



## Migration & Diversity Centre

### Symposium:

### *Regulating transnational work and family in times of crisis*

Organised by: VU University Migration and Diversity Centre

Pál Nyiri, Jasmijn Sloop, Johanne Søndergaard and Sarah van Walsum.

### Preliminary programme

**Venue:** VU University Amsterdam, **Metropolitan building room 2009**

**Date:** Thursday 18 to Friday 19 April 2013.

Number of invited participants: 18

Anticipated total number of participants: 30-50

Format: Three consecutive plenary sessions. Three 20-minute papers per session, followed by 15

minutes of comments from discussant, leaving 45 minutes for discussion. Facilities for power-point presentations will be provided.

<i>Date</i>	<i>Time</i>	<i>Session</i>	<i>Presenter</i>	<i>Paper</i>	<i>Session Chair</i>	<i>Discussant</i>
	12:30-13:00	Coffee/tea and registration				
	13:00-13:15	Welcome	Symposium organisers			
Thursday 18 April	13:15-15:15	<b>Session A: Transnational Family Ties, Migration Law and Human Security</b>	Cornelia Schweppe (Mainz: Social Work)	<a href="#">Transnational Families – A Challenge for Social Politics and Welfare Production</a>	Keebet von Benda Beckman (Emerita Max Planck: Legal Anthropology)	Valentina Mazzucato (Maastricht: Globalization and Development)
			Edien Bartels (VU: Social Sciences)	<a href="#">Legal ban on transnational cousin-marriages because of marriage force: political debate in the Netherlands</a>		
			Ellen Bal, Kate Kirk (VU: Social Sciences) and Sarah Renee Jansen	<a href="#">Family, Food and Friendship: The experience of home for High- Skilled Indian Migrants in Amsterdam</a>		
	15:15-15:45	Coffee/tea				



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15:45-17:45	<b>Session B: Transnational Labour Market, Migration Law and Human Security</b>	Barak Kalir (UvA: Anthropology & Sociology)  Marina de Regt (VU: Social Sciences)  Sarah van Walsum (VU: Law)	<a href="#">Il/legal Labor Migration to Israel: between false dichotomy and alleged national security threat.</a>  <a href="#">The gendered impact of Yemen's political crisis on migration from the Horn of Africa</a>  <a href="#">International migrant domestic workers, national welfare states and transnational social security arrangements.</a>	Marlou Schrover (Leiden: History)	Tesseltje de Lange (UvA: Law)	
17:45-18:30	Drinks					
19:00 –	Speakers' dinner for all invited participants					
Friday 19 April	9:30-11:30	<b>Session C: The Migration Industry's Profits, Migrants' Risks, State Responsibility?</b>	Ninna Nyberg Sørensen (Danish Institute for International Studies)  Maybritt Jill Alpes (VU: Law)  Thomas Spijkerboer (VU: Law)	<a href="#">The Commercialization of International Migration</a>  <a href="#">Migrant families in social hotels: profits, insecurities and state responsibilities</a>  <a href="#">Border Policies and Sovereignty, human rights and the right to life of irregular migrants</a>	Marie Benedicte Dembour (Sussex: Law & Anthropology)	Ann Stewart (Warwick: Law)
	11:30-12:00	Coffee/tea				
	12:00-12:45	Wrap-up and discussion	Nina Glick -Schiller		Marie-Claire Foblets (Max Planck: Legal Anthropology)	
	12:45-13:00	Closing words	Symposium organisers			
	13:00-14:00	Lunch and farewells				



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### Abstracts

#### **Transnational Families – A Challenge for Social Politics and Welfare Production**

*Cornelia Schweppe*

Transnational families do not only mean a geographical extension of family life across geographical distances. They rather are embedded in global interdependencies of social and political processes and structures and can be characterized by their involvement in different contexts and frames of reference. Globally existing antagonisms and differences that converge in transnational families need to be worked upon to modify and balance incompatibilities (cf. Mau 2007). They require translation and adaptation efforts to combine the different frames of reference. Transnational families challenge the welfare system in many ways due to the fact that it is still very much based on nationally connotated concepts of families. The presentation will discuss perspectives that acknowledge and socially and politically secure the needs of transnational families in order to provide scopes of action that allow for social incorporation in a transnational context.

#### **Legal ban on transnational cousin-marriages because of marriage force: political debate in the Netherlands**

*Edien Bartels*

“In the Netherlands a man is allowed to marry a man but we are forbidden to marry our cousin.”, Gülsem, a Turkish Dutch women.

In 2010 the Dutch government announced that: “in principle, cousin marriages will be prohibited” (Regeerakkoord 2010 [Governmental agreement VVD-CDA] 2010: 22). This proposition was taken over by the formation of the current government in September 2012 (Regeerakkoord 2012 [Governmental agreement VVD-PvdA] 2012:29). Subsequently the government agreed to a change of the Civil Code in relation to cousin marriage (Act combating forced marriages). On February 7<sup>th</sup>, 2013 these plans were discussed in a closed session of the parliamentary committee of justice and security. With this change of Civil Code the Netherlands follows Denmark which knows the ‘rule of presumption’. In this proposed change of the Civil Code cousin marriages are labelled as high risk factor in relation to forced marriages.

In this paper we will argue that a ban on consanguineous marriages should be seen within the context of debates and policies about migration, citizenship and transnationalism in the Netherlands and that, therefore, these measures amount to an attempt to restrict migration from countries with an Arab and/or Muslim majority. As we will explain the process in which the cultural integration of minorities is becoming increasingly important for obtaining full citizenship. This so-called ‘culturalisation of citizenship’ is largely taking place in the realms of gender and sexuality as a basis for the construction of alterity, i.e. ‘otherness’. The legal ban on cousin marriage fits in this pattern and creates a moral boundary on the entrance to the Netherlands by marriage: partner choice is not free anymore but restricted by prescriptions of the state. This is noteworthy because internationally free partner choice is the starting point.

As we will show, most of the consanguineous marriages pertain to transnational marriages from the Middle East and North African area, it can be seen as a measure to restrict migration from MENA. Marriage migration is already decreasing because of developments within the Moroccan and Turkish migrant groups in the Netherlands and by other limitation measures against family migration, but this change of the Civil Code shows the intention that the state will seriously hinder marriage



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migration. In reality this change of the Civil Code will not prevent forced marriages, as most of the advisory committees explain (for instance by the Advisory Committee on Migration Affairs and the Council for the Judiciary). The only real prescription is the signing of a declaration that the marriage is not forced. So a consanguineous couple should sign two declarations because all marriage candidates have to declare that they enter the marriage voluntarily. Consanguineous couples from Dutch origin will have to sign such a declaration as well. By this a discrimination claim can be prevented. By focusing on transnational marriages we will contribute to debates about transnationalism within a context of nation-states that are increasingly inward focused and the consequences thereof for migrants and their family-life.

### *Outline*

In the paper first cultural citizenship is addressed. Then scientific studies on forced marriages and consanguineous marriages in the Netherlands are treated. The proposed measures will be explained and be considered what these measures will deliver. The conclusion is that it is a way of symbolic legislation that makes Muslims as the 'cultural other'.

### **Family, Food and Friendship: The experience of home for High- Skilled Indian Migrants in Amsterdam**

*Sarah Renee Jansen, Dr. Ellen Bal, Dr. Kate Kirk*

**Abstract:** The idiom "home is where the heart is" speaks to an abstract and emotional conception of home; it speaks to the romantic notions of nostalgia impregnating cultural and political representation of migration. Yet, to limit the concept of home to the emotional is to deny the physicality of being in time and space. In this paper we understand home to be a set of shared practices that infuse space with emotionally intimate meaning. These practices occur within transnational fields in which financial, political, social, and emotional ties link distant places to one another through technologies of communication and control. Thus, 'being at home' cannot simply be placed in opposition to 'being away' yet it can still be understood in terms of physical /material space. This paper concerns itself with conceptions of home held by high skilled young male Indian migrants living in the Amsterdam area. Our research suggests that the experience of home in Amsterdam is to a great extent shaped by the nature of their labor contract. Those on short term 'project based' contracts, with the possibility for extension, are hesitant to invest financially, socially or emotionally in the Netherlands or even to some extent in India. For those with permanent contracts the assurance of a stable position and income are more likely to make lasting social and material investments. Within the global market place India highly skilled workers —particularly in the IT industry— are valued for their flexibility. What are the individual and collective implications (social and emotional) of this flexibility? Young, primarily unmarried, men on temporary contracts are betwixt-and-between cultural and social states in both India and the Netherlands. In this liminal state the inherent paradoxes in notions of home become clear; home is concurrently something to be loathed and longed for.

### **Il/legal Labor Migration to Israel: between false dichotomy and alleged national security threat**

*Barak Kalir, University of Amsterdam*

It appears straightforward and commonsensical to oppose illegal migration to legal migration. While illegal migration has been put high on the "public enemy" list of most western countries, legal migration is considered to be the orderly way to enter, work, and potentially settle down in another country. Illegal migration is often seen and analyzed as the "dark side" of global human flows. It is closely associated with the operations of human traffickers and smugglers; and with the ensuing



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brutal exploitation of indentured labor. Legal migration, in contrast, is associated with regulations, paperwork, and bureaucratic supervision. In fact, many policymakers and experts advocate the drafting of legal schemes for the importation and employment of temporary migrant workers as an important means for countervailing illegal migration. Common wisdom commands, they argue, that when states facilitate employers' access to temporary migrant workers, the demand for undocumented migrants diminishes, and with it the incentive for people to undertake illegal migration in search for work in those countries.

In this paper I challenge this premise by examining two parallel labor flows to Israel. The first is a legal flow of migrant workers, who are recruited, transported, and employed via a tightly regulated scheme, often based on bilateral agreements between Israel and sending countries. The second is an illegal flow of undocumented migrants, who arrive, find jobs, and settle down by their own initiative, and against the official planning of the Israeli government. Based on ethnographic research among two representative groups in Israel -- legal migrant workers from China and undocumented migrants from Latin America -- I argue that seeing illegal and legal migration in opposition to one another, or as two antidotes on a continuum, is empirically ungrounded, and analytically misleading.

### **The gendered impact of Yemen's political crisis on migration from the Horn of Africa**

*Marina de Regt*

The political events that have taken place in Yemen since the beginning of 2011 have not only greatly affected the local population but also migrants and refugees residing in the country. Yemen was for a long time mainly regarded as a sending country in migration, yet since the early 1990s the numbers of migrants and refugees from the Horn of Africa have increased rapidly. Most of them aspire to move on to the oil-rich countries on the Arabian Peninsula or to Europe and North America, but get stuck in Yemen for longer or shorter periods of time. While job opportunities for male refugees and migrants were very limited, migrant and refugee women could easily find employment as domestic workers in urban areas.

Until 2001 the Yemeni government had an open door policy towards migrants and refugees, but immigration policies changed when Yemen became an ally in the "war on terror". Increased border controls in the Gulf of Aden, and stricter control of residence and work permits were some of the consequences. These policies were, however, implemented in a gendered way: undocumented women migrants were hardly arrested and deported, but male migrants and refugees ran much greater risks. As unemployed "outsiders" they were perceived as a threat and often criminalized.

The events of the past two years have had a great impact on migrants and refugees. As a result of the deteriorating economic and political situation many migrant women lost their jobs while migrant and refugee men were accused of siding with the government or the opposition. Yet, the political instability has also resulted in a weakening of immigration policies and in a dramatic increase of irregular migration from the Horn of Africa, and in particular Ethiopia. While the number of Ethiopian domestic workers has decreased, large numbers of Ethiopian men are now coming to Yemen intending to find paid work in Saudi Arabia. In this paper I will describe and analyze the gendered impact of the Yemeni crisis on migration from the Horn of Africa. The case of Yemen can shed light on issues around transnational labour, immigration policies and human security in the context of South-South migration. The paper is based on anthropological fieldwork in Yemen and Ethiopia, the analysis of media reports and secondary sources.



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### **International migrant domestic workers, national welfare states and transnational social security arrangements**

*Sarah K. van Walsum*

In my paper, I shall first briefly discuss how the nationalist paradigm of the welfare state is being challenged both in migrants' countries of abode and in their countries of origin. I shall argue that a reduction in formally regulated employment and in state financed services in the Global South has driven people to migrate. Those migrants who have ended up in the Global North have been confronted with increasingly precarious labor relations there, such as temporary labor contracts or (quasi) self-employment, and with state retraction from formally regulated social security and services. I shall argue that shifts in gender and family relations have also played an integral part in these dynamics, with implications for the financial security of a growing number of households in both the Global North and the Global South, as well as for their care needs.

As Saskia Sassen has argued, if national state institutions are changing under the force of current processes of globalization, this doesn't mean they are losing their relevance. In my paper, I shall explore ways in which people are presently trying to provide for their own needs and those of their kin, through strategies suited to a transnational context. I argue that it is important to remain aware of how state policies can facilitate or undermine such attempts; how they can aggravate or neutralize relations of power; or support or frustrate relations of mutual support.

The challenge will be to conceive of an alternative regulatory regime of social security that does not take as its point of departure the geographically delineated institutions in which the post-war Welfare State was grounded – the nuclear family, the employment contract and the nation –, but seeks to amplify transnational links between persons sharing common concerns and interests.

### **The Commercialization of International Migration**

*Nina Nyberg Sørensen*

Over the last few decades a host of new business opportunities have emerged that capitalize on migrants' desire to move or the struggle of governments to 'manage' migration. The actors comprising the migration industry range from small migrant entrepreneurs facilitating the transportation of people – or the connectivity between family members separated by borders – to multinational companies taking over e.g. privatized border guarding functions and deportations; and from NGOs performing different tasks linked both to facilitating and managing migration, to organized criminal networks profiting from human smuggling and trafficking. The increasing commercialization of international migration fundamentally impacts not only migratory flows but also attempts to manage or regulate migration around the world.

Taking its point of departure in conceptual work currently carried out in relation to the 'migration industry' and the 'commercialization of international migration', the paper intends to discuss the relationship- or tension - between 'transnational' and 'migration industry' approaches to international migration. For empirical illustration, the paper draws on contemporary Central American experiences.



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### **Migrant families in social hotels: profits, insecurities and state responsibilities**

*Maybritt Jill Alpes*

Over the last 10 years, social platforms working on homelessness issues in Paris have seen themselves confronted with providing shelter to ever more important numbers of migrant families. In the light of insecurities that migrant families face in social hotels, I will explore in this paper how profits and state responsibilities come together in the housing of migrant families in social hotels. The paper seeks to bypass polarized debates that respectively accuse migrants of abusing state forms of social security or states for excluding migrants from welfare provisions. It seeks to do so by first of all contextualizing institutional arrangements for shelter with informal and family based arrangements, and secondly by adding brokers as a new set of market actors to the discussion on social protection and migration. The paper is based on semi-directed open-ended interviews with migrant families, hotel managers and employees of different social platforms, as well as on participant observation with migrant families during (clandestine) visits in hotel rooms. In a first section, I ask who comes to live in social hotels. The material on shelter arrangements inside and outside of hotels suggests that migration control mechanisms and social policy arrangements feed into the creation of mono-parental migrant families. In a second section, I ask why migrant families have to keep moving between different social hotels. The analysis of the section suggests that the perverse phenomenon of high public spending for poor housing standards stems from unresolved tensions between migration control and social policy. In a third section, I ask how these unresolved tensions play off in the lives of migrant families and their interactions with hotel managers. By exploring plural source of regulatory norms within the space of the social hotel, the section suggest that social protection, such as through the provision of shelter facilities, de facto constitute a key site for migration control. The paper closes with a call for placing debates on the regulation of migration and social protection into a context of transnational care chains.

### **Border Policies and Sovereignty, human rights and the right to life of irregular migrants**

*Thomas Spijkerboer*

On the basis of globalization theories, as well as on the basis of developments in European migration policies, I hypothesize that since 1990 migration law has witnessed a shift from migration control (reactive, focus on concrete individuals) to migration management (pro-active, focus on potential migrant populations). A second hypothesis is that the increased number of 'irregular' migrants dying on their way to Europe is an unintended side-effect of this shift, border policies being part of migration policies. Thirdly, I propose that as a consequence of the shift to border management, the human rights protection previously available regarding migrant fatalities under border control, has become considerably less effective. My research will develop an alternative human rights law approach, which will be more broadly relevant for externalities (in this context: extraterritorial and indirect policy effects in a globalized context). This alternative approach will be based on the presumption that innovations in the exercise of sovereignty should be matched by innovations in human rights law.