



**Migration Working Group – Scholars of Excellence Edition:
Migration, Governance and Gender**

Date: Tuesday, November 22, 2022
Time: 10:00 AM – 4:00 PM EST
Location: Hybrid - In person at CERC Migration office / online via Zoom

OVERVIEW

This workshop is inscribed in a new line of research that focuses less on migration and integration policies' impact on migrants and their families and more on how migrants contest, reshape and transform migration and integration policies and their implementation. This has been a particularly important issue in research on the intersections between migration and gender and the ways in which migration policies are gendered but also on how women's agency and resilience can confront and reshape these policies. This workshop is organised into two sessions. The first is looking at the ways in which migrant women defy and reshape policies through their migration strategies, networks and different forms of capital (human, social, financial) while the second session focuses on collective mobilisations of migrant women to protest migration policies and revendicate their rights.

PROGRAM

- 10-10:30 AM EST** **Welcome reception**
- 10:30 AM EST** **Welcome: Anna Triandafyllidou**, CERC Migration, Toronto Metropolitan University, **Pragna Rugunanan**, CERC Scholar of Excellence, University of Johannesburg
- 10:40 AM-12:40 PM EST** **Panel 1: Women migrants challenging migration governance**
- Chair: Pragna Rugunanan**, University of Johannesburg
- On women migrants in domestic work and how they try to challenge migration governance through different forms of mobilisation | Sabrina Marchetti**, University of Ca Foscari of Venice
- The gender turn: How the migration of women is challenging the empirical adequacy of the Migration Governance Framework | Nyamadzawo Sibanda**, University of the Witwatersrand
- “Making migration work for all?”: Doxa of the Global Compacts, bilateral and trade Agreements permeating the *Habitus* of migrant womens’ work mobilities | Marion Panizzon**, University of Bern
- 12:40-1:30 PM EST** **Lunch break**
- 1:30-3:35 PM EST** **Panel 2: Migration governance and migrant women collective mobilisations**
- Chair: Anna Triandafyllidou**, CERC Migration, Toronto Metropolitan University
- Migrant domestic workers rights in Taiwan with a special focus on maternity protection | Li-Chuan Liu Huang**, National Chung Cheng University
- Cartographies of resistance and solidarity: Labor on the move | Heidi Gottfried**, Wayne State University
- From “Labor Rights” to “Human Trafficking”: Making Migrant Workers (In)Visible in Hong Kong, 1990-2020 | Nicole Constable**, University of Pittsburgh
- Contested definitions of diversity and violence: Chinese migrant sex workers’ mobilization in Paris | Hélène Le Bail**, CNRS-Sciences-Po CERI, Institut Convergences Migrations
- 3:35-4:00 PM EST** **Reflections and concluding remarks**

ABSTRACTS

PANEL 1

Migrant domestic workers challenging the governance of migration: Strategies, difficulties and allies | Sabrina Marchetti, University Ca Foscari of Venice

In many countries, we can say migrant domestic workers, the majority women, are positioned in a paradigmatic way vis-à-vis the paradoxes of the governance of migration: they are acknowledged to be a very much needed workforce in the 'essential work' sector, yet they are excluded from social, work and citizenship rights from most host societies. Also in their home countries, their condition as overseas workers can be precarious and loaded with ambiguities. Against this complex scenario, as individuals and collective organizations, migrant domestic workers have enacted various strategies of resistance, advocacy and political campaigning.

This presentation will provide examples from this variegated landscape and its evolution in the last 20 years, shedding light on the specificities of this migrant's activism and of the alliances they have established along their struggles. In particular, the presentation will focus on the case of mobilization of domestic workers' rights in Europe, the majority of Filipino or Latin American origin, and their relationship with feminist groups, trade unions, and migrants' support groups. The importance of their mobilization for the ILO Convention n. 189 will be also discussed for its wider repercussions on the field of social and citizenship rights for migrant workers.

The gender turn: How the migration of women is challenging the empirical adequacy of the Migration Governance Framework (MiGOF) | Nyamadzawo Sibanda, PhD candidate, African Centre of Migration and Society (ACMS), University of the Witwatersrand

The number of women migrating around the world has increased dramatically in the last two decades. While the traditional migratory route for many women has been through family re-union visa systems, recent studies and immigration statistics show that most women now migrate (across regions and continents) as primary asylum seekers and economic migrants. Captured in studies as *feminisation of migration*, this "gender turn" in migration, has however not sufficiently been reflected in most policies and migration governance frameworks. Informed by these empirical developments and intersectionality theory, this presentation will focus on the challenges faced by women migrants due to the lack of empirical adequacy of contemporary migration governance frameworks, particularly the IOM's Migration Governance Framework (MiGOF, 2016) – which is a largely gender-blind policy prescription. On the other hand, be it *intra vires* or clandestine, the migration of women across national borders has challenged extant policies governing socio-economic integration of migrants in receiving countries – as women migrants exert pressure to carve socio-economic spaces within gender-blind institutional systems. It is becoming apparent that when considered – as recommended here - the gender dynamics of migration will lead to new migration governance prescriptions, approximating realistic and inclusive migration practices.

“Making migration work for all?”: Doxa of the Global Compacts, bilateral and trade agreements permeating the Habitus of migrant womens’ work mobilities | Marion Panizzon, Institute of Public Law, University of Bern, Bern, Switzerland

Gendering the global governance of migration carries with it the risk of a diffuse inquiry unless it is methodologically settled in a discipline or the scope of the interdisciplinary study is clearly outlined. In this piece, we chose a legal analytical angle adopting treaty interpretation practice of public international law to investigate why the choice of (and missing) categories of migrant worker admission in bilateral migration and trade agreements matters for why how many migrant women move thru bilateral (labor) migration agreements and trade agreements (gender ratio). This piece next takes the legal inquiry a step further by examining the cases brought by migrants in French administrative courts against refusal of a work permit or an exceptional admission for stay under a bilateral migration agreement (BLA) to discuss if France’s BLAs provide a market access for migrant women that actually is relevant, specific and effective enough to improving their economic status. Ultimately, this case study pursues the objective to theorize trade and migration agreements as forming diverging concepts of global migration governance in view to question the adequacy of global governance as a frame in a feminized labor migration environment.

PANEL 2

A study on migrant domestic workers rights in Taiwan with a special focus on maternity protection | Li-Chuan Liu Huang and Ting, Wen-Ching, National Chung Cheng University

Conducted as a one-year study, this research starts with a gap analysis on the labor protection related to migrant domestic workers in Taiwan in compliance with the ILO Convention 189. The researchers sought multi-stakeholders’ perceptions through interviews, focus groups and a field visit to Indonesia, the major sending country. The study aims to provide a root-cause analysis regarding the unfair recruitment practices and to suggest remedial policy actions to the government institutions.

The talk will focus on the maternity protection for Foreign Domestic Workers (FDWs) according to the perspective of FDWs and how their practices reshape government’s policy improvement on maternity protection. The gender equality at work legislation recognizes that migrant domestic workers are workers and enjoy their rights of maternal protection, which includes maternity leave and social insurance to cover the birth delivery. However, the migrant domestic workers are recruited as caregivers and placed under the roof of individual families. The collected data showed that the employer-cared-families could not afford to provide leave because of the vulnerability by nature. In practice, the migrant domestic worker, once found pregnant, would either accept to be dispatched home or choose to run away to give birth. As a consequence, the mother’s undocumented status would create more challenges to the protection of mother and child. This research leads to different problem-solving strategies to tackle this sensitive issue from the multi-stakeholders’ perspective.

Cartographies of resistance and solidarity: Labor on the move | Heidi Gottfried, Wayne University

After experiencing stagnation and decline in the waning years of the last century, labor organizing appears to be on the upswing. A scan of recent labor organizing activities reveals not only new groups represented, but also locates new organizations coalescing in diverse spaces and places on multiple scales. The transformation to a more service-oriented economy with its low-wage, feminized and racialized workforce and with its globalization of labor and capital, is rescaling terrains of production and reproduction, creating new bases of identity and solidarity, and prompting workers to develop new organizational strategies for representing the interests of an increasingly diverse labor force. Yet, we still lack an understanding of the prospects for and challenges to migrant labor organizing in new economic geographies at this critical juncture. New types of political subjects as well as new hybrid bases of worker organizations form in the changing landscapes of capitalism and the transnational political economy of care. The paper maps cartographies of resistance and solidarity, excavating local geographies and buried histories informing inter-scalar processes and resulting contradictions and tensions.

From “Labor Rights” to “Human Trafficking”: Making Migrant Workers (In)Visible in Hong Kong, 1990-2020 | Nicole Constable, Department of Anthropology, University of Pittsburgh

Domestic workers are paradigmatic invisible workers, laboring in their employer’s private homes. In the 1990s, activist migrant domestic workers and their advocates in Hong Kong fought for greater ‘labor rights’ and for improved work conditions, and against multiple forms of exploitation (overwork, underpayment, lack of rest, and physical and mental abuse). In the 2000s, as labor rights discourses and labor activism failed to bring about the desired changes and improvements in migrant workers’ lives, activists and advocates increasingly adopted global human rights and anti-trafficking discourses to support their cause. Based on three decades of ethnographic and documentary research among Filipino and Indonesian migrant workers in Hong Kong, Constable argues that their global anti-trafficking discourses, fueled partly by the annual US Trafficking in Persons Reports, became a key tool with which migrant worker activists and advocates gained global visibility and brought attention to their cause. Although the “trafficking” discourse brought global visibility to migrant worker abuse, it was met with resistance by Hong Kong’s government establishment as they argued against any need for separate anti-trafficking laws. Documenting the rise of trafficking discourses in relation to migrant workers in the 2000s, this paper shows how global visibility was met by legal retrenchment and new forms of invisibility. The Hong Kong case illustrates how trafficking discourses are limited in their ability to bring about labor rights, partly because they define “victimhood” as exceptional, thus rendering invisible the less sensational and more persistent and everyday forms of labor abuse and exploitation.

Contested definitions of diversity and violence: Chinese migrant sex workers' mobilization in Paris

| Hélène Le Bail, CNRS-Sciences-Po CERI, Institut Convergences Migrations

During the two years of parliamentary debates on a new law on prostitution that France adopted in 2016, a number of sex workers' rights groups opposed to the criminalization of clients and organized their advocacy. Among them, a Chinese migrant sex workers collective The Steel Roses (Les Roses d'Acier), attracted attention. Since 2013, hundreds of Chinese migrants selling sexual services in Paris have been the target of systematic control operations by the police, whose clear objective was to "sweep" prostitution out of neighbourhoods. In reaction to these measures, a group of Chinese women asked the local government to better prevent violence against sex workers, rather than fight sex workers themselves. By doing so, they tried to embody political agency, and asked for the local government to include them as part of the "local diversity" and as legitimate city users. One of their key initiatives was to sweep the streets in order to engage in dialogue with their neighbour.

In a context of local gentrification, where diversity is presented as an important characteristic of multicultural neighborhoods, such a mobilization by migrant sex workers underlines the ongoing controversy around the definition of diversity, as well as controversy in terms of who is legitimate to embody urban imaging. The controversy launched by the Chinese sex workers in some districts of Paris is a case study of the ways political power relations contribute to the definition of who belongs to a city defined in terms of cosmopolitanism (Yong, Diep and Drabble 2006). This case study discusses the (hardly visible) contribution of migrant women in the discourse of cosmopolitan policies through the contested definitions of diversity, on the one hand, and of gender violence, safety and autonomy, on the other hand. It argues that the hegemonic definition of gender violence and the conflation of prostitution and exploitation contribute to the silencing and the exclusion of migrant women sex workers.

BIOGRAPHIES

Nicole Constable is Professor and Chair of Anthropology; Professor of Gender, Sexuality and Women's Studies and Asian Studies; and Research Professor in the University Center for International Studies at the University of Pittsburgh, Pennsylvania. She is the former J. Y. Pillay Chair of Social Sciences at Yale-NUS College in Singapore and Senior Visiting Scholar at the Asia Research Institute at the National University of Singapore. She is the author or editor of eight books, including *Maid to Order in Hong Kong: Stories of Migrant Workers*; *Romance on a Global Stage: Pen Pals, Virtual Ethnography and 'Mail Order' Marriage*; *Born out of Place: Migrant Mothers and the Politics of International Labor*. She has authored numerous articles relating to gender and labor, global intimacies, and gendered mobilities and immobilities in East and Southeast Asia. Her latest book, *Passport Entanglements: Protection, Care and Precarious Migration*, about Indonesian migrant workers and the challenges faced by those with aspal (real but fake) passports and identity documents, is published fall 2022.

Heidi Gottfried is Associate Professor of Sociology at Wayne State University. She has co-edited numerous special issues and books on gender, work and the economy, including *Global Labor Migration: New Directions* (University of Illinois Press, 2022) (with Eileen Boris, Julie Greene, and Joo-Cheong Tham); *Handbook on the Sociology of Work and Employment* (with Stephen Edgell and Edward Graner) (Sage, 2015); and *Care Work in Transition: Transnational Circuits of Gender, Migration and Care*, in a special issue of *Critical Sociology* (co-edited with Jennifer Jihye Chun). Her books include *Gender, Work and Economy: Unpacking the Global Economy* (Polity Press, 2013) and *The Reproductive Bargain: Deciphering the Enigma of Japanese Capitalism* (Brill, 2015). She is currently working on a Trans-Atlantic Platform funded project, "Who Cares: Rebuilding Care in a Post-Pandemic World," consisting of country teams from Brazil, Colombia, Canada, France, UK, and US. The project investigates the impact of the pandemic on the practices of both care providers and care recipients and seeks to identify the strengths and weaknesses of care systems that became apparent as governments grappled with finetuning policy responses to the fastmoving coronavirus.

Hélène Le Bail is a visiting Global Exchange Fellow at CERC Migration. She is a researcher at CNRS and Sciences Po Paris – CERI (Centre de recherches internationales) and a fellow of the Institut Convergences Migrations. She holds a PhD in political science from Sciences Po Paris and a master's degree in Chinese studies from Inalco (National Institute for Eastern Languages and Cultures). She spent many years in Japan where she has been a research fellow for the French research center on contemporary Japan (Nichifutsu kaikan) in Tokyo and an invited researcher at Kobe University.

Hélène's research relates to Asian migrations (to Japan and France) and migration policies in a comparative approach. Special focus is made on female routes of migration (marriage, reproductive labour, sex work) and on collective actions and political participation. She is currently the principal investigator for the research project PolAsie (Political Participation of Asian Migrants and their Descendants in France) funded by the French Ministry of Research; co-investigator for the Japanese JSPS project *Rethinking the Nexus Migration and Sex Work Trafficking*, and co-investigator for the Colombia/Alliance joint project *Anti-Asian Hate Compared: Origins, Patterns, and Responses in the US and France*.

Li-Chuan Liuhuang is associate professor and chair of the Department of Labour Relations, National Chung Cheng University. He has a PhD in Sociology from the University Catholic of Leuven, Belgium. He is a past member of the Human Rights Protection and Improvement, Executive Yuan and currently serves on the Anti-trafficking Intergovernmental Committee. His main research interests are in international migration and labour rights protection, ILO labour standards and compliance, social dialogue in labour relations, sustainable development goals and labour rights. Current research includes cross-national migration and labour rights protection, and collective labour relations and social dialogue.

Sabrina Marchetti is Associate Professor in Sociology at Ca' Foscari University of Venice. She specializes on issues of gender, racism, labour and migration, with a specific focus on the question of migrant domestic and care work. She has been the principal investigator of a Starting Grant project funded by the European Research Council entitled "DomEQUAL: Paid domestic work and global inequalities" (2016-21), about the labour rights of paid domestic and care workers in India, Philippines, Taiwan, Ecuador, Colombia, Brazil, Germany, Italy and Spain. She is currently the coordinator of the Italian team for the H2020 research project "VULNER: Vulnerabilities under the global protection regime" (2020-23), coordinated by the Max Planck Institute in Halle. Her recent books are *Global domestic workers: intersectional inequalities and struggles for rights* (Bristol UP 2021, with Giulia Garofalo Geymonat and Daniela Cherubini) and *Migration and Domestic work* (Springer 2022).

Marion Panizzon is a senior research fellow of the World Trade Institute, University of Bern, specializing in European Union and international migration law. She is a member of the Board of the Certificate of Advanced Studies (CAS) in Migration and Education of the University of Bern and Deputy Chair of the Advisory Board of the Center for Global Migration Studies (CeMig) of Göttingen University. Marion teaches refugees in the Azraq camp for InZone of the University of Geneva. Her research focuses on legal frameworks of cooperation for migration and sustainable development. She has co-edited the special issue on Multi-Level Governance of Migration in Times of Crisis for the

Journal of Ethnic and Migration Studies (2018, with Micheline van Riemsdijk) and most recently published 'Adjudicating labor mobility under France's agreements on the joint management of migration flows: How courts politicize bilateral migration diplomacy' with *Theoretical Inquiries in Law* (2022).

Nyamadzawo Sibanda is a second year PhD candidate at the African Centre of Migration and Society (ACMS), University of the Witwatersrand, in South Africa. His multidisciplinary academic background ranges from philosophy and public policy analysis to development evaluation. He has a master's in Policy and Development Studies (University of KwaZulu Natal, South Africa), and advanced master's in Development Evaluation and Management (University of Antwerp, Belgium). He has over eight years of experience working with non-government organizations and the tertiary academic sector, in South Africa. Sibanda's research interests are in social policy, including international migration, local (community and regional) development, and poverty and inequality, with a current focus on the socio-economic integration of economic and humanitarian migrants, within the South-South and South-North migration pathways.