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Precarious Lives: Refugees and Asylum Seekers' Resistance within Unfree Labouring

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Introduction

This paper is concerned with the interplay between vulnerability, resistance and agency for forced migrants. Such concepts are yoked together as soon as the vulnerability inherent in the life-worlds of many migrants is seen to align not solely with victimhood, but also potentially to act as a springboard for agentic resistance,

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mobilisation and activism. As such, this paper is oriented towards a critical theoretical, and empirically insightful, engagement with the concept of resistance. Most particularly, we ponder the possibilities for resistance in situations of subjugated unfreedom within realms of forced labour. The backdrop for this paper is a broader research project that aims to gain an in-depth understanding of the experiences of severe labour exploitation and unfree labour among asylum seekers and refugees living in the UK (see http://precariouslives.org.uk/). The lives of many refugees and asylum seekers are widely recognised as characterised by poverty, social exclusion and destitution (Crawley 2001; Phillips 2006), yet there is little research documenting their *experiences* of exploitation and unfree labour and the *reasons* why they may be engaged in it. It was such a research gap that spurred our broader project, together with concern that government policy is potentially influential in propelling asylum seekers and refugees into severely exploitative working conditions including unfree elements (see fuller discussion in Lewis *et al* 2014a). This paper homes in on the particular issue of whether, and how, resistance may manifest for asylum seekers and refugees in landscapes of extreme labour precarity[2].

The presence of forced labour in the UK may seem anathema to those more familiar with global south images of 'slavery' from places like Brazil, Pakistan and India (Bales, 2004). Yet forced labour did not disappear in the UK with the abolition of transatlantic slavery nor the demise of the workhouses and 'satanic mills' of the industrial revolution. Tragedies such as 19 Chinese migrants drowning whilst cockle-picking under gangmaster control in Morecambe Bay in 2004, and recent high-profile UK court cases that document individuals being kept 'like slaves' in their employers' homes (Guardian, 2011) suggest the existence of forced labour experiences particularly among *international migrants* in the UK (Geddes *et al*, 2013). Indeed, forms of forced labour are now acknowledged by many to be part and parcel of contemporary flexible neoliberal labour markets (Anderson and Rogaly, 2005). It is within these spheres, therefore, that the paradigmatic

[2]The broader research project underpinning this paper was funded by the ESRC with fieldwork conducted in the Yorkshire and Humber region in 2011 and 2012. The methodology involved a qualitative approach (due to the hidden nature of the research topic and population) utilising in-depth/biographical interviews with refugees and asylum seekers and semi-structured interviews with practitioners and policy makers. Ethnographic 'outreach' techniques were used to negotiate access to, and build trust with, potential migrant interviewees. Snowballing techniques were also used, as were established and newly developed contacts with organisations in the region. Purposive non-random sampling techniques were used to recruit 30 asylum seeker and refugee interviewees aged 18+ years with experiences of unfree labour for the in-depth interviews. Three socio-legal groups ('asylum seekers', 'refused asylum seekers' and 'refugees'), women and men, and a range of jobs and nationalities were included. To protect the anonymity of our interviewees identifying characteristics such as place names, specific nationalities etc. have been removed. Interviewees are referred to using a preferred pseudonym of their choice. Semi-structured interviews were conducted with 23 practitioners and policy-makers working in refugee, migrant, trafficking and employment organisations.

precarious migrant labourer (Standing, 2011) becomes a prominent figure in the bottom-end of Western capitalist labour markets.

In order to contribute to theoretical discussions of strategies of resistance in such forced labouring environments, our paper will begin by contextualising the topic through a brief conceptual discussion of the terms 'forced labour' and 'unfreedom'. It will then move on to explaining why refugees and asylum seekers are particularly implicated in a range of workplace unfreedoms. The final substantive section will explore whether, and how, resistance can be enacted through webs of coerced choices and involuntary actions that are characteristic of the relations of domination and dependency within unfree labouring. In considering how to acknowledge both the *unfreedom* and the *agency* of the workers participating in our research, we suggest Katz's (2004) terminological distinction between *resilience*, *reworking* and *resistance* is useful – but can be critically developed through deploying a temporal-scalar lens coupled with a context specific reflection on how agentic acts of resilience, reworking and/or resistance can transform the structural production of unfreedom.

From forced labour to unfreedom

Forced labour as a term and concept is predominantly shaped by the International Labour Organisation (ILO). ILO Convention No.29 defines forced labour as all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily. This definition and associated 'indicator' instruments[3] circulate widely at different scales of forced labour intervention and particularly influence emerging national legislative approaches around the world[4]. However, despite this prevalence, the ILO's approach to defining and measuring forced labour remains contested in several key areas. First, many commentators are concerned that the projection of a rigid binary between forced and voluntary labour unhelpfully masks a heterogeneity of labour types across a spectrum (O'Connell Davidson 2010; McGrath 2012). Many of these critiques hinge on a second contentious perspective embedded within the ILO definition: the absence of recognising forced labour as potentially facilitated through *economic* coercion (Lerche 2007).

[3]In 2005 the ILO detailed 6 indicators of forced labour: threats of actual physical or sexual violence; restriction of movement of the worker; bondage where the worker works to pay off debt; withholding wages or refusing to pay the worker; retention of identity documents; and threat of denunciation to the authorities. More recently (ILO 2012) this framework has been expanded to 11 indicators by adding; isolation, abuse of vulnerability, abusive working and living condition, excessive overtime and deception.

[4]The UK is now one of the few European countries to have a stand-alone forced labour criminal offence. A new criminal offence of holding another person in slavery or servitude or requiring them to perform forced labour was introduced in Section 71 of the Coroners and Justice Act 2009. The offence came into force on 6 April 2010.

As a result of these conceptual frustrations with the somewhat rigid ILO forced labour definition, commentators have increasingly begun to explore the concept of *unfree* labour. Writers such as Morgan and Olsen (2009), Phillips (2011) and Barrientos *et al* (2013) have attempted to delineate and offer contextual definitions of what constitutes contemporary unfreedom in the global economy. Phillips (2013) is especially instructive, suggesting that modern unfree labour often takes a contractual form that frequently involves labour being sold for money, is related to the preclusion of exit, and is characterised by degrading and dangerous working conditions. Shifting the focus from ILO definitions of forced labour to unfree labour, and building on Skrivankova's (2010) argument for a continuum approach, we suggest a spectrum built around the broader concept of unfreedom, rather than forced labour, is an appropriate way to allow a consideration of the different sites and stages that occur in journeys into and out of severely exploitative and unfree labour. It is within this unfreedom continuum that we explore the experiences of a particular group of migrants in the next section: refugees and asylum seekers.

Migrants' vulnerabilities: the case of refugees and asylum seekers

Refugees - and particularly asylum seekers - are not normally explicitly evoked in the imaginaries of unfree labour in the UK. They are, however, subsumed within the broader, sometimes problematically undifferentiated, group of migrants deemed vulnerable to labour market abuses. Such workers are frequently sketched as being multiply vulnerable within many post-industrial societies characterised by intensifying trajectories of globalisation and neoliberalism. These typically Global North economies comprise widespread flexible, casualised work within their low wage labour market sectors (Dicken 2003; Harvey 2005). It is within these insecure labouring landscapes that the spectre of exploitative, unfree work for migrants is increasingly being found[5].

So how are refugees and asylum seekers embroiled in these least-prestigious parts of the UK labourscape? Our research focuses on three socio-legal groups that emerge from the system of 'stratified rights' (Morris 2001) embedded within UK immigration policy. *Asylum seekers* have no permission to work (since 2002, except in exceptional circumstances) and are supported under a highly conditional system of basic welfare. *Refused asylum seekers* have no right to work and little or no recourse to public funds. *Refugees*, in theory, have access to full rights to work and welfare. Refused asylum seekers are, at first sight, perhaps the most vulnerable of this tripartite grouping (Dwyer *et al* 2011). Asylum seekers denied permission to work survive under vastly reduced social security rates compared to mainstream benefit levels. In the absence of other options, many refused asylum seekers are confronted by an urgent need to meet their basic needs (Lewis 2007), to pay legal

[5]See, for example, the empirical studies undertaken as part of the Joseph Rowntree Foundation Programme on Forced Labour http://www.jrf.org.uk/work/workarea/forced-labour.

fees, and possibly to fulfil expectations of remitting to families back home. As such, they may feel compelled to seek alternative means of livelihood support and find themselves susceptible to exploitation and unfreedom in unregulated sectors of the economy that shield unscrupulous employers (Burnett and Whyte 2010). Refugees, the third of our groups, are known to encounter sizeable structural barriers when accessing the labour market. These include lack of UK work experience, non-recognition of qualifications and limited English language skills (Bloch 2004). Additionally, experience of exploitative work whilst claiming asylum can perpetuate even after status is achieved, especially if employers retain some kind of hold over former workers and/or there is financial pressure to fund family reunification.

Our research has revealed that refugees and asylum seekers are vulnerable within various forms of severely exploitative, and in many cases, forced labour[6]. Workers were in these situations for periods from days to weeks, months or years. The sectors most frequently encountered were domestic work, factory packing, care work, cleaning, food processing and making or serving fast food. As discussed further in Lewis *et al* (2014a and 2014b), we use the analytical device of a 'hyper-precarity trap' to show how neoliberal labour markets and highly restrictive immigration regimes intersect to produce multidimensional insecurities that underpin the 'demand' and 'supply' of unfree labour subjects. It is to the question of how to acknowledge the *agency* and *resistance* of refugees and asylum seekers in such hyper-precarious life-worlds that the next section now turns.

Resistance within unfreedom

We have thus far depicted the susceptibility of refugees and asylum seekers to situations of 'normalised' exploitative work and more deleterious experiences of identifiable forced labour. The purpose of this substantive part of the paper then, is to explore acts of resistance within webs of coerced choices and involuntary actions that are characteristic of the relations of domination and dependency within unfree labouring. Or put another way, we ask how can the idea of resistance sit with a forced labour definition dependent on coercion and involuntariness? Before we move on to a discussion of particular acts of resistance, it is useful to briefly discuss how the concept of resistance is approached in the literature.

As catalogued by Hollander and Einwohner (2004), resistance has become a much studied and oft-referred to concept, whose scope crosses huge ranges of modes, scales and targets. Underlying this breadth is a definitional ambiguity surrounding resistance that leads Weitz (2001:669) to comment that, "some scholars see it almost everywhere and others almost nowhere." Resistance, particularly in political science and sociology, has traditionally been seen as something visible and sizeable (such as large-scale protest movements). Yet a clutch of writers, spear-headed most famously by James Scott (1985), challenged

[6]Defined as meeting one or more of the ILOs (2012) 11 indicators of forced labour.

these early conceptualisations by asserting that resistance can also be far more subtle and everyday. 'Foot dragging' and other so-called 'ordinary' weapons of relatively powerless groups were lauded in similar work such as Willis (1977), Ong (1987) and Comaroff (1985). Subsequently, it became de-rigueur to identify everyday, prosaic resistance.

Yet a more recent group of writers suggest that these perspectives run the risk of romanticising and glorifying resistance. Katz (2004:241) is concerned about the voyeuristic practice of seeing every, "autonomous act to be an instance of resistance". She urges caution regarding the slippage between agentic acts and those more transformative types which really *are* capable of changing social relations of oppression and exploitation. In a similar vein, particularly focusing on labour geographies, Mitchell (2011) argues that an emerging tendency to over-valorise the ability of workers to alter damaging contexts, makes it necessary on occasions to, "understand those moments when workers are *all but powerless*" due to surrounding structural violence (p.563, our emphasis).

The contexts of severely exploitative and unfree labour for refugees and asylum seekers seem ripe environments to acknowledge Mitchell's worker powerlessness if one was sympathetic to his plea. Certainly in our research we encountered many examples of seeming 'entrapment' where exit from an unfree labour situation appeared to be prevented by a swirling milieu of coercion and constraint, revolving around features like employers/third parties'[7] withholding of wages, intimidation/threats and abuse of vulnerability of workers due to compromised socio-legal status, and more generalised fear of deportation and return to persecution acting as a disciplining tool for forced migrants. Precarious immigration status inscribes insecurity into everyday life deterring possibilities for collective resistance in particular; as a labour rights organiser said,

> it's very difficult to organise around labour rights if people haven't got papers, they haven't got permission to work … or someone's got some hold over them.

Such features operate directly and indirectly to restrict workers' ability or willingness to exit unfree labour or seek help.

However, undocumented status doesn't tell the whole story as some interviewees worked in conditions of identifiable forced labour despite having (relatively) secure refugee status. More generally, should toil on the underside of the economy be stripped not only of decent working conditions but also of recognising opportunities for acts of agentic resistance that try to improve, or ameliorate, damaging labour relations? We suggest that recognising moments and acts of resistance even within deleterious unfreedom is possible and desirable – and

[7]Third party in this sense refers to an intermediary in the labour relationship who isn't the direct employer; so could be an employment recruiter, labour provider, gangmaster or acquaintance/friend involved in sourcing work.

serves not only to acknowledge the dignity of workers, but also the hopeful political project of learning from such acts for the broader task of *tackling* forced labour among refugees and asylum seekers[8]. O'Neill (2011) similarly explores, in anti-trafficking literature, the possibilities for centralising the relative powerlessness of those compelled into unfree labour without undermining their dignity and choices in certain realms. Relatedly, Rogaly (2009) focuses on unorganised temporary migrant workers and argues that if we are attuned to low-key/invisible acts we can appreciate the changes achieved in the microspaces of work by those with very limited material means. We will be considering the extent to which these changes equate to, or lead to, changes in the relations and structures of power/domination for our interviewees later in this article.

This sensitivity to subtle acts of resistance is of course reminiscent of Scott's (1985) 'weapons of the weak', but we feel that the varied types of agency enactment that may or may not incrementally improve our respondents' experiences are difficult to capture in the catch-all term of 'resistance'. We are therefore drawn to Katz's (2004) terminological distinction between *resilience*, *reworking* and *resistance* strategies. First, *resilience* can be seen in our research in terms of forced migrants in unfree labour 'getting by' through innumerable small acts that may serve to recover or assert dignity; or to inflict subtle harm to employers. In this way, our respondents exhibited resilience in the shape of pure survival within subjugated labour relations; and sometimes this survival entwined small acts or the expression of a 'purpose' within coercive relationships. For example, we heard about the hard-achieved saving up of pennies towards personal items, or for a greater purpose such as pride in remitting to family members, as described here by Ada: "*yeah it was good to feel, it was good to earn money to send home*." Although abilities to resiliently 'get by' might seem the poor relation to more overt resistance, isolated unfree labour situations shouldn't be seen in spatio-temporal isolation. The very *act* of migration itself can be viewed as agentic for some people – the whole *process* of migration may be one of contesting and challenging worse outcomes in countries of origin. Fear of detention and deportation to persecution for asylum seekers working without permission may be so pervasive that the very act of *not* leaving coercive employment and 'putting up' with poor conditions could also be interpreted as resilience, or even the 'stronger' resistance, of another kind. In a similar way, asylum seekers and refused asylum seekers who work (even in severely exploitative contexts) can be viewed as embodying resilience through the very *act of working itself* within an oppressive politico-economic context that denies the right to work and enshrines state-enforced poverty and destitution.

[8]From May 2013 we have been running an ESRC Knowledge Exchange Opportunity project building on our Precarious Lives project to develop a platform working with nine partner organisations to address strategies to tackle forced labour among refugees and asylum seekers.

Second, Katz's concept of *reworking* is enhanced in terms of material outcomes when compared to resilience, for these acts - although not meaningfully challenging of hegemonic power - are able to undermine some of the resultant inequities. In this regard, in our research we heard about individuals able to navigate certain employment relations to achieve particular outcomes such negotiating pay, hours or tasks. Several respondents walked out in the early days, or even hours of jobs if they seemed too exploitative. The reason such acts are not perceived as the more overt 'resistance' of the next paragraph is that these acts enabled an assertion of dignity/pride, but not necessarily the achievement of non-exploitative work. For example, Mohamed reported saying to his employer,

> please this is not humanity, I'm working £20; he's working £77. But they said no, if you want - £20, if you don't want - you can go.

Another respondent spoke of a being exploited in the construction sector; he realised the labour intermediary used his church as an access point to recruit others. Discovering this shared exploitation in discussions with other church members led him to leave that employment relationship and the intermediary to lose his contract, but without the ability to recover unpaid wages or to negotiate non-exploitative work. He appeared mired in a complex arrangement between an agency and a sub-contractor, which highlights the hazards of labour market fragmentation (outsourcing and long sub-contracting chains) when attempting to negotiate improved working conditions (Anderson and Rogaly 2005).

Third, the term *resistance* is reserved by Katz as a descriptor for the rarer acts that have the potential to redress imbalances of power and resources and can be rooted in the emergence of an "oppositional consciousness" (2004:251) that encroaches on the space of the dominating power. Within labour literature, this search for oppositional resistance has been criticized for focusing on trade union activity at the expense of worker agency articulated through community and civil society groupings (see Coe & Jordhus-Lier 2011). Our research in particular also urges the importance of creating an analytical space for individual as well as collective action. Yet some interviewees did speak of collective resistance to perceived unacceptable working conditions. Mehran, when asked whether solidarity was formed at the factory workplace, said,

> yeah on the line, or maybe one of them for example, always they employees, when they have some problem they gathering and speaking about the work and the agency, then we speak to each other.

Such sharing of exploitative experiences was echoed by several other respondents. Sergei described collective representation to employers, *"yeah, we were maybe five people from that group, we came and every time that we ask for the money"*. Despite the limitations for organising workers and achieving broader-based resistance to unfree labour, these examples reveal nascent solidarity existing in the limited and hidden spaces where some workers formed moments of mutual support within the exploitative workplace.

A final example of a more overt kind of resistance comes from a male worker who described direct confrontation with an unscrupulous employer leading to a certain mutuality developing from supporting others,

> so five months the guy came from [country name] and working for him, he has no money at all. So, I had to put a knife under [the employer's] ear, I said I'm going to cut your ear. So this kind of things […] then on Saturday we had a meeting, so about, we had five cars and all the people they come with batons, … baseballs and cricket bats.

This demonstration of might secured the workers' wages without resorting to violence. From such resistance (and possible vengeance) resolve can emerge to not experience further exploitative work, as demonstrated by Gallant, who started to reject demands following years of being moved around and controlled through violent threats,

> and afterwards they were asking me other things and I didn't do it. I didn't do it. Once he was asking me to bring cigarettes …and take it to these cities and there to there, I said no. He said I'll give you good money and I'll buy you a car, I said no.

As such, our research has revealed incidences of subtle resilience to middling reworking to more strident resistance, and we have found this a useful conceptual distinction when attempting to understand spaces of contestation around harmful working experiences and relations. There are however, are few ways in which Katz' framework can be developed, and we elaborate these in the conclusion.

Conclusion

Many forced migrants in the UK experience multiply constrained rights and entitlements such that the possibility of forced labour as a means of survival is never far away. In this paper we asked how the idea of resistance can sit within a forced labour definition dependent on coercion and involuntariness. We have explored whether viewing such subjugated unfreedom as synonymous with passivity and victimhood denies everyday acts and more dramatic moments of resistance.

Through our empirical research with refugees and asylum seekers in unfree labour, we have revealed both unfreedom *and* contestation within the employment sphere. These agentic acts are better understood through an unpacking of the term resistance into the three related terms of resilience, reworking and resistance (Katz 2004). Such a nuanced understanding enables both a deeper understanding of the structural violence and material outcomes of exploitation, and acknowledges refugees and asylum seekers' potential choices, agency and dignity within unfreedom. Our research has revealed acts of significance not only in *exiting* unfree labour but also *within* the highly constrained circumstances of unfree labour situations themselves. We therefore cast workers' acts to *cope and continue* in severely exploitative labour as resilience or even a type of reworking or resistance;

steeped in a determination for livelihood survival and/or to access limited funds to meet remittance obligations. In many cases, workers in our study did not seek to leave situations of forced labour; indeed they worked hard to access work and were terrified of losing their job. This illustrates the ambiguity experienced by workers who did not always seek exit despite knowing their labour situations were overtly exploitative. In this sense, it is critical that behaviour within unfree labour situations needs to be understood as part of the 'migrant project' in relation to long-term transnational social relationships, and not just as an isolated labour situation (Bastia and McGrath 2011, Mai 2011, O'Connell Davidson 2013).

Although we find Katz' framework of resilience, reworking and resistance conceptually useful to distinguish different types of agentic acts – our research leads us to suggest it can be further developed through temporal-scalar considerations. Acts of resilience *may*, as Katz says, strengthen acts of more transformative resistance, yet our paper equally indicates the contradictory outcomes of many agentic acts. Forms of resistance such as exit that involve 'walking away' from an unfree situation may offer some relief for the worker, but this may only be temporary if – as with many of our interviewees – exit amounts to movement away from one labour situation, but often into other exploitative or precarious survival mechanisms. We found a marked pattern of forced migrants' exposure to forced labour ebbing and flowing along a continuum of unfreedom through time. Yet even if exit is more permanent, this may transform experiences at the scale of the individual whilst still ultimately supporting the trajectory of damaging structural processes that *manufacture* unfree working conditions at the meso and macro-scale (see Lewis *et al*, 2014a). This production of unfreedom results from the socio-legal structuring of constrained rights and entitlements for forced migrants coupled with neoliberal flexibilised low-paid labour markets and their habitual erosion of decent working conditions. Against this backdrop our research shows that it is actually very hard for unfree workers to improve labour conditions. Already hyper-precarious situations are being compounded in the UK by decreasing labour regulation and erosion of labour rights that enhance the impunity of employers (e.g. through attacks on legal aid, increasingly high requirements to qualify for employment tribunals). Linking with broader issues that affect all workers and workplaces in the context of austerity, this makes the success of negotiation or acts of resistance for achieving broader-based change beyond an individual worker safeguarding themselves against unfreedom difficult or impossible.

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