaces. As Bosniak writes (2008: 5), 'alienage entails the introjection of borders'. Deportability should further be differentiated, as there is a qualitatively different risk for forced migrants who fear not only the loss of face and changes in family relationships confronted by many migrants returning without the status or income expected from migration, but also the risks of persecution<sup>3</sup>, torture, and other threats to themselves and their families in states known for human rights abuses and conflict (Lewis, 2007; Bloch et al., 2009). Indeed, some refugees are escaping forced labour practices in their countries of origin, such as Eritrea (Kibreab, 2009). The targeting of some sectors more than others with raids in the management of immigration and illegal working enforcement makes certain jobs more risky for those working without papers, pushing workers into more invisible areas of the informal market and discouraging organization or action against mistreatment at work (Burnett and Whyte, 2010).

The hyper-precarity inherent within such insecure jobs is further magnified when in dangerous jobs that involve greater probability of bodily injury or death. Risk of injury is not only higher in sectors such as construction, agriculture, catering and cleaning associated with forced labour practices, but in some migrant workplaces there may be little attention to health and safety protection for workers, and those with uncertain immigration status are often reticent to access health services with a work-related injury for fear of detection by the authorities (Burnett and Whyte, 2010). The harsh, degrading and dangerous nature of contemporary unfree labour (Phillips, 2013) can combine with negative experiences of contact and encounter for those who work in very public roles, such as in catering. Working in leafleting or late-night takeaways and restaurants leaves

workers exposed to racism and violence from drunken customers (Parker, 2000; Keeley, 2008). Such dangerous conditions often combine with other spiralling vulnerabilities as exposed in McLaughlin and Hennebray's study (2010) of migrant farmworkers in Canada. They identify how workers who develop long-term or serious health issues are pushed to the margins, afraid to return home without the means to pay for care, unable to access healthcare without secure legalized status, and trapped in isolation from families or other support systems, illustrating how migration trajectories, constrained rights and entitlements, and precarious labour collide to close down alternatives to entering or continuing in often severely exploitative unfree labour.

Linking hyper-precarity with the idea of lack of real or acceptable alternatives in unfree labour (see earlier discussion in Section III) allows us to incorporate the constrained position of those who rely on non-commercial transactions or provision of services for survival, including migrants without permission to work who avoid the labour market due to the risk of detection and deportation. Many refused asylum seekers without recourse to state welfare provision rely on relationships with other asylum seekers, refugees, migrants or established residents for survival. Crawley et al. (2011: 42) describe how social engagements entered into in return for food and lodgings may be more or less altruistic but are overtly transactional, 'and in some cases exploitative, with destitute asylum seekers providing childcare, cooking and/or housework... and sometimes even sex in exchange for meals, small amounts of cash, shelter, or other daily necessities'. Even if entered into in 'good faith', such arrangements can swiftly become exploitative and unfree as the balance of power shifts ever away from the transactional worker and towards the receiver of the 'services'. This section has therefore illustrated the layering and compounding of forms of precarity that can occur when dangerous and insecure jobs are coupled with insecure socio-

legal status underlain by neoliberal racist border regimes to close down labour market and transnational mobility; hence our term hyper-precarity to distinguish these more extreme conditions and experiences of unfreedom.

## VI Conclusion

The review of evidence presented in this paper strongly suggests that within the context of an increasingly globalized world in which international migration is a significant phenomenon, many migrants, particularly those moving from the nations of the Global South to the North, routinely experience precarity. This situation arises from the ongoing interplay of increasingly deregulated labour markets, characterized by employers' demands for low-cost 'flexible' labour and highly restrictive immigration and asylum policies that variously structure, compromise and/or remove basic rights to residence, work and welfare for all but the most prosperous of migrants. For the migrants who fall foul of the complex interaction of labour law and restrictive migration and welfare policy, the possibility of unfree labour as a means of survival is never far away. Indeed for some a period of highly exploitative employment in the formal or informal economy may be the only viable option for meeting basic needs or may be seen as a required first step to establishing themselves within a host society. Processes of multi-dimensional, overlapping employment and immigration insecurities can deepen precarity in unfree labour, leaving some migrants enmeshed in situations of what we are terming hyper-precarity.

With growing attention to trafficking and forced labour, situating these experiences and debates within the context of precarity importantly enables recognition of extreme forms of exploitation as part of much broader and, in many instances, less severe infringements that abound in the precarious workplace. This link is both empirical – minor forms of exploitation can progress to more severe forced labour

practices – and also political and structural, requiring more work to shape academic and public discourses to recognize extreme exploitation as a product of compromised rights to residence, work and welfare and labour market insecurity, not an exception.

Geographers and migration and labour scholars must respond to this challenge through critical analyses of citizenship to expose the deliberate exclusion of migrants in destination countries, while remaining attentive to global perspectives beyond the confines of the nation-state to explore how transnational social positions and livelihood pressures contribute to the necessity to engage in unfree labour. The role of socio-legal status, the notion of hyper-precarity, and the concept of unfreedom are especially useful in understanding how the immigration-employment nexus structures migrants' susceptibility to labour exploitation. However, with rising conditionality in the welfare state, and the erosion of social citizenship, the position of insecure migrants may simply be a stark exposure of a growing precarity for all. In this regard, considering unfreedoms within a spectrum, or a continuum, is preferable to sharply delineating binaries of free/unfree, non-slave/slave, forced/voluntary labour. The adoption of a continuum approach enables scholars simultaneously to shine a light on both the extreme and the more mundane experiences of forced labour that characterize the hyper-precarious lives of many international migrants working on the margins of the neo-liberal labour markets in the Global North.

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### Notes

1. When an asylum case is refused, applicants have no right to asylum support except families with dependants under 18 years old, unless they agree to voluntary removal from the UK or meet other restrictive criteria for voucher support and housing (Section 4, 1999 Immigration and Asylum Act).
2. It is important to emphasize here that refugees will routinely be unable to access social insurance benefits (that are generally paid at a higher level) because as newcomers to the UK they lack the required record of previous contributions.
3. Forced removal means that state authorities are alerted to the return of 'failed asylum seekers' who may be deemed traitors, and put at additional risk of imprisonment, torture or other human rights abuses, regardless of their reasons for leaving their country in the first place (see Lewis, 2007).

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