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# Mobilising Migrants, Making Citizens: Migrant Domestic Workers as Political Agents

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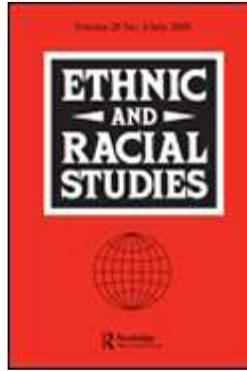
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**Mobilising Migrants, Making Citizens: Migrant Domestic Workers as Political Agents**

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4 Mobilising Migrants Making Citizens: Migrant Domestic Workers as  
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6 Political Agents  
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10  
11 Abstract

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13 It is now more important than ever to consider migrant mobilizations and  
14  
15 how political communities are constructed. This paper describes how  
16  
17 Waling Waling, a migrant domestic workers' organization, and their  
18  
19 support group, Kalayaan, forged citizenship 'from below' and waged a  
20  
21 successful campaign to change the immigration status of domestic  
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23 workers in part through turning constraints into opportunities. It also  
24  
25 discusses how the logic of state sovereignty can recapture radical  
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27 takings, and the opportunities and challenges that are faced in the new  
28  
29 political climate of migrants as victims of trafficking.  
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36  
37 Keywords: migration, domestic workers, citizenship, trafficking, illegality,  
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39 trades unions  
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51 In the summer of 1984, staff at the Commission for Filipino Migrant  
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53 Workers (CFMW) in West London began to notice a pattern emerging  
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55 among the Filipinos who were coming to them for advice and support.  
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57 They were domestic workers in private households, arriving with no  
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59 passport, unpaid wages, no belongings and disturbing reports of brutal  
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conditions. Moreover they were all living and working 'illegally'. As the

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4 months passed and the numbers increased the structural nature of the  
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6 problem became clear: the workers had been allowed into the UK only on  
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8 the basis that they were working for the employer they entered with. If  
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10 they left that employer they had no permission to work in the UK and  
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12 were effectively forced into illegality.  
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18 It became increasingly difficult to respond to their needs on a case  
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20 by case basis, and in November 1984 CFMW set up a meeting attended  
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22 by seventeen domestic workers and ten supporters with the purpose of  
23  
24 sharing their experiences and discussing a way forward. This grouping  
25  
26 became formalized as 'Waling Waling', a Tagalog word for a flower that  
27  
28 grows hidden under stones in the mountains of the Philippines. Thus  
29  
30 began many years of organizing and campaigning for the right to an  
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32 immigration status that recognised domestic workers as workers, the right  
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34 to change employer, and the right to legal status for those who had  
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36 become undocumented as a result of the injustice of the immigration  
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38 regime.  
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47 Using this example as a case study this paper will consider how  
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49 migrant domestic workers, working with supporters (both UK and non UK  
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51 citizens with status) asserted citizenship claims and won legal status in  
52  
53 part through turning their constraints (as women 'confined' to the private  
54  
55 sphere) into opportunities. I will also examine how 'radical takings can  
56  
57 nevertheless be captured by the logic and practices of state sovereignty'  
58  
59 (Nyers 2003) through a consideration of post campaigning developments.  
60

### The practicalities: organising for rights

These migrants had all entered the UK as domestic workers accompanying wealthy employers. These included business people and executives, diplomats, rich tourists, and UK residents returning from abroad with their domestic staff. When work permits for resident domestic workers were phased out in 1979 the government made exceptions for those accompanying wealth employers. This was on the grounds of 'national interest', concerned that

If wealth investors, skilled workers and others with the potential to benefit our economy were unable to be accompanied by their domestic staff they might not come here at all  
(Lord Reay speaking in House of Lords debate on overseas domestic workers, 28<sup>th</sup> November 1990. Hansard col. 1052).

The UK government seems to have regarded this category of worker as an unfortunate necessity and in this case specifically devised a concession under which the employer could bring in their worker under one of two categories, as 'visitors' or as 'persons named to work with a specified employer'. In practice there was a 'concession culture' under which domestic workers accompanying their employers were admitted to the UK with a wide variety of visas and many were given a stamp under Code 5N, namely 'Leave to enter, employment prohibited'. So, these workers had all entered the UK legally accompanying wealthy employers

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4 as their cooks, cleaners, nannies, and carers, but they had not been  
5  
6 given an immigration status independent of their employers. This meant  
7  
8 that employers could effectively exploit and abuse domestic workers with  
9  
10 impunity. (Anderson 2000).  
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15 In the meeting organised that cold November night in 1984 the  
16  
17 group recognized their common experiences and decided to continue to  
18  
19 see each other to facilitate mutual support. It grew quickly. Workers  
20  
21 supported each other psychologically and also met the immediate needs  
22  
23 of those who had recently escaped from employers, often with only the  
24  
25 clothes that they were wearing. As time went by and they grew in  
26  
27 confidence workers began to organise events and trips, concerned that  
28  
29 members should be leading as 'normal' a life as possible, whatever their  
30  
31 immigration status. This work was affective as well as practical, and as  
32  
33 affective work was crucial to the formation of a political community (Isin  
34  
35 2002). What was particularly innovative about Waling Waling was that  
36  
37 they did not organize around country of origin, but type of employment  
38  
39 and immigration status While in recent years this kind of organizing has  
40  
41 proliferated (Laubenthal 2007) this was highly unusual in the mid 1980. It  
42  
43 is important to note too that this multinational organizing was also a new  
44  
45 development in the European and international organization of Filipinos.  
46  
47 The CFMW had offices in several European states and had originally  
48  
49 been established by activists and refugees many of whom had been  
50  
51 organizers in the anti-Marcos groups in the Philippines. It therefore had a  
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53 strong orientation towards the nationalist struggle in the Philippines.  
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4 However, after only a few months non-Filipinos began to join the  
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6 organization, initially as a result of contacts established in wealthy  
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8 households which often employed more than one nationality of domestic  
9  
10 worker. Thus the material reality of the arrangement of *work for migrants*  
11  
12 in private households, rather than *nationality*, shaped the organising of  
13  
14 migrant domestic workers. At an individual level this meant that networks  
15  
16 and contacts established within often oppressive private homes, became  
17  
18 an important resource that some workers managed to tap. As the  
19  
20 organization grew, approximately half were Filipinos, with considerable  
21  
22 numbers of Indians and Sri Lankans, and smaller numbers from  
23  
24 Anglophone and Francophone African states. In all more than 30  
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26 nationalities were members, but notably none from Eastern Europe, and  
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28 very few from Latin America.  
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37 In 1987 the organization Kalayaan was founded. Waling Waling  
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39 became a self-organised group with a membership of domestic workers,  
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41 while Kalayaan comprised their supporters. The two worked closely  
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43 together, but while Waling Waling members were on the management  
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45 committee of Kalayaan (but not vice versa) in order to facilitate  
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47 accountability to migrant domestic workers.  
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56 **Legal and substantive citizenship: the case of migrant domestic**  
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58 **workers**  
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4 In recent years there has been an increasing interest in the philosophy,  
5  
6 politics and practice of citizenship. Those interested in immigration and  
7  
8 asylum, have drawn attention to the 'inward-looking' framework of some  
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10 of this literature, its assumption of a universalist ethic, that citizenship  
11  
12 means 'everyone' (Bosniak 2006). Bosniak argues that this is 'romantic'

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14  
15 The idea of citizenship is commonly invoked to convey a state of  
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17 democratic belonging or inclusion, yet this inclusion is usually  
18  
19 premised on a conception of a community that is bounded and  
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21 exclusive. Citizenship as an ideal is understood to embody a  
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23 commitment against subordination, but citizenship can also  
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25 represent an axis of subordination itself'

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30 (2006: 1)

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Citizenship, while epitomising rights and inclusion, also works to exclude  
and deprive, as those working practically and theoretically with migrants  
and refugees are all too aware.

There have been attempts to bridge this gap, by understanding  
citizenship not as simply a legal status bestowed by the state<sup>1</sup>, but also  
as the creation and engagement with polity, (Balibar 2004). Thus it is not  
simply a legal status bestowed by the state, but actively constructed  
through action and through participation in the public. As Balibar puts it:

We can view these demands (*by migrant workers who demand  
legal residence for the undocumented*) based on resistance and  
the refusal of violence as partial but direct expressions of the

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4 process of creation of rights, a dynamic that allows the political  
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6 constitution to be recognized as 'popular sovereignty' or  
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8 democracy  
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11 (Balibar 2004)  
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15 This views citizenship as a process of constructing relations, in  
16  
17 which all can be directly engaged including those who are formally  
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19 excluded from the polity. As undocumented migrants demand rights,  
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21 through public campaigning and negotiation, so they actively make  
22  
23 citizenship. They are not simply passive recipients of citizenship, but in  
24  
25 rejecting the state's denial of rights, effectively forge them as a collective  
26  
27 project. The assertion of oneself as a political actor is an act of  
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29 'dissensus', highlighting the contradictions between the 'Rights of Man'  
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31 and the positions of those who are refused recognition of political  
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33 subjecthood (Rancière 2004).  
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42 Not all non-citizens are however equally excluded. Balibar has  
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44 described borders as 'polysemic' (Balibar 2002) in that they have a  
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46 differential impact on those crossing them. In this case, the wealthy  
47  
48 employers of domestic workers were acknowledged by the British state in  
49  
50 their capacity as visitors or business people and were granted the normal  
51  
52 protections against crime for example – so if an employer complained  
53  
54 that a domestic worker had stolen from them, the police would investigate  
55  
56 the theft. This did not apply to domestic workers, who had no protection  
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58 against for example their employer holding their passport, or refusing to  
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4 pay their wages. The members of Waling Waling were not just excluded  
5  
6 from the political by their 'illegal' immigration status, but also by virtue of  
7  
8 their work. The household is the place for private individuals, not political,  
9  
10 nor indeed market actors (Anderson 2007; Olsen 1983; Pateman 1988).

11  
12 These two exclusionary frameworks worked together:

13  
14 citizenship/foreigner, public/private. Domestic workers were effectively  
15  
16 consigned to the private, allowed entry to the UK only on the condition  
17  
18 that they remained within the employer's household space. When they  
19  
20 left their first employer they almost all continued to work in private homes  
21  
22 as live-in domestic workers partly as a means of protecting themselves  
23  
24 from the state. While there is little compunction about breaking into the  
25  
26 private homes of migrants and requesting their papers, middle class  
27  
28 citizens are unlikely to face this intrusion. The private household then  
29  
30 was not just a space of abuse and arbitrary power where the state offered  
31  
32 no protection, but also a space of refuge from the state itself. By speaking  
33  
34 out workers literally 'made visible what has no business being seen', the  
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36 work they performed, the abuse they endured, and the inhumanity  
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38 permitted by a liberal democratic state.  
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49 The beginning of Waling Waling lay in individual acts of resistance,  
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51 in individual's refusal to endure any more and in them taking the huge  
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53 step of escape (Papadopoulos et al. 2008). These were brave moves, and  
54  
55 it was in the sharing of this and subsequent experiences that domestic  
56  
57 workers turned them into political acts. The first action of citizenship is  
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4 political speech (Nyers 2003) and in this case, the first political act of  
5  
6 political speech was to each other  
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9 Before, when I was alone, I didn't trust anyone. ... When I began  
10  
11 to talk to people in similar situations and I saw that I was not alone,  
12  
13 I realized that the problem was not just to do with me, that it was  
14  
15 the Philippines and Britain and the government in those countries.  
16  
17  
18 (Anderson 1993)  
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23 Speaking to each other, 'coming out' about legal status, meant that  
24  
25 domestic workers began to feel less isolated and divided from others.  
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### 28 29 30 **Workers and Citizens** 31

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33  
34 A key feature of organizing and campaigning was Waling Waling's  
35  
36 demand to be recognized as *workers*. This assertion, that they were  
37  
38 workers, worked on several levels. Firstly it asserted the dignity and value  
39  
40 of their work, for themselves, employers and the wider public. They were  
41  
42 not 'helping' but contributing socially and economically to households and  
43  
44 wider society; they were not 'girls' but women (and men) who were often  
45  
46 sustaining extended families back home. It also asserted their legitimacy  
47  
48 as public actors, their right to be heard and to be treated with respect,  
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51 and it was accompanied by the demand that this labour be recognized as  
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54 a route to formalized citizenship.  
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4           Waling Waling members claimed legitimacy as political actors then  
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6 on the basis of their legitimacy as economic actors. This claim was  
7  
8 directed at the state, but Waling Waling also turned to other groups,  
9  
10 religious, human rights and labour organizations for recognition both for  
11  
12 its own sake and as a means of pressurizing the state. The trade union  
13  
14 the Transport and General Workers Union (TGWU) played an important  
15  
16 symbolic and material role through its recognition of migrant domestic  
17  
18 workers as workers. The fact that they welcomed their membership,  
19  
20 despite the sector they worked in and their immigration status gave a real  
21  
22 boost to the organization and to individuals. Of enormous importance to  
23  
24 the migrants, many of whom were without their passports, was the  
25  
26 possession of a union membership card. This was viewed, partly as a  
27  
28 document confirming their identity, and partly as a way of demonstrating  
29  
30 that they belonged to an officially recognized organization. This made  
31  
32 members feel less vulnerable and with some protection from the police  
33  
34 and immigration. There were additional benefits: workers were given  
35  
36 advice and support at special meetings to advise them on what little  
37  
38 employment rights they had. Organisationally the TGWU supported  
39  
40 domestic workers' participation in Labour Party conferences (and  
41  
42 politicians' commitments at those conferences were later to prove  
43  
44 critical). Crucially membership of the TGWU meant that Waling Waling  
45  
46 could bring the issue of migrant domestic workers before grassroots  
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48 TGWU membership, and learn about the experiences of other low waged  
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50 workers, particularly women, in the UK.  
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4 The claim that migrant domestic workers were workers built on the  
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6 slave/worker binary, (1995, Slavery Still Alive was the title of one  
7  
8 conference organized). Migrants asserted their claim that they were not  
9  
10 slaves but workers, and used this assertion to demand a suitable  
11  
12 immigration status, one that recognized their right to work. It is important  
13  
14 to recognize that this move, from worker to citizen, is not straightforward  
15  
16 (Gordon 2008). Indeed, while able bodied citizens have a duty to work  
17  
18 non-citizens' access to the labour market is generally highly regulated  
19  
20 and indeed for some, working may result in deportation. It is rarely  
21  
22 questioned in public discourse that British people have prior claim to  
23  
24 work, and it is not assumed that migrants generate a right to citizenship  
25  
26 through work, particularly when they are working 'illegally'.  
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35 However, when migrant domestic workers 'intruded' into the public  
36  
37 space there were important ways in which the very mechanisms that work  
38  
39 to exclude *migrants* and to exclude *domestic workers* facilitated the  
40  
41 recognition of *migrant domestic workers*. Importantly, domestic work in  
42  
43 private households (like sex work) is not constructed as a sector where  
44  
45 jobs are 'taken' from British workers. Rather, when it is acknowledged  
46  
47 that paid domestic work takes place, the home is imagined as a space  
48  
49 where jobs are made, with British women having their entry to the labour  
50  
51 market facilitated through domestic employees. Moreover (and in this  
52  
53 instance, unlike sex work), domestic work, though low status, is often  
54  
55 rhetorically valued, especially when it involves care of the elderly or  
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57 children (Cox 2006; Hondagneu-Sotelo 2001). Thus, unlike many other  
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4 low waged sectors, this work is both 'priceless' and yet not one that is  
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6 unfairly being snatched from British nationals, for, while valued in rhetoric  
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8 it is not valued economically. It is one thing to acknowledge the value and  
9  
10 dignity of the work in theory, and another to pay for it.  
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16 There were also ways in which the intrusion of domestic workers  
17  
18 was used to reinforce ideas about 'foreigners'. Honig has elucidated how  
19  
20 political communities, often with a myth of the 'foreign founder', re-found  
21  
22 themselves with reference to foreigners (Honig 2003). She examines the  
23  
24 perpetual revisiting and reinterpreting of the migrant as founder and as  
25  
26 threat and asks 'what problems does foreignness solve for us?' in order  
27  
28 to unpack how the symbolic politics of foreignness reinstalls ideas of  
29  
30 'heartfelt community.... And a consent producing liberal individualism'  
31  
32 (2003:7). There is evidence that these processes were at work in the  
33  
34 relatively sympathetic public response to the situation of domestic  
35  
36 workers. The campaign often found itself working against strongly  
37  
38 gendered and racialized images of the abused domestic worker and the  
39  
40 abusive (male) employer. This notion – of evil foreigners importing  
41  
42 slavery, of the importance of the triumph of British values of freedom and  
43  
44 democracy – were expressed at all levels, by supportive MPs as well as  
45  
46 the tabloid press (Anderson 2000). In rescuing her from the clutches of  
47  
48 the employer, the UK was portrayed as re-enacting its status as an  
49  
50 upholder of justice and liberty. The 'good' migrant contains the 'bad', the  
51  
52 victim has a parallel villain, the UK may accept the domestic work, but will  
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54 extirpate the employer (rarely portrayed as British, or indeed white).  
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6 While this forging of citizenship through political speech was a real  
7  
8 achievement, one must not forget however the importance of formalized  
9  
10 legal status (Bosniak 2006) – this is after all Waling Waling (and many  
11  
12 other groups still) were demanding. Being recognised as a political actors  
13  
14 in themselves was not itself the fulfilment of the demands even when this  
15  
16 was acknowledged by civil society. This highlights a deep contradiction in  
17  
18 many regularization movements: at the same time as challenging the  
19  
20 authority of the state to ‘illegalize’, they are demanding ‘legalization’, that  
21  
22 is a re-drawing of boundaries to include a new group of people. This re-  
23  
24 drawing inevitably excludes for it is not the abolition of boundaries all  
25  
26 together. The power of the state to draw boundaries and exclude is  
27  
28 reinscribed at the moment that it responds to the challenge. In this case,  
29  
30 when, in 1997 the Home Office announced it was to bring domestic  
31  
32 workers under the immigration rules, they invited Kalayaan and Waling  
33  
34 Waling to assist in drafting the new immigration rule. There was  
35  
36 considerable discussion about this, but the argument that it was important  
37  
38 to ensure the rule was as good as it could be, as long as that did not  
39  
40 constrain criticism of it, won in the end.  
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### 51 52 **Regularization and its discontents**

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54 In 1997 the incoming Labour administration gave migrant domestic  
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56 workers the right to change employers and put them under the  
57  
58 Immigration Rules (rather than a special ‘concession’). It also offered the  
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4 opportunity for regularization of those who had entered under the old  
5  
6 system. This was expressed as a humanitarian response rather than a  
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8 victory following many years of organizing and campaigning. However,  
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10 despite the significance of this victory there were also ways in which it  
11  
12 was 're-taken' by the state.  
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18 The regularization exercise was enacted individually on a 'case by  
19  
20 case' basis with each case judged according to its 'merits'. Moreover this  
21  
22 regularization was a 'special exercise' i.e. not under legal jurisdiction.  
23  
24 This meant operational definitions were not open to legal challenges and  
25  
26 it was extremely difficult to appeal in those cases where people were  
27  
28 refused. At first sight the requirements for 'straightforward cases' seemed  
29  
30 relatively simple: a valid passport; proof that one currently is employed as  
31  
32 a domestic worker and able to support and maintain oneself without  
33  
34 recourse to public funds (a letter from the employer stating salary details  
35  
36 and other 'in kind' payments); and proof that one entered as a domestic  
37  
38 worker. Supporting documents, together with a standard application form  
39  
40 for variation of leave to remain, and a photograph were to be sent to the  
41  
42 Home Office. Obtaining these 'simple' requirements was often far from  
43  
44 straightforward. Migrant domestic workers typically had their passports  
45  
46 taken by their employer, while of those who had their passports, it was  
47  
48 not unusual for people to have been in the UK for many years and their  
49  
50 documents expired. Holding a valid passport usually meant reporting it  
51  
52 lost or stolen to the police and then applying to an embassy or consulate  
53  
54 for replacement documents. While many had no difficulty with this – the  
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4 Philippines Consulate was particularly sympathetic – there were real  
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6 problems with particular countries and officials especially for those whose  
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8 original employers were diplomats, working in those same embassies.  
9  
10 One man went to his Embassy and found that it was his former, abusive  
11  
12 employer who was responsible for issuing him his replacement passport.  
13  
14 'It is not stolen, I am holding it' the employer announced, refusing to give  
15  
16 him another one. The worker could not apply for regularization.  
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23 The requirement that workers should not have recourse to public  
24  
25 funds suggests that the regularization was not as 'humanitarian' as was  
26  
27 made out to be. Those too old or sick to work, or who were unemployed  
28  
29 did not qualify. Letters confirming employment from a current employer  
30  
31 were accepted as proof, but employers were often extremely reluctant to  
32  
33 offer them as they were concerned about being implicated in an  
34  
35 immigration offence. Such was their resistance that the Home Office was  
36  
37 eventually forced to give a reassurance that employer sanctions were  
38  
39 never envisaged as intended for private households, in order that  
40  
41 Kalayaan could encourage employers to support applications. This is not  
42  
43 the same as tying a worker to an employer. Indeed some domestic  
44  
45 workers made full use of the freedom to change employer offered by  
46  
47 illegality to find people prepared to write letters. However, ironically what  
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49 this requirement did was to reinscribe dependence on the employer as a  
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51 gateway to status.  
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4 The last requirement, proof of entry as a domestic worker, was  
5 particularly difficult. The government was anxious to limit access to the  
6 regularization, to re-draw the boundary in such a way that while this  
7 group was incorporated its members did not bring less deserving others  
8 with them. As the regularization progressed it became clear that under  
9 the 'concession culture' certain nationalities were more likely to be  
10 granted certain visas. For example domestic workers from many African  
11 countries were particularly likely to be given visas to enter as family  
12 members, while those from the Philippines were more likely to be given a  
13 visa with the name of the employer written in it. There is no suggestion  
14 that this reflected any immigration guidance, merely that this was the  
15 practice. It was particularly difficult for those with family member visas to  
16 be regularized, as there was reluctance on the part of the Home Office to  
17 'open the floodgates' by offering regularization to overstayers of visitors'  
18 visas, as they feared abuse of the regularization process. So the decision  
19 of the immigration officer, the individual official who admitted them,  
20 continued to shape workers' chances. This mapped on to other racialized  
21 and nationalized constraints and facilities (including the relative  
22 supportiveness of different embassies). For example, many of the  
23 Filipinos had entered the UK via the Middle East, and had gone to the  
24 Middle East through an agency. While they did not particularly intend to  
25 come to the UK, they had a specific migratory project. They were often  
26 well educated with a high degree of English fluency. In contrast, many of  
27 the Indians had come to the UK with wealthy Indian employers. They  
28 themselves were rural to urban migrants, often with little English or  
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4 education, and were it not for their employer, would not have considered  
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6 international migration. These sorts of differences mapped on to a labour  
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8 market that is highly racialized (Anderson 2007; Cox 2006). At that time  
9  
10 employers were particularly interested in employing Filipino workers,  
11  
12 meaning that Filipinos were more likely to find jobs and were more likely  
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14 to be able to find an employer who was prepared to write a letter of  
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16 support.  
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23 Regularization proceeded on a case by case basis, and in  
24  
25 facilitating individuals' applications, Kalayaan became more and more  
26  
27 orientated to a service rather than a campaigning role. This was also  
28  
29 against a changing political, social and institutional background including  
30  
31 the professionalization of advice work that regulated the previously  
32  
33 unregulated world of immigration advice. The relation between the  
34  
35 organizations began to shift as Waling Waling members became 'clients'.  
36  
37 Just after regularization was announced, Waling Waling was attracting  
38  
39 between 200-300 people to its Sunday meetings. But members began to  
40  
41 prioritise their own cases, to organize visits home and bring families to  
42  
43 join them in the UK. There was some discussion in both organizations,  
44  
45 about possible future organising and campaign work, a switch of focus  
46  
47 perhaps to work related rights in private households, or on other types of  
48  
49 immigration status that incorporate domestic workers, but there was little  
50  
51 appetite for this, particularly as so many workers wanted to spend time  
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53 with families that they had long been separated from. Thus in some ways  
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55 the strength of the campaign – its relentless focus on immigration status,  
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4 which both united workers and helped develop a clear strategy and  
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6 demands, was also at this stage something of its weakness. Where to go  
7  
8 from here was not immediately clear. Being parted from loved ones and  
9  
10 from time consuming responsibilities that caring brings, meant that  
11  
12 migrants had devoted time to political struggles, time which they often  
13  
14 now wanted to spend rebuilding family relationships that had suffered  
15  
16 severely as a result of immigration status. The organizations had not  
17  
18 developed a means of opening political possibilities from this re-  
19  
20 prioritization, but rather were struggling with individual case work. The  
21  
22 case by case nature of the regularisation thus posed problems both at an  
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24 individual and an organizational level.  
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### 33 **One step forward, two steps back?**

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36 Fast forward to March 2006 when the Home Office came forward with  
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38 new proposals, Waling Waling (renamed the United Workers Association)  
39  
40 was largely inactive. Kalayaan had become a professionalized registered  
41  
42 charity offering 'advice, advocacy and support' and widely recognized  
43  
44 both inside and outside of government as able to provide expert advice  
45  
46 on issues around the migrant domestic worker visa. At this time the UK  
47  
48 government announced it was to introduce a 'points-based system' as  
49  
50 part of 'Making Migration Work for Britain' agenda. This aimed to limit  
51  
52 economic migration to the UK principally to those with 'skills' that are in  
53  
54 demand (Home Office 2006). As part of these changes the government  
55  
56 determined to change its policy in respect of migrant domestic workers  
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4 who enter the UK accompanying their employer. It was proposed that  
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6 they would have the name of their employer written on their passport,  
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8 enter as a 'business visitor' (i.e. not a worker and with no employment  
9  
10 protection) and have a maximum stay of six months. This would give the  
11  
12 employer time to train up an EU migrant to take this work (note that it was  
13  
14 still not proposed that they train up a UK national).  
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20 Kalayaan challenged the Home Office proposals on the grounds  
21  
22 that they constituted 'trafficking' by turning domestic workers into  
23  
24 trafficking victims (Kalayaan 2007). Trafficking was not a term in common  
25  
26 usage in the 1990s but it had since risen on the political and popular  
27  
28 agenda. Governments, particularly in Europe, blame traffickers for the  
29  
30 proliferation of irregular migration and the abuse of migrant workers. The  
31  
32 government has as a stated aim to 'make the UK a hostile environment  
33  
34 for trafficking' (Home Office 2007b) and a whole raft of policies and  
35  
36 initiatives have been developed in order to counter this problem.  
37  
38 'Trafficking' has replaced asylum as a means of resolving tensions  
39  
40 between immigration controls and human rights (O'Connell Davidson  
41  
42 2005). Stricter immigration controls help prevent trafficking and  
43  
44 exploitation and therefore are to the benefit of migrant workers who would  
45  
46 otherwise be abused. This is a relatively new discursive development. In  
47  
48 2002 numbers of victims of trafficking (VoT) were 'small' and the majority  
49  
50 of illegal migrants were held to be in the UK 'by their consent' (Home  
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52 Office 2002). But five years later, organised crime seems to have taken  
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4 UK immigration system by the scruff of the neck and by 2007 then Home  
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6 Secretary John Reid was warning that  
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9 Failure to take on the people traffickers, who are behind three-  
10  
11 quarters of illegal immigration to this country, leaves vulnerable  
12  
13 and often desperate people at the mercy of organised criminals.  
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15 (Home Office 2007a)  
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20 A lack of definitional clarity allows a constant slippage between  
21  
22 'illegal migration' and 'trafficking'. This is not reflected even in the  
23  
24 problematic international definition of the Palermo Protocol: migration  
25  
26 does not have to be 'illegal' nor indeed across international borders, to  
27  
28 constitute trafficking (Gallagher 2001). This slippage is however rhetorical  
29  
30 only. In practice only the most victimized who are unable to act for  
31  
32 themselves can qualify as Victims of Trafficking and become entitled to  
33  
34 the state's assistance and protection. The figure of the evil employer and  
35  
36 trafficker throws a shadow over the role of the state in constructing  
37  
38 vulnerability. For the individual victim it is the employer, pimp etc who  
39  
40 denies access to basic social rights such as medical treatment. But if  
41  
42 these individuals were not denying access, for those who are illegalized,  
43  
44 the state would. Indeed state legitimated restriction of access to social  
45  
46 rights is a key source of vulnerability. The state that 'rescues' victims of  
47  
48 trafficking in response to a claim to human rights, is the same state that  
49  
50 denies access to rights on the basis of non-citizenship (Sharma 2003).  
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4 In its critique of the government proposals Kalayaan underscored  
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6 the relation between employers' coercion and abuse of their workers with  
7  
8 the British state's proposed immigration legislation. It foregrounded  
9  
10 physical coercion but went further to argue that this would be reinforced  
11  
12 by a state-enforced inability to leave an employer.  
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16 Thirty two per cent of migrant domestic workers who registered at  
17  
18 Kalayaan during 2005-2006 had their passports withheld by their  
19  
20 employer, and 23% had been physically abused. The removal of  
21  
22 any option to challenge or leave an abusive or exploitative  
23  
24 employer is in direct contravention to the Home Office stated policy  
25  
26 to protect victims of trafficking and to stop trafficking 'at source'.  
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30 (Kalayaan 2007)  
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33 Thus immigration controls were presented as potentially part of the  
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35 problem.  
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42 The UK Home Office in contrast emphasized that immigration  
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44 controls can be used to refuse entry to abusive individual employers. This  
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46 is in line with the UK Trafficking Action Plan which recognises borders as  
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48 points of intervention:  
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52 As part of our continued work to combat trafficking, our emphasis  
53  
54 will be upon developing robust pre-entry procedures, including  
55  
56 appropriate safeguards, such as the identification of cases of  
57  
58 possible abuse at the pre-entry stage to minimise the risk of  
59  
60 subsequent exploitation.

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4 (Home Office 2007b)  
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6 This implies that if the abuse is not taking place on UK territory, but is  
7 detected through pre-entry procedures, preventing entry is a sufficient  
8 response. In practise, the idea of refusing entry to employers and their  
9 domestic workers on the grounds that the employers were abusive would  
10 mean that they are likely to return to a state where the employer has a  
11 great deal of power over their worker. The refusal of entry to the UK  
12 would be unlikely to make them more sympathetic to their employee, and  
13 indeed could have catastrophic consequences.  
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29 When people do become victims, the state's responsibility to  
30 extend assistance is acknowledged. In this view, trafficked domestic  
31 workers are the victims of bad employers. In the cases where these bad  
32 employers manage to gain entry to the UK and commit abuses in the UK,  
33 the government will extend some protections to the victims. Immigration  
34 control per se cannot be considered as a coercive tool that is used by  
35 employers. This is a fundamental difference between the approaches of  
36 states and many of those who would argue for migrants' rights that goes  
37 to the heart of the relation between the state and employers. It could be  
38 argued that immigration control limits the rights of migrants as workers by  
39 giving employers additional mechanisms of control over labour and  
40 indeed some might argue by limiting freedom of labour (Steinfeld 2008).  
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60 However in this case immigration controls are presented as part of a  
61 toolkit to detect and refuse entry to abusers. So while Kalayaan

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4 emphasised the role of the state in forging the conditions within which  
5  
6 abusive employment practises – and hence ‘trafficking’ can occur, the UK  
7  
8 government presented itself as a combater of trafficking from the outside.  
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10 The question becomes to do with the broader issue of the role of  
11  
12 immigration controls in constructing categories of people who are  
13  
14 vulnerable to abuse. If certain immigration statuses create marginalized  
15  
16 groups without access to the formal labour market, or any of the  
17  
18 protections usually offered by states to citizens and workers, then how  
19  
20 can the state prevent itself equipping employers with labour control and  
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22 retention mechanisms that would not otherwise be available to them?  
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31           The appeal against trafficking seemed to have some leverage, and  
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33 in the autumn of 2008 the government announced that it would not  
34  
35 proceed with its proposals for at least two years and until it had  
36  
37 conducted an assessment. However, while successful there are also  
38  
39 dangers in attempts to ‘retake’ such state constructions. The language of  
40  
41 trafficking is diametrically opposed to the ideas of citizenship as a  
42  
43 process of constructing rights and relations, for it focuses on victimhood  
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45 and on those who are unable to act for themselves. To pass the ‘test’ of  
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47 trafficking one must be a true victim: injured, suffering and enslaved, an  
48  
49 object of intervention rather than a political subject. To pass the test of  
50  
51 trafficking one must be a true victim: unable to engage or make choices,  
52  
53 only suffer and be rescued (Ranciè 2004; O’Connell Davidson 2006)).  
54  
55 Certainly the victim of trafficking cannot simply leave her employer, she  
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57 must be physically imprisoned and make a dangerous escape, or she  
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4 must be rescued. Because they can only be helped and rescued they are  
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6 not political subjects, rather the objects of negotiation. Since they cannot  
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8 actualise their rights, they must be given to others to act on their behalf  
9  
10 (Zizek 2005), and indeed there has been a veritable plethora of anti-  
11  
12 trafficking organizations and initiatives. But the organizations cannot be  
13  
14 comprised of trafficked people – for they are the victims. So the language  
15  
16 of trafficking means that one cannot engage with the notion of citizenship  
17  
18 as process, but only with citizenship as formal legal status administered  
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20 by the state - and citizenship as formal legal status is a long way off being  
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22 granted victims of trafficking.  
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28         Trafficking risks sucking out the politics of citizenship. On the one  
29  
30 hand the importance of formal citizenship/legal status and the role of the  
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32 state in constructing vulnerability through denial of legal status is  
33  
34 obscured by reference to 'human rights' denied by individual actors. Yet  
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36 neither does it allow for citizenship as a process that migrants are actively  
37  
38 engaged in. So political conflict is turned into negotiated adjustments of  
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40 interests, patching over contradictions, where negotiation and patching is  
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42 not being done by migrants. Indeed, migrants must compete for the role  
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44 of who is the most victimised, the most exploited.  
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## 51 **Conclusion**

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53 It would seem then from this case that it is easy for the state to  
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55 incorporate radical politics and that attempts to subvert state rhetoric  
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57 come at a price. However, while critiquing these processes one should  
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59 not underestimate these achievements. The regularization and  
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4 subsequent legislation made a significant difference to the lives of  
5  
6 thousands of workers and their family members and developed a lasting  
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8 sense of political agency. When the Home Office announced its 2006  
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10 proposals a meeting was organised at the Transport and General  
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12 Workers Union. More than three hundred migrant domestic workers,  
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14 some from the 'old' Waling Waling, some from the new 'client base' of  
15  
16 Kalayaan, attended to voice their protest. In late 2008 building on this  
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18 work a core group began to organise, offering mutual support, solidarity  
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20 with trades union struggles and protesting against the new Immigration  
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22 and Citizenship Bill.....watch this space.....  
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