

Precarious migrants and national migration systems
Workshop Report to the Academy of social Sciences in Australia

The Academy of the Social Sciences in Australia workshop 'Precarious migrants and national migration systems: rethinking the mobility/security nexus from a human rights perspective' was held in Sydney, Thursday, 4th and Friday 5th April, 2013. The two full days of workshop discussion were complemented by a workshop dinner.

The workshop was convened by Dr Claudia Tazreiter (UNSW) and Professor Sharon Pickering (Monash) and chaired by Professor Stephen Castles (FASSA) and brought together Australian and international researchers from interdisciplinary perspectives on migration research. Participants ranged from senior scholars to early career researchers.

Our focus was the regulation of borders, the needs of a 'flexible' economy and the rights of migrant workers and other types of migrants with a precarious status such as asylum seekers and trafficked persons. We identified these intersections as key public policy issues in Australia as well as in other countries of the Asia Pacific region. The workshop engaged in vigorous theoretical and policy related debate along these intersections from a number of disciplines including law, international relations, sociology, anthropology, demography, criminology and political philosophy.

Discussions on the experience of precariousness centred on what many regard as the crisis in asylum; the drive of western economies for cheap and/or expendable labour; the political popularity of racism, especially for countries experiencing economic crisis; the developing ambivalence to multiculturalism; the uncertain impact of human rights during times of real or constructed insecurity; and the convenient figure of the beleaguered, deviant, exploited, marauding migrant as the recurrent feature of tabloid news. Indeed, the alleged deviancy of the refugee has in many ways spilled over in awkward and often unpredictable ways in relation to how migration is regarded not just as a burden but as a malicious, and difficult problem to contain. At best it is something which we seemingly never seem to have an effectively regulated handle on. These political realities were discussed against the incessant hum of believing the application of loosely applied criminal justice rhetoric and practices (albeit with few if any of the protections of criminal law) can and will deliver much certainty and security against undesirable migrants. Anti trafficking efforts, a case in point, all too often produce what James Hathaway described as a quagmire for human rights.

Our task was to weave between the specific and the general, the macro theoretical and the more micro empirical work, in ways that are capable of producing more informed local, regional and international approaches to migration and human rights. While much that was discussed over the two days is concerned with the Asia Pacific, these research sites and developments were considered against those occurring in Europe, North America and elsewhere. It goes without saying that the need for agility between theoretical and empirical approaches is matched by the need to understand migration and human rights across geographical, methodological and disciplinary divides. These complexities guided our discussions and the planning for the workshop outcomes.

The workshop explored the ways in which the precarious status of migrants is produced, in particular the institutional production of this status. In turn, the workshop discussions identified conceptual frameworks and policy approaches to ameliorate the effects of precarious status and the various forms of vulnerability migrants are exposed to. The

term precariousness captures the various forms of irregular status that increasing numbers of migrants find themselves in. Precarious status also refers to the limited access to work rights and other entitlements and social benefits that are often associated with citizenship status. Many theorists point to the need to advocate policy approaches that go beyond the binaries of citizen/non-citizen and the access to entitlements, or the lack thereof that accompanies it.

As states have increasingly turned to temporary and guest-worker schemes in recent years and as border zones are increasingly securitized, increasing numbers of migrants are described as having precarious status and thereby are vulnerable to harms and to exploitation and to human rights abuses. The workshop considered how such status can be normalized for the benefit of the migrant, the host state and the country of origin. Through various case studies and a deliberate inter-disciplinary focus, the workshop considered the key themes of inequality, human security, transnationalism, human rights and justice in order to investigate new conceptualizations of human vulnerability and the diverse regional and international perspectives on ameliorating the effects of marginality.

Border control, understood as those controls not only played out at the physical territorial border, but at all those sites before the border and indeed internal to the nation state, are central to considering how precarious migration is institutionally produced. Participants traced lines of race and gender through the ways borders mark not only the limits of the state and the exclusionary status of citizenship, but also in the ways groups of migrants are marked off against one another as deserving and undeserving, desired and undesirable. We considered the ways migration is performed or enacted, and in particular all the ways national, territorial, legal and social borders perform the masculinity of the state, and where alternatives are often short lived feminized refrains subject to being overwhelmed should powerful interests so choose. Confronting the racial and gendered contours of migration and human rights makes the required audacious calls for new paradigms all the more urgent especially as we hear the echoes of generations gone by about the inherent equality and dignity of life for all.

In considering the ways in which states and institutions generate precarious migration, the workshop participants discussed the struggle against homogenizing discourses around agency or indeed lack of it, in attempting to understand the lives lived, and indeed lost, in the securitised frontierlands, the regulated and unregulated laboring spaces. Many of the papers presented, stressed the importance of context in migration research, paying particular attention to uncovering the specific and individual narratives of migration. Indeed, a recurrent theme in migration research that was the focus of much discussion at the workshop was identifying the individuals, groups, families and faces of those we speak of – in all their complexity, complicity and resistances to the structural and often violent conditions of life. Recurring themes of methodologies appropriate to such contexts were highlighted.

Human rights was discussed as a legitimating framework to change lives by making the actions of states accountable and for offering discourses and processes of censure and emancipation. At the same time, the limits and fragmentations of rights discourses set against the stark realities of an increasingly divided world in terms of human suffering and inequality was vigorously discussed. Many of the papers presented, reflected on the ongoing struggle researchers face with the tangle of bureaucracy, surveillance and the great drive for data sharing and data mining that fuels the pre-emptive state endeavor in the area of migration regulation. Participants highlighted the connections between international regulation and international law alongside the pivotal role of civil society organisations in both advocacy for policy reform and in educating citizens.

In concluding the workshop, our discussions sought to make the invisibilities of migration and human rights more visible not only in challenging how we conceptualise the nature and scale of the problems confronting us in an age of mass migration, but importantly what is to be done about it.

The synergies that emerged between understanding mobility and utilizing a human rights approach, or indeed taking a critical stance to the homogenizing effects of human rights discourses, will be the focus of a special issue of the *Australian Journal of Human Rights* to be published in late 2013.