Statusless Chinese Migrant Workers in the UK: Irregular Migration and Labour Exploitation

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Abstract

Few issues today are more controversial than international migration and the most contentious debate concerns irregular migration. Irregular Chinese migration causes particular concerns in destination countries, due to the fear of mass emigration from the world's most populous country and the seemingly highly organised and risky human smuggling operations involved. Drawing on two years' fieldwork in the Chinese community in the UK and interview data collected with fifteen irregular Chinese migrants, this thesis provides new understandings of the phenomenon of illegal migration from China to the UK and irregular Chinese migrants' involvement in human smuggling, labour exploitation and illegal economic activities as both offenders and victims.

This thesis argues that irregular (Chinese) migration is a product of the UK's immigration control system, not simply because it defines what illegal immigration is but also because the system is inherently paradoxical. Out of the economic need for greater mobility of people, the British government not only encourages the entry of those deemed beneficial to the economy but also periodically admits those deemed 'unwanted' to reserve a cheap, flexible workforce. Out of the political need to reassert the nation-state's sovereignty, however, the government deploys perennially restrictive immigration policy and particularly exclusionary and punitive discourse and practice against the entry and employment of the poorer and the less-skilled. This study identifies that, under the paradoxical system, irregular Chinese migrants enter the UK mainly through the ostensibly legitimate routes rather than being smuggled clandestinely into the country. After entry, migration controls exacerbate their exploitability by posing the threat of detention and deportation and denying them access to basic rights. In challenging the migration control system, this thesis not only raises question about the ethics of excluding and criminalising a disadvantaged population, but also examines its repercussions for the human rights norms that underpin the liberal democracy.

Declaration

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Finally, I dedicate this thesis to the fifteen men and women who participated in this research. This thesis would not have been possible without their generous sharing and valuable contributions, and I have endeavoured to represent their life stories and to make their voices heard.

List of tables and figures

List of abbreviations

ARC	Application Registration Card
CoE	Council of Europe
CUKCs	Citizens of the United Kingdom and Colonies
DL	Discretionary Leave
DVLA	Driver and Vehicle Licensing Agency
ECHR	European Convention on Human Rights
ELR	Exceptional Leave to Remain
EU	European Union
FANIM	Free Association Narrative Interview Method
FPBS	Fujian Provincial Bureau of Statistics
GP	General Practitioner
HESA	Higher Education Statistics Agency
HP	Humanitarian Protection
ICIBI	Independent Chief Inspector of Borders and Immigration
IHRB	Institute for Human Rights and Business
IOM	International Organization for Migration
NBSC	National Bureau of Statistics of China
NCA	National Crime Agency
NHS	National Health Service
NRM	National Referral Mechanism
OFTEC	Office of Foreign Trade and Economic Cooperation
ONS	Office for National Statistics
PIS	Participant Information Sheet
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
US	United States
WWII	Second World War

Introduction

Statusless Chinese migrants in the UK

RESEARCHING IRREGULAR MIGRATION AS A PHENOMENON

Few issues today are more controversial than international migration and the most contentious debate concerns irregular migration, i.e. the entry, stay or work of a person that are in breach of the law. Research on irregular migration has long been policy-driven and assumes that irregular migration is a problem, which needs to be, and can be, solved by governments for the national interests (Portes, 1978). Defying that taken-for-granted assumption, this study perceives irregular migration as a phenomenon that needs to be examined regarding its 'nature, origins, processes, perceptions, experiences and impacts' (Ruhs & Anderson, 2008, p.1). In the title, I use the term 'statusless' to describe the subjects of this study – Chinese people who enter, live and/or work in the United Kingdom (UK) in breach of the law – not only because this was the word the research subjects used to describe themselves, but also because it reflects the starting point of this thesis. The thesis starts with the premise that rather than designating an inherent quality of the individuals, illegality (or legality) of migrants is a socio-legal status determined by the immigration control regime.

Irregular migration from China causes particular concerns in the countries of destination, due to the fear of mass emigration from the most populous country in the world and the seemingly highly organised and risky smuggling operations involved (Skeldon, 2000). In the UK, two tragedies involving irregular Chinese migrants shocked the public and changed the image of the Chinese in Britain from an obedient and inconspicuous community to one associated with the most severe criminal exploitation (Silverstone, 2011). One was in 2000 when 58 Chinese people suffocated in the sealed, airless back of a lorry at the port of Dover, UK while attempting to reach this country. Another occurred in 2004 when 23 undocumented Chinese migrants working as cockle pickers were drowned in rising tides in Morecambe Bay, Lancashire.

The memory of the two tragedies is so vivid that the 39 Vietnamese, who were found dead in a lorry trailer in Essex, UK in 2019, were incorrectly 'believed to be Chinese nationals' (Essex police, 2020). Since the late 2000s, there has been a significant decrease in the numbers of Chinese migrants who resort to the dangerous routes of smuggling by lorry or boat (Bloch & McKay, 2016). Yet, irregular migration from China to the UK persists and some of those who have been in the UK for more than a decade still remain statusless. This thesis investigates the persistent phenomenon and documents the stories of fifteen irregular Chinese migrants arriving in the UK between 1991 and 2018. Not matching the extreme circumstances highlighted by these two tragedies, the stories of the fifteen people reveal the less sensational yet more commonplace plights faced by large numbers of irregular migrants.

'REGULAR' CHINESE MIGRANT IN THE UK

Before presenting the stories of irregular Chinese migrants, I would like to talk about my own experience as a 'regular' Chinese migrant in the UK and how the experience led me to embark on this PhD journey. Among the hundreds of thousands of Chinese students coming to the UK for study[1], I came to Manchester in 2015 to do a one-year Master's programme. According to the United Nations' (UN) definition of an international migrant as a person who moves to a country other than that of his or her usual residence for at least a year, I could not have been a more typical international migrant.

The preparation for being a regular migrant started three months before my departure. Under the UK's points-based system that regulates long-term (more than six months) immigration to the UK from outside the European Union[2] (EU), I needed to score 40 points to be granted a student visa. A course offer given by the University awarded me 30 points, and the remaining 10 points depended on whether I had enough money to

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[1] According to HESA (2020), Chinese nationals have been the largest grouping of foreign nationals studying in the UK's higher educational institutions since 2012.

[2] In this thesis, references made to the citizens of EU are mostly also related to citizens of European Economic Area (EEA) and of Switzerland.

pay for my tuition fees and living costs in the UK. Furthermore, as a Chinese national I was grouped with some other designated nationalities (mostly poor countries), who had to provide a tuberculosis test report to show that we did not have the disease. On the day of submitting my application to the British embassy, I provided my fingerprints, which were later verified together with my passport and visa vignette by the border officer upon my arrival in the UK.

The feeling of being monitored as a suspicious immigrant continued after entry into the UK, in which my essential actions and transactions were subject to scrutiny. First, my landlord asked for my passport and student visa to ensure I was a legal immigrant. Then my residential address had to be on police records, which meant that I was required to register with the local police, and to report to them if I moved house or even if I was absent from the registered address for more than two months. This requirement, again, applied only to designated nationalities, mostly of Islamic countries. To open a bank account, I had to produce my passport and visa. Registering with a General Practitioner (GP) also required my documents. To obtain a provisional driving licence, I had to send my visa to the Driver and Vehicle Licensing Agency (DVLA). While applying for a voluntary job, I received a reminder that a student visa holder was only allowed to work a maximum of 20 working hours per week. As well as all this, every few months I presented myself in person to the university administration to demonstrate that I was engaging fully in the course as a condition of my visa.

The excitement of studying abroad overwhelmed me, so rarely did I feel the discomfort of being treated as a suspicious foreigner. In retrospect, though, it is clear that what I had to do was to convince the British immigration officers that I was not an 'undesirable alien', i.e. poor, ill or fugitive; a key concept featuring in the UK's modern immigration control system since its inception. Four features of the UK's immigration control system defined my migratory experience and also confined the fifteen people to a status of illegality.

1. *Selectivity*. The system is highly selective in granting entry permission, mainly on the basis of race and class. Whereas the nationals of developed countries enjoy greater freedom to enter, study and work in the UK, people from developing countries are subject to rigorous pre-entry clearance, of whom only a 'chosen few' may be allowed into the country (Fekete, 2001, p.28).

2. *Diffusibility*. Immigration controls diffuse into every aspect of life. Employers, landlords, banks, health practices, educational institutions and many non-immigration governmental departments are tasked with enforcing immigration controls.

3. *Criminalisation*. Immigration control has merged with crime control – a tendency known as 'crimmigration' (Stumpf, 2006). Measures, such as collecting fingerprints, police registration, detention and deportation, are transferred from crime control mechanisms.

4. *Subjugation.* The voices of those subject to such immigration control are silenced. We can only try to squeeze ourselves into the limited entry quotas imposed by this system and pledge compliance with the various conditions attached to our stay. Those failing to do so risk being illegalised, detained and expelled.

UK's immigration control system develops against a backdrop of a global expansion of immigration controls since the late 1970s (Baldwin-Edwards, 2008). The US, historically 'a nation of immigrants', has progressively tightened its border to limit migration that has mainly come from Mexico since the mid-1960s, and the 'war on terror' further vindicates a 'war on illegal immigration' in the post 9/11 period (Massey et al., 2016; Stumpf, 2020). Western European countries imported large numbers of labour migrants in the post-war era, and Southern European countries were net emigration areas until the 1990s. Now Eastern European countries are the major countries of

origin for migration to Western and Southern Europe. Together, the EU countries fortified their borders to keep out economic migrants and asylum seekers from the less developed areas (Calavita, 2003; Cecchi, 2015; van der Woude et al., 2017; Klaus, 2020). Being less bound by human rights norms, the Gulf countries and 'Four Asian Tigers' (Hong Kong, Singapore, South Korea, Taiwan) deploy even harsher policies that allow limited numbers of temporary guest workers in for economic needs but deny them access to settlement, family reunification and many other social entitlements (Castles et al., 2014). China, which is usually considered as a country of origin, has seen growing hostilities towards refugees and (Black) immigrants into China and the control over them is increasingly associated with protecting Chinese national security and identity (Pieke, 2012; Haugen, 2012; Barabantseva, 2019; Silverstone et al., 2019; Jordan et al., 2020).

It was through these preliminary reflections on the relationship between migrant individuals and the control regime that I became interested in the phenomenon of irregular migration, particularly that involving Chinese people. I wondered: why do some Chinese people risk large amounts of money and even their lives to move to a foreign country where they lack the basic rights of residence and work, as exemplified in the 2000 Dover tragedy? Does irregular Chinese migration to the UK sustain in the 2010s when China has witnessed significant economic growth and the UK has imposed tougher immigration controls? To what extent have the causes, methods and outcomes of this sort of migration changed over the last twenty years? What sort of lives do statusless migrants lead? Do some still endure dreadful exploitation, like the drowned Chinese cockle pickers? During the course of the research, I further became interested in how irregular Chinese migration is related to the broader international movement, such as the desperate attempts made by refugees to reach the EU, the free movement secured by workers from Eastern European countries that joined the EU, and its termination in the UK after Brexit.

A combination of scholarly curiosity and empathy with people sharing similar yet different migratory experiences drove me to conduct this PhD study. It involved nearly two years' intensive fieldwork among the Chinese community in Greater Manchester and in-depth interviews with statusless Chinese migrants in the UK. The empirical study yielded this thesis, in which I discuss and address the above research questions.

OUTLINE OF THE THESIS

This thesis consists of seven substantive chapters, in addition to this introduction and a conclusion. Chapter 1 critically reviews the existing literature on irregular Chinese migration, with a focus on Fujianese migration, human smuggling organisations, and labour exploitation. Although it provides a backdrop to this study, the literature tends to decontextualise the argument about irregular Chinese migration, separating it from the broader debates about international migration and the control regime. Consequently, the complex social phenomenon of irregular migration seems to be a matter of individual responsibility. To overcome the decontextualisation, this thesis situates the empirical findings of this study within a critical understanding of crimmigration; the most salient feature in the immigration control systems of major destination countries. The second section of chapter 1 reviews the scholarship on crimmigration to provide a context for the following chapters.

Chapter 2 elaborates on the methodology of this PhD, explaining how I recruited the research participants; how I interviewed them and analysed the interview data by using the Free Association Narrative Interview Method (FANIM) (Hollway & Jefferson, 2013); and how I identified and responded to the ethical issues that emerged from doing the sensitive research with a vulnerable group.

The remaining chapters (3-7) analyse the empirical findings and each includes case studies of specific research participants. Chapter 3 deals with the question of why people migrate, even if illegally. In contrast to the dominant migration scholarship that

reduces migration to an economically-driven decision made at a singular point in time, I use a biographical approach that situates migration within an individual's life course. This chapter argues that economic incentives alone do not prompt movement or encourage continuous stay among irregular Chinese migrants in the UK. Rather, the migration culture of China, migrants' problematic interpersonal relationships, and their early life experiences play important roles in people's moving away, often far away, never to return. In highlighting the complexity of individuals' migration decision-making, this chapter explains why repressive immigration policy, as exemplified by the UK's hostile environment policy, may be ineffective in reducing irregular migration.

Chapter 4 investigates how aspiring potential migrants manage to reach their destination countries while being disqualified from legal routes. Rather than simply blaming the sufferings and deaths of migrants on ruthless smugglers, this chapter argues that it is the mismatch between the large numbers of people seeking to move to desired destinations and the limited immigration quotas that destination countries impose (with an ever-tightening quota for disadvantaged populations from poorer countries) that creates the demand for and supply of irregular migration. Irregular migration, therefore, is not only a result of border crossings of individuals in breach of the law, but is a product of the law that denies the rights of entry, residence and employment to those individuals. This chapter also discusses the role of migration brokers in facilitating irregular Chinese migration. It identifies the change of their role from snakeheads (*shetou* in Chinese meaning smugglers), who arrange false documents and organise clandestine transportation (Zhang, 2008), to middlemen (*zhongjie* in Chinese), who help clients to obtain genuine visas by manufacturing evidence according to the requirements of the UK's immigration system (Pieke & Xiang, 2009).

Following the journeys of the Chinese migrants, chapter 5 then reveals their working experiences after arrival in the UK. This study identified that irregular Chinese migrants

are concentrated in informal, low-end and often exploitative jobs regardless of their working skills and experiences. Rather than simply blaming exploitation on unscrupulous employers, I argue that migrants' exploitability is rooted in the immigration control system that denies those individuals access to basic labour rights and poses the threats of destitution, detention and deportation. Such exclusive discourse and practice are justified through a split between ideal victims, who are defined as being trafficked into the UK and forced to work illegally, and illegal workers, who are assumed to choose to work illegally. As most of those working under exploitative conditions may not be fitted into the idealised victimhood, their image changes from vulnerable workers, who deserve safeguards, to manipulative offenders, who deserve punishment.

Chapter 6 reveals the continued residence of many (Chinese) migrants subject to removal – a situation I term as semi-illegality. Semi-illegality is not simply a result of legal loopholes or law enforcement failures but derives from the inherent paradoxes in liberal democracies, which are grounded in economic liberalism and humanitarianism while being increasingly impacted by nationalism and xenophobia. The liberalist and humanitarian imperatives push states to pursue greater labour mobility and universal human rights, whereas nationalism and xenophobia push states to be tough on immigration. By allowing the entry of 'more-than-enough' immigrants and tolerating the residence of 'the removable', the British government is able to both cater to the persistent economic needs for a flexible, cheap, and industrious workforce and show their commitment to human rights norms. Meanwhile, it can also maintain a tough stance against (illegal) immigration by limiting 'semi-illegal' migrants access to basic rights, by repeatedly and indefinitely detaining them, and by perpetuating the threat of deportation.

Based on the observation that twelve out of the fifteen research participants claimed asylum in the UK and that none succeeded due to the lack of credibility of their

testimonies, chapter 7 explores who these Chinese asylum seekers are, why they claim asylum and what the outcomes of their applications are. In revealing the three circumstances in which Chinese migrants decide to claim asylum (being refused entry at the port, being detained, and being denied critical healthcare), I argue that they attempt to deceive the British government about their experiences of persecution because it is the only means by which they can temporarily alleviate their plights under the tightened immigration controls. Challenging the political discourse of 'bogus' asylum seekers, this chapter considers the potential of international human rights instruments to inform a more inclusive legal framework for protecting fundamental rights of migrants irrespective of their status.

In the concluding chapter, I first recapitulate the research questions and provide answers to the questions based on the research findings. To summarise, I highlight the leading role of the UK's immigration control system in shaping the phenomenon of irregular Chinese migration to the UK, and meanwhile acknowledge the role of individual migrants' agency and their communities' collective efforts to secure their mobility against the unfavourable policy environment. To sharpen the concluding remark, I situate the debate on migration control in the hotly discussed notions of globalisation, sovereignty and nationalism that have potently shaped our society. Finally, I clarify the original contributions of this study to scholarship and its implications for the participants and the broader society.

Chapter 1

Literature review: Researching irregular Chinese migration in the framework crimmigration

INTRODUCTION

Successive migration from China to the UK can be traced back to the late 18th century, when a small number of Chinese seamen were recruited by the East India Company to crew the ships sailing between Britain and Asia (Price, 2019). Some gradually settled in London and Liverpool and clustered around a few streets, which later became known as Chinatowns (Pan, 1999). Britain's Chinese population, however, remained at a modest number until the arrivals of Hong Kong-born Chinese between the 1950s and the 1990s, facilitated by post-war favourable immigration policies, particularly the British Nationality (Hong Kong) Act 1990 that granted 50,000 Hong Kong families British citizenship (ibid.). Since the late 1980s, the UK, along with other developed countries, has witnessed a growing number of new Chinese migrants from mainland China, many of whom were undocumented (Thunø, 2007). Silverstone and Whittle (2016, p.72) outline a 'three-way split' in today's Chinese population in Britain: the long-established Hong Kong Chinese and their high-achieving descendants, a growing number of students studying in the UK's universities who are from well-off families in mainland China, and a hidden population who live and work illegally in the country. The migration and work conditions of the last sub-group have received public, policy and academic attention in the UK, mainly due to the 2000 Dover and 2004 Morecambe Bay tragedies.

This chapter reviews the existing literature on irregular Chinese migrants in the UK, but also in other European countries and the United States (US). As the victims of the Dover and Morecambe Bay tragedies came mostly from Fujian, a coastal province in south China, scholars have produced an exposition of Fujianese migration, explaining why Fujianese overrepresent in irregular movement from China (Pieke et al., 2004;

Thunø & Pieke, 2005; Liang & Ye, 2011). Chinese human smugglers, or snakeheads, who are notorious for their ability to smuggle large numbers of people across vast distances to reach the West through the most arduous routes, also attracted scholarly curiosity. Among a handful of empirical studies on Chinese human smuggling (Chin, 1999; Soudijn, 2006; Keefe, 2009), the landmark research led by Zhang and Chin provides valuable insights into this issue (Zhang & Chin, 2002; 2003; Zhang, 2008). The scholars argue that Chinese human smuggling is not controlled by powerful organised crime groups but is operated by temporarily allied ordinary citizens from diverse backgrounds who pool their resources to achieve the transportation of people. Finally, both scholars and journalists have paid great attention to the issue of labour exploitation experienced by irregular Chinese migrant workers in various destination countries (see Pai, 2008, Pieke, 2010, and Kagan et al., 2011 for the UK; Gao & Poisson, 2010 for Europe; Hiah & Staring, 2016 for the Netherlands). The existing literature reveals the concentration of irregular Chinese migrants in the ethnic niches and in jobs that are characterised by low wages, long working hours and tough conditions.

Although it provides a backdrop to this study, the existing literature tends to decontextualise the argument about irregular Chinese migration, separating it from the broader debates about international migration and the control regimes. To overcome this decontextualisation, this thesis analyses the empirical findings of this PhD study within a framework of crimmigration. Crimmigration was coined by Stumpf (2006) to denote a growing reliance of the US immigration control on criminal law and enforcement to manage immigration, and the trend has been identified in other major destination countries (see Aliverti, 2012 for the UK; Welch, 2012 for Australia; Aas, 2014 for Norway; Guia et al., 2013; van der Woude et al., 2017 for Europe). The second section of this chapter mainly reviews the two core works of Stumpf (2006) and Bosworth and Guild (2008), which lay the theoretical foundations for many subsequent studies on migration and migration control, including this one. Whereas Stumpf develops a powerful approach to exploring how immigration control is enforced by

identifying the merger of immigration control and criminal justice, Bosworth and Guild provide a deep understanding of why immigration control is enforced in such way by revealing the constitutive role of immigration control in formulating an ideal of national identity (Weber & McCulloch, 2019).

IRREGULAR FUJIANESE MIGRATION

The puzzle of Fujianese irregular migration is: why do so many Fujianese risk a large amount of money and even their lives in order to come to the UK and other high-income countries between the late 1980s and the mid-2000s, despite Fujian being one of the most economically developed provinces in China since the 1978 Chinese economic reform (1978 reform)? Indeed, although they were considered poor compared with the standard of rich countries, the Fujianese who made the most desperate attempts to move were not from the poorest population within China. To solve the puzzle, we need to examine the legacy of migration history in Fujian and the profound influence of the 1978 reform on enhancing contemporary emigration from Fujian.

Fujian had a centuries-old history of fishing and maritime trading with Southeast Asia, and it was at the forefront of receiving Western merchandise from the late 18th century. As a result, there were large populations of Fujianese diaspora in Southeast Asia, and to a lesser degree, in Japan, the US and European countries. Of the Chinese seamen settled in Britain, many were Fujianese (Price, 2019). It was estimated that seven million Chinese living abroad were of Fujian origin in the mid-1980s (FPBS, 1986). Between the 1950s and the 1970s, however, international emigration and trade significantly declined in China. Fujian, with its proximity to Taiwan, was deemed vulnerable to potential war with Taiwan and thus not appropriate for heavy industrial development (Pieke et al., 2004). Preventing from industrial development and its traditional maritime trading, Fujian was one of the poorest provinces in China before 1978.

The 1978 reform reversed the situation. An important agenda of the reform was to attract foreign investment into China, and the Chinese government considered the Chinese diaspora as a valuable channel of such investment. Fujian's proximity to Taiwan and the fact that it was the home province of many overseas Chinese allowed it to become a pioneer zone open for international investment, thereby witnessing rapid economic growth. From 1988 to 1998, the annual average income of Fujian province quintupled from 900 yuan to nearly 5,000 yuan (FPBS, 1999), while during the same period, the national average was increased from 860 yuan to 3,800 yuan (NBSC, 1999). In summary, despite being poor in comparison with developed countries, Fujian was by no means a deprived area within China, but became one of the most economically and socially advanced provinces after the 1978 reform.

As observed in many cases of South-to-North migration, regional economic growth in developing countries, rather than frustrating emigration, usually enhances people's aspirations and capacities of moving to developed countries, at least in the short term (de Haas, 2007; 2010). Fujian is no exception. The 1978 reform enhanced Fujianese's capacities by enhancing their access to information about the Western world and to financial resources to fund expensive international travels. Aspirations of moving to developed countries are arguably invoked by a sense of relative deprivation, which, as Liang and Ye (2011) explained, drove Fujianese to make desperate attempts to move between the late 1980s and the mid-2000s. The concept of relative deprivation is developed by Stark and Taylor (1989; 1991) in researching Mexico-to-US migration. They identify that migration decisions are driven not only by the expectation of gaining absolute incomes, but also by the desire to improve a household's income position relative to the other households in the communities of origin. That is, those with the strongest inclination to migrate for improving personal and family economic well-being tend not to be the absolute poorest population in the country of origin, but rather people (and their households) who are relatively poor compared with their relevant reference groups.

In the case of Fujianese, the sense of relative deprivation stemmed from the comparison between potential migrants and two reference groups: the local Fujianese who benefited more from the 1978 reform, and the overseas Fujianese who benefited from the wage gap between China and high-income countries (Pieke et al., 2004; Liang & Ye, 2011). First, the 1978 reform enlarged the economic inequality between the coastal and inland areas within Fujian province. Xiamen, a coastal village, was designated one of the four pioneering Special Economic Zones in 1979, whereas the inland Fuzhou became an open city in 1984 and Fuqing did not witness significant foreign investment until 1987 (Pieke et al., 2004). The time lag led to a widening economic disparity between Xiamen and other regions. In 1998, the per capita GDP of Xiamen was double that of Fuqing, triple of Changle, and nearly quadruple of Sanming (FPBS, 1999). The latter three areas were the major communities of origin for (irregular) Fujian migrants (Pieke et al., 2004).

Second, the inflows of overseas Chinese and remittances enlarged the income disparity between migrant and non-migrant households (Liang & Ye, 2011). As mentioned earlier, the Chinese government valued overseas Chinese and welcomed their visits. The returnees brought their relatives luxury gifts and electrical appliances, restored their ancestral halls, and spent lavishly on expensive hotels, restaurants and karaoke clubs (Pieke et al., 2004). The local authorities further bestowed honours on those who donated money to develop local infrastructure (ibid.). Observing the conspicuous consumption of overseas Chinese and the privileges they and their families enjoyed made some Fujianese determined to go abroad and to make money. The remittances that those pioneer migrants sent home further exacerbated the relative deprivation of non-migrant households, thus encouraging more people to move. In summary, the Fujianese made desperate attempts to reach the UK and other high-income countries not because they were absolutely destitute, but they were relatively poor in comparison with overseas Chinese; they risked money and security to move abroad not only for absolutely higher wages there, but also for improving their

economic and social positions relative to other households in their communities of origin.

The existing literature on Fujianese migration provides an important context for this study, in which eight out of the fifteen participants were from Fujian. In the following chapters where the Fujianese participants are used as case studies, the concept of relative deprivation helps to explain why they came to the UK despite high financial costs and the hazardous nature of clandestine travels. Drawing on the case studies, this thesis also advances the knowledge by moving beyond economic considerations. Chapter 3 identifies that economic factors, such as the wage differential between China and the UK, are not the sole or even not the primary reason why some Fujianese moved to the UK. Instead, migrants' biographies and their complex relationships with their families and communities play an important role in motivating and perpetuating irregular Fujianese migration, thereby providing new insights into this well-documented phenomenon.

HUMAN SMUGGLING ORGANISATIONS

A myth of irregular Chinese migration is that human smuggling involving Chinese is highly organised and manipulated by transnational criminal organisations under the leadership of godfather-like figures (Skeldon, 2000). For example, the US government report claims that 'organized Asian criminal groups … are becoming more heavily involved in alien smuggling operations' (US Senate, 1992, p.37). In the media reports, the smuggling of hundreds of thousands of Chinese people to the US and Europe is often associated with 'the mother of all snakeheads' – Sister Ping and her extensive and lucrative smuggling 'empire' (The Guardian, 2003; BBC, 2006; Sengupta, 2012). Having collected primary data with more than two hundred snakeheads based in China and the US, Zhang and Chin (2015, p.218) argue that Chinese human smuggling is operated by 'small and loosely connected networks of enterprising individuals who were quick at seizing opportunities in a transnational marketplace where contingency

was the norm, opportunities sporadic, and profits unstable' (see also Zhang & Chin, 2002; Zhang, 2008). They identified five attributes of snakeheads and their organisations, which help to dispel the myth and to understand the mechanisms that enable irregular Chinese movement.

1. *Backgrounds of smugglers*. Rather than being gang members, snakeheads are mostly 'ordinary citizens… from diverse backgrounds' (Zhang & Chin, 2003, p.1). The majority are self-employed individuals, such as restaurant owners, small retail outlet owners and taxi drivers, whose occupations are unstable in nature. Becoming a snakehead is usually 'fortuitous' and 'requires no specific skills or training' (ibid., p.9). People instead use the skills and resources they already possess — the ability to drive, owing a vehicle, owning a property in a transit point or destination, speaking clients' dialects, having knowledge of local routes, or having connections with local officials (Zhang, 2008).

2. *Division of labour*. The umbrella term 'snakehead' covers a range of roles, including recruiters, document vendors, transporters, escorts, safe house guards, receivers, payment collectors etc. (Zhang & Chin, 2002). Additionally, other people may facilitate human smuggling, such as corrupt border force officials, nationals selling their passports to allow visa-free access to destination countries, and citizens of destination countries availing themselves of sham marriages. Smuggling operations may not necessarily involve all of those roles, with some requiring more specialised tasks than others.

3. *Smuggling Organisations*. Rather than mafia-like criminal syndicates with clear hierarchies and leadership roles, smuggling organisations are usually temporary alliances of individuals oriented toward one operation at a time. Snakeheads collaborate with each other in a 'one-to-one (dyadic) relation' and on ad hoc basis (Zhang & Chin, 2015, p.225). The dyadic relation is determined by the illicit and

hazardous nature of the human smuggling business. To minimise the risks of being arrested, snakeheads tend to work only with those in their close social networks and to deal with each other in a dyadic model. Ad hoc collaboration is determined by the unstable environment, in which the business opportunities are only sporadic due to law enforcement actions and limited clientele. The dyadic relation and temporary alliance of smugglers are effective strategies to minimise risks and to increase the odds of successful operations, whilst, by definition, preventing the formation of large, hierarchically structured organisations (Zhang, 2008).

4. *Finances of smuggling*. Smuggling fees tend to be high for Chinese migrants. A trip from China to the US may cost between $1,000 and $70,000, with the mode being $60,000 (Zhang & Chin, 2003). According to the participants of this study, a trip to the UK may cost between £10,000 and £35,000, with the mode being around £20,000. Despite the seemingly high profits from the business, there is little evidence to show that profits are concentrated in one or a limited number of crime syndicates or criminal leaders. Instead, 'money passes from one snakehead to the next' and each snakehead earns a share of the total fees for the specific services he/she provides (Zhang, 2008, pp.96-98). Besides, although irregular movement may incur huge debts, migrants are usually in debt to their relatives and friends rather than to the snakeheads.

5. *Relationships between smugglers and migrants*. Smugglers and migrants are often connected with each other through some kind of social networks, such as kinship, friendship, acquaintanceship, or shared community of origin. Migrants often view their smugglers as either 'philanthropists' helping their compatriots to reach the desired lands or as 'businessmen' providing services in exchange for money rather than predators or criminals (Chin, 1999, p.31). Both sides are bound by implied contractual obligations and accepted social norms, which oblige smugglers to deliver adequate services and migrants to pay agreed fees. Although there are

smugglers who use intimidation and violence against clients, mostly to exact fees from non-paying clients, and who extort additional fees or abandon clients en route, these are exceptions rather than the norm (Zhang, 2008). The majority of smugglers are dedicated to providing successful journeys to maintain a good reputation, which is the key to attracting future clients. Migrants also deploy strategies, such as referral mechanisms, paying in instalments, review mechanisms, and money-back guarantees on failed operations, to reduce the threats from snakeheads and improve the odds of safe arrival.

The empirical findings of Zhang and Chin provide a basis, on which this study explores how Chinese people manage to reach the UK through irregular methods. This study concurs with their conclusion that the relationships between snakeheads and migrants are often less vicious and more reciprocal than governments claim. It also discovers the diminishing reliance on snakeheads by irregular Chinese migrants in the 2010s, when most people enter the UK with genuine visas rather than entering clandestinely or using forged documents. Instead, middlemen tend to dominate the migration brokerage industry by helping clients to obtain genuine visas (chapter 4). This study contributes to the existing literature by making distinctions between middlemen and snakeheads and by exploring the new pathways of Chinese nationals to becoming irregular migrants in the 2010s.

LABOUR EXPLOITATION

The 2004 Morecambe Bay tragedy exposed the severe exploitation that irregular Chinese migrants suffer, and drew policy, academic and media attention to this issue. However, the circumstances of the Morecambe Bay tragedy do not represent those of most Chinese migrants. According to the existing empirical research, the less sensational, yet more commonplace plight faced by irregular Chinese migrants is 'a continuum of exploitation' (Skrivankova, 2010, p.5), which involves various forms and degrees of labour and human rights violation that deviate from decent work and may

amount to forced labour (Kagan et al., 2011; see also Pharoah, 2009; Pieke, 2010; Wu et al., 2010). Chinese migrant workers usually take up employment voluntarily rather than being forced to labour, and they may regularly change workplaces, wherever there are higher wages. They, however, are concentrated in certain economic sectors, including the catering industry, agriculture, construction, and food processing, where the jobs are low-paid, laborious and temporary, and where overwork, social isolation, workplace bullying and harassment are rife. People endure the tough work conditions because of the obligation to pay off debts incurred due to migration and the pressure to send remittances home. Migrants usually raise funds for their travels from relatives and friends in the communities of origin (with or without interests being charged), who agreed to provide funding in the hope that the migrants can not only repay debts within a few years by working in high-income countries, but also provide assistance of some kind in return, such as lending money back and assisting others at home to migrate in future (Pieke et al., 2004). Under the economic pressure, migrant workers may submit themselves to exploitative work as the quickest and even the sole way to gain money (Ceccagno et al., 2010).

Although it lays the groundwork for researching working experiences of irregular Chinese migrants, the existing literature tends to attribute exploitation to the brutality of employers and the docility of employees and to suggest tougher employer sanctions as policy solutions to the problem (with some exceptions, such as Hiah & Staring, 2016). The root of the vulnerability of irregular Chinese migrants is underexplored. Hence, this thesis looks outside the realm of Chinese migrant workers and draws on the broader literature, in which the labour markets of destination countries, rather than individual employers, are the focus of examination (Weber & Bowling, 2008; Ruhs & Anderson, 2010; Lewis & Waite, 2015; Bloch & McKay, 2016). Particularly, I draw heavily on Piore's (1979) classical dual (or segmented) market theory that explains the inherent demand for labour immigration in post-industrial economies and Anderson's

(2010) analysis of the interactions of restrictive migration controls and segmented labour markets on migrants' exploitability.

According to Piore (1979), the labour markets of developed countries have bifurcated into two sectors due to the duality of capital and labour. In the primary capital-intensive sector, owners of capital/employers need stable and skilled employees to maximise the productivity from large inputs in equipment, thereby providing special training, high payment and a good prospect of career advancement to attract and retain high-skilled and experienced workers. Native-born population dominates the primary sector. In the secondary labour-intensive sector, by contrast, the jobs are low-skilled, low-paid, unstable and with little chance of advancement. Native workers are less willing to engage in the secondary sector because of not only low pay but also poor prospect and low prestige attached to the jobs. By contrast, migrants from less developed countries satisfy the need of the secondary sector for a variety of reasons.

According to Piore, at least during the early stage of their relocation, migrants may bear the tough working conditions and the lack of career advancement because they perceive the jobs as purely instrumental in making money for specific goals, such as repaying debts, building houses and purchasing desired goods. They may also bear the low prestige of jobs because they do not see themselves as the members of the host society or compare their working conditions with the standards of the host societies. Instead, they view themselves as the members of their origin communities, in which working abroad and sending remittances home carry honour and prestige (Massey et al., 1993). Moreover, as migrants may claim better payments and fairer conditions with their continuous stay in the host society and accumulated skills and networks, some employers may particularly seek to hire new arrivals, thereby contributing to a persistent need for labour immigration.

Whereas Piore's theory expounds the permanent demand for immigrant labour in developed countries, Anderson (2010) further relates the demand to the function of immigration controls (see also Ruhs & Anderson, 2008; Anderson & Ruhs, 2010). According to the author, the UK's contemporary restrictive migration controls produce a desirable migrant workforce for the expanding informal, flexible, uncontracted employment in the neo-liberal, deregulated labour markets by allowing in certain types entrants, shaping labour relations between migrants and their employers, and institutionalising uncertainty of non-citizens. First, while restricting the entry of low-skilled workers, the UK's immigration system allows students and holidaymakers to work for limited amounts of hours and many of them engage in the low-skilled economy sectors. Rather than importing guest workers who may later claim settlement and family reunification, working students and holidaymakers are desirable alternatives because they are usually younger, have no dependent family, and willing to accept flexible jobs to simply make extra money.

Second, the types of visas obtained has an important effect on the relations between migrants and their employers (Anderson, 2010). Not only those without work permits are vulnerable to exploitation, but work visa holders, whose residence and work permits are conditional on the 'sponsorship' of designated employers, are susceptible to the uncertainty of labour markets and the discretion of employers. Finally, Anderson argues that the migration controls institutionalise uncertainty of both regular and irregular migrant workers, thereby making them susceptible to exploitation. The institutionalised uncertainty drives migrants to maximise their utility even if by working in the dead-end jobs. Overall, migrants' vulnerability to exploitation is rooted in their precarity, which is a product of migration controls rather than simply a result of their absence of legal immigration status. Whereas the latter perspective may suggest tougher immigration enforcement as a solution to labour exploitation, Anderson recommends an extension of labour rights protection irrespective of

migration controls to address the issues of substandard pay and job insecurity that increasingly affect not only migrant but also native workers.

Drawing on Anderson's work, I argue that Chinese migrants' exploitability is rooted in their 'deportability' – the possibility of being removed from the host country (rather than actual removal) (de Genova, 2002). Their deportability is a function of the paradoxical migration control system that periodically allows some 'unwanted' migrants in for economic needs and meanwhile keeps them in illegal status for political needs – a point to be elaborated in the following section.

CRIMMIGRATION

Since Stumpf (2006) coined the term 'crimmigration' to denote the increasing use of criminal law to control immigration in the US, crimmigration has received significant attention from scholars in western countries (Aliverti, 2012; Guia et al., 2013; van der Woude et al., 2017; Welch, 2012; Aas, 2014). In the UK, crimmigration manifests itself, first, in the proliferation of immigration offences and the progressive criminalisation of immigration offences. As Aliverti (2016) observes, during a period of 17 years from 1999 to 2016, 89 new immigration offences were introduced in immigration law, compared to only 70 offences introduced over the 95-year time period from 1905 to 1998. Notably, the Immigration Acts 2014 and 2016 added several offences, including illegal working, driving of irregular migrants, and leasing properties to irregular migrants. Moreover, violations of immigration law that were previously civil became criminal offences, or carried harsher criminal sanctions (Stumpf, 2006). Illegal working, for example, was already an offence under the Immigration Act 1971, although no penalties were specified. The Asylum and Immigration Act 1996 imposed a civil penalty of up to £5,000 on employers hiring irregular migrants, but this was raised to an unlimited fine and a maximum prison sentence of two years by the Immigration, Asylum and Nationality Act 2006. The Immigration Act 2016 further imposed a maximum prison sentence of six months and an unlimited fine on migrant workers

themselves for working without required permits or in breach of the conditions attached to their work permits. Resorting to criminal sanctions, which should be reserved for the most serious wrongdoings, to punish immigration offenders leads to the demonisation of migrants, which in turn helps to justify such criminal sanctions (Aliverti, 2012).

Second, crimmigration is reflected in the growing similarities in how immigration and criminal law are enforced. Today, just like the police, the immigration officers conduct investigations of illegal activities, issue warrants, arrest and detain suspected offenders, and bring prosecutions where necessary (Aliverti, 2012). The growing resort to detention and removal/deportation[3] on undocumented migrants, visa overstayers and current or failed asylum seekers is analogous with mass imprisonment in crime control, both serving to exclude the unwanted/the convicted from the society (Welch & Schuster, 2005; Gibney, 2008; Bosworth, 2014). The Home Secretary has long had the power to confine and expel immigrants under the Aliens Act 1905 and the Aliens Restriction Act 1914, and historically Irish immigrants, Jewish refugees and Commonwealth citizens were subject to such power (Bosworth, 2014). However, it was not until the late 1980s that the UK witnessed a soaring population of detained immigrants (Cohen, 1994). This was followed by rising numbers of deported foreigners in the 1990s. From 2009 to 2019, the number of people entering detention ranged from around 24,000 to 32,000 each year (Home Office, 2019a; 2020a). Between 1990 and 1995, around 5,000 people were removed from the UK every year as a result of enforced removal (Home Office, 2001), whereas from 2010 onwards the figure increased to around 15,000 each year (Home Office, 2020a). The growing resort to crime control mechanism reflects the 'culture of control' (Garland, 2001) leaching into the migration system, a point to which I will return later in this chapter. Yet, the migration control system is devoid of due process that protects individuals in the

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[3] Unless otherwise specified, the terms 'removal' and 'deportation' are used interchangeably in this thesis, despite their differences. Simply speaking, removal, also called administrative removal, is the expulsion of non-citizens who breach immigration law, whereas deportation is the expulsion of non-citizens who are convicted of non-immigration criminal offences (e.g. drug dealing).

criminal justice system, rendering non-citizens even more vulnerable than citizens in the course of legal proceedings (Stumpf, 2006; Bosworth et al., 2018).

Stumpf (2006, pp. 379-380) deploys 'membership theory' to explain why criminal law, 'a distant cousin to immigration law' are borrowed to regulate migration, noting that they both are 'systems of inclusion and exclusion' and that both 'regulate the relationship between the state and the individual', in contrast to most other areas of law that focus on the relationships of individuals and businesses.

> Both criminal and immigration law…are similarly designed to determine whether and how to include individuals as members of society or exclude them from it. Both create insiders and outsiders. Both are designed to create distinct categories of people – innocent versus guilty, admitted versus excluded, or as some say, "legal" versus "illegal".
>
> (Stumpf, 2006, pp.379-380)

Bosworth and Guild (2008) expound further the role of immigration control in determining who are the members of our society, or in defining who are the citizens (legally and culturally) of the nation-state. Despite overlapping with crimmigration to some degree, the authors do not use explicitly the term and turn the focus from control and criminalisation towards 'more broadly the implications of basing a politics of national identity…on the forcible exclusion of growing numbers of people' (p.703). Moving beyond the merger of immigration and criminal law, Bosworth and Guild argue that the expanding controls over non-citizens play a 'constitutive role' in 'formulating an ideal of the British citizen and in establishing the borders of the nation state' (p.713). As for the expanding controls, they identify not only what Stumpf has observed crime control measures (e.g. apprehension, detention and deportation) that affect mainly the most vulnerable migrants (e.g. asylum seekers and unskilled labour migrants), but also the bureaucratic measures (e.g. visa applications, document checks, limited

access to social services) that most non-citizens are subject to. Together these measures serve to delineate the boundary between citizens and non-citizens, which is marked by the differentiated legal rights and also by 'a more affective and qualitative sense of belonging' (p.714).

The technique of defining who is us (members/citizens) by defining who is the other (non-members/non-citizens) is not an innovation in the 21st century, but 'the warp and woof of all British migration history' (Cohen, 1994, p.34). Cohen (1994, p.1) outlines how a British identity is 'continuously constructed and reshaped in its (often antipathetic) interaction' with six other identities: those of 'the Celtic fringe', 'the Dominions', 'the Empire and Commonwealth', 'the Atlantic', 'the European' and 'the Alien'. Whereas the first four frontiers of the British identity construction have been less hotly contested, the last two frontiers have now been the front line where the British identity is defined and defended. The British-European frontier caused some Britons a growing identity crisis with the UK's progressive integration into Europe, thereby contributing to the Britons' vote to leave the EU in 2016 (Goodwin & Milazzo, 2017; Aliverti, 2020). The British-alien frontier has hardened to express a firm, permanent sense of Britishness in the face of globalisation that erodes the ability of the nation-state to express so. As Bauman (1998) articulated, while the flow of capital, goods, and information has been increasingly immune to border controls in the globalising era, the state has been desperate to grasp its symbolical and material power of borders by bringing the movement of people under control and particularly that of the global underclass.

Both Stumpf and Bosworth and Guild draw heavily on Garland's (2001) seminal notion of 'culture of control', which captures a radical shift in criminal justice of the western countries (UK and US mainly) since the 1970s from a penal-welfare framework that focuses on rehabilitation towards a punitive penal system that emphasises deterrence, retribution and incapacitation. The shift is manifested as 'draconian penal policies',

'skyrocketing incarceration rates', 'an almost exclusive emphasis on the incapacitation of offenders', and 'the demise of rehabilitation as the driving principle of penal practices' (De Giorgi, 2010, p.152, see also Garland, 2001). However, many western countries today, as Bosworth (2018, p.45) observes, 'are experiencing a decline in popular punitiveness and have begun to experiment with the decriminalization of drugs and alternatives to mass imprisonment'. The punitive shift, thus, seeps into migration control regimes, in which it is manifested as restrictive immigration policies (particularly on labour immigration), hyper-incarceration of immigrants (De Giorgi, 2010), an emphasis on the expulsion of unwanted immigrants (often from where they have long established a life to their presumed countries of origin where they have been away for decades) (Bosworth et al., 2018), and the decline of rights protection in migration and refugee policies (Cohen, 1994). Table 1 illustrates the parallels between the culture of control in crime and migration control systems.

Table 1 Culture of control in crime and migration control systems

Crime control	Migration control
Draconian penal policies	Restrictive immigration policies
Mass imprisonment	Mass detention
Emphasis on the incapacitation of offenders	Emphasis on the expulsion of unwanted immigrants
Disillusion of rehabilitation	Decline of rights protection

Source: Garland (2001) and De Giorgi (2010)

Drawing on the literature on crimmigration and dual labour market and the interview data collected with irregular Chinese migrants, this thesis aims to provide new understandings of the phenomenon of irregular migration from China to the UK and the concomitant issues of human smuggling, labour exploitation and asylum-seeking involving Chinese by subjecting the UK's paradoxical migration control regime at the centre of scrutiny. Under the economic needs for international tourism, global elite,

high- and low-skilled migrant labour, the British government not only encourages the entry of those deemed beneficial to the economy but also periodically allows those deemed 'unwanted' in. Hence, irregular Chinese migrants enter the UK not only through 'the back door' but also, if not mainly, through 'the ostensibly carefully managed front door' (Pieke & Xiang, 2009, p.41). Under the political needs for reassuring its capability to protect the territorial integrity and to strengthen national identity, the government, however, deploys perennially restrictive discourse on immigration and particularly exclusive and punitive discourse on the most vulnerable migrants – 'the poorer', 'the less skilled' and 'the darker skinned' (Bosworth & Guild, 2008, p.711). Hence, this thesis posits that the illegality of migrants or their migration status is a product of the migration control regime. The illegality further produces irregular migrants' exploitability, which in turn enhances their employability, thereby contributing to a persistent demand for labour immigration even if there are an economic recession and a rise of unemployment rates in destination countries. Figure 1 illustrates the dynamics of the paradoxical migration control system.

Figure 1 Paradoxical migration control system
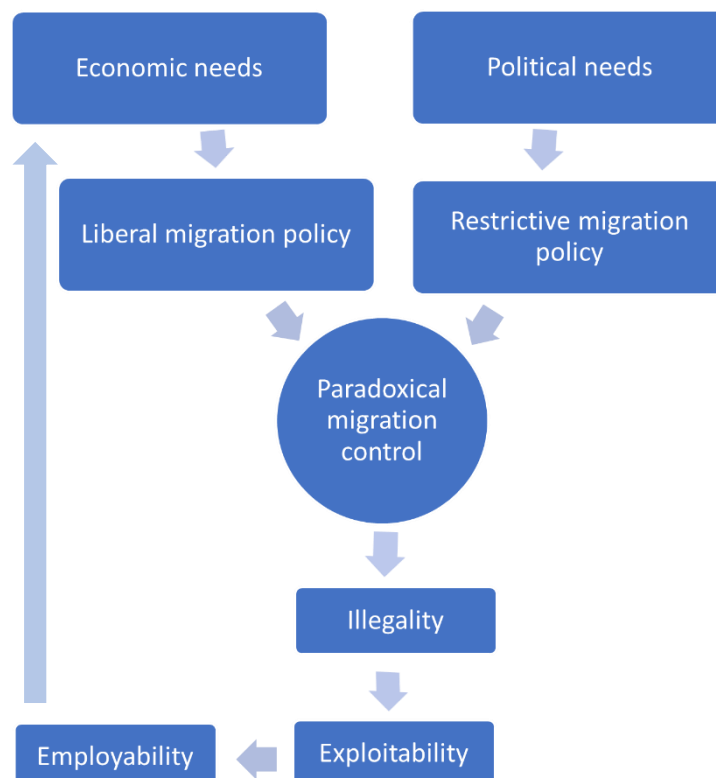
In the following chapters, I will argue that the UK's paradoxical migration control system first reduces legitimate migration routes for the relatively underprivileged populations from poorer countries, making them resort to the irregular and often risky channels of movement (chapter 4). It then increases their vulnerability to labour exploitation by posing the threat of destitution, detention and deportation (chapter 5), and perpetuates their precarity by trapping them in the limbo of semi-illegality for an indefinite period of time (chapter 6). By highlighting the role of the migration control system in shaping irregular Chinese migration to the UK, this study aims to challenge the discourse that turns the complex issues of irregular migration and labour exploitation into the responsibility of individuals, such as ruthless smugglers, unscrupulous employers and undeserving migrants and that suggests more restrictive measures as solutions to these issues. Furthermore, within the framework of crimmigration, the experiences of Chinese migrants can be compared with that of other groups of migrants, who are trapped in more or less precarious status and subject to the same control system.

Chapter 2

Methodology: Accessing irregular Chinese migrants, narrative interviews and ethical dilemma

INTRODUCTION

In this chapter, I describe the methodology of this PhD study. The overall objective of this study is to understand the irregular movement of people from China to the UK and the involvement of irregular Chinese migrants in illegal activities as both offenders and victims. The research aims to explore why and how Chinese people come to the UK through irregular methods and to understand more about their lives after arrival, with a focus on their working experiences in the informal economy. Specifically, this study aims to address the research questions:

1. Why do Chinese people leave China for the UK despite the lack of legal immigration status and the costs and risks associated?

2. Why does irregular Chinese migration persist in the 21st century when China has witnessed rapid economic growth and the UK has tightened immigration control?

3. How do irregular Chinese migrants travel to the UK? What are the roles played by the so-called 'snakeheads' in facilitating that irregular movement?

4. How are irregular Chinese migrants involved in trafficking, smuggling, document fraud, illegal economic activities or other criminal activities as offenders and victims?

5. How do the UK's and China's social, economic and especially migration policies impact on the migrants' movement, employment, settlement in the country of destination or their return to the country of origin?

This chapter is divided into four parts. This first part details how the research participants were recruited. Recruiting irregular Chinese migrants for this study was a significant challenge. Chinese people in Britain are often considered to be quiet and self-sufficient (Pharoah et al., 2009), and the irregular migrants among them have particular reasons not to draw attention to themselves (Düvell et al., 2010). Therefore, I spent an enormous amount of time and energy on locating my target population and even more on gaining their trust and cooperation. Eventually, fifteen people participated in this study, and all but one came, stayed and/or worked in the UK in breach of the immigration law. Or, in their own terms, they were or had been statusless. The people were recruited through three approaches: a Chinese Christian church I attended, snowball sampling, and online advertising. A particularly thick description will be given to the fieldwork I conducted in the church, which was not only a process of participant recruitment but also a journey of establishing a rapport between the participants and I. Only with the rapport established were people willing to tell me about their life stories.

The second part elaborates on the specific interview method used in this study, i.e. the Free Association Narrative Interview Method (FANIM), which was developed by Hollway and Jefferson (1997; 2013). Following psychoanalytic epistemology and adapting from the biographical-interpretative method, the FANIM, in essence, encourages interviewees to tell their own stories, which anchor their accounts to specific events and are replete with personal meanings (Hollway & Jefferson, 2013). The FANIM was used to interview irregular Chinese migrants because it recognises the impact of both 'psychological phenomenon (personalities, emotions, dispositions)' and 'sociological phenomenon (class, gender, ethnicity, inequality, strain, poverty)' on complex social phenomena (Gadd & Corr, 2015, p.69), providing an approach to understanding irregular migrants and their behaviours that neither reduces people to purely victims of the structure without agency nor depicts them as 'illegal aliens' actively abusing the system.

The third part discusses the ethical issues arising throughout the course of the research. The nature of the researched phenomenon and the specific research method used raised important ethical issues from the outset of negotiating access to potential participants to the later stages of data interpretation, presentation and dissemination. Among many other researchers, I found that the general ethical guidelines often did not suffice to address the emergent ethical issues and that the researchers should develop their own capacities to make ethical decisions in the field (Düvell et al., 2010; Israel & Hay, 2012; Cowburn et al., 2017). Finally, I acknowledge the limitations of the reliability of data and the generalisability of the research findings and also justify the methodology despite these limitations.

PARTICIPANT RECRUITMENT

Accessing irregular Chinese migrants through a Christian church

Accessing irregular Chinese migrants through a Christian church was not my initial plan. As I am non-religious and China is an atheist country, before commencing the PhD I had not considered that a Christian church might be a research site. Instead, my proposal set out how I would collaborate with the Chinese community-based charities and would recruit participants from among their service users. That plan, however, did not work. I visited several charities to explore the chance of collaboration, but some refused me. Although some let me post the Advertisement for Participants (Appendix 1) at their sites and three organisations agreed to distribute the Participant Information Sheet (PIS) (Appendix 2) to their service users, no one ever responded. I also contacted British charities working with migrants, sex workers and the homeless, but they have never had a Chinese service user.

A lack of guanxi (literally relationship) probably resulted in my failure to gain cooperation from the Chinese community-based charities. Guanxi, as Wang (2014, p.809) explains, is 'a Chinese version of personal connections, networks or social capital', which plays an important role in gaining assistance from government officials

and community leaders, securing information and resources, and facilitating businesses and transitions in Chinese society (see also Fan, 2002). Fan (2002, p.547) identifies that guanxi is based on a pre-existing relationship between two parities, such as kinship, friendship, acquaintance, or being related or connected to the same person That relationship turns into guanxi through the continued reciprocal exchange between the two parties. Unfortunately, I did not have a relationship with the Chinese community leaders in Manchester and had few resources to exchange, thereby failing to establish guanxi with the charities and to gain access.

I discovered the church somewhat fortuitously. On a Sunday afternoon, while I was passing by a church building, I saw in the noticeboard that it provided Mandarin-speaking worship services. Then I popped in and found that the crowd were mostly Mandarin-speaking Chinese. I wondered if the church would be a good place to approach irregular Chinese migrants. First, the congregation was comprised of a large number of Chinese people with different demographic characteristics and immigration status. Second, the church would be a safe and open place for making initial contacts with the target population, compared to, for example, approaching randomly a person in Chinatown who 'looked like' an undocumented Chinese migrant. Third, the gatekeeper, i.e. the priest, permitted me to enter the church for research purpose. On my second visit, I talked with the priest individually about my PhD study and asked permission for access. The priest granted me access to the church and facilitated my initial contacts with potential participants. Fourth, the congregation is connected more by Christianity than guanxi, and therefore they appeared more affable and approachable to me even though I was then a complete stranger to them and had no guanxi to any church member.

Despite all the benefits of using the church for access, the first few weeks were difficult. The church members were friendly to me, but I was no more than a familiar face after a few weeks of showing up. Most of the members had been involved in the church for

many years and each had their small groups of their close contacts. As a stranger and an outsider, I found it hard to engage people in light conversation and even harder to bring a sensitive topic like undocumented migration. A feeling of awkwardness was what I recall most vividly about the first few weeks in the church. I arrived earlier and stayed longer than most of the congregation in order to find opportunities to chat with people. Yet, still I found no one who really wanted to talk to me about irregular migration. Then I offered to help with serving refreshments, but was refused politely. While I was trying to join a conversation, congregation members communicated in their dialects, which I could not understand a single word.

Realising that simply presenting at the church was not enough to approach any person, I decided to join a Fujian fellowship; a peer group composed of a few Fujianese church members who met weekly for religious study. I anticipated there would be eligible participants among the fellowship members because the existing literature evidenced that undocumented Chinese migrants in the UK were mostly Fujianese (Pieke et al., 2004). Moreover, the fellowship meetings seemed quite casual and interactive. They often took place at the priest's home, as well as at one of the attendees' houses, enabling me to get closer to a few members of that subgroup. This decision proved to be effective. Eight research participants were recruited through the fellowship and some of them helped me to recruit further interviewees from outside the church.

My attendance at the fellowship meeting was nevertheless unnerving, in part because I was a newcomer and not a Fujianese. The other attendees were all Fujianese from the same county in China and had known each other for years. At the first fellowship meeting I attended, a Fujianese questioned me out of curiosity – 'Why do you not go to the [general] student fellowship but the Fujian fellowship? You are not a Fujianese, are you?'. It was not comfortable to explain that I was there to approach irregular Chinese migrants. On the one hand, I needed to be frank, not only because it was a prerequisite of university ethical approval, but because being honest was the only real

way to gain the trust of the group. Concealing the research purpose and pretending to join the fellowship purely for religious study might have helped me make initial contacts, but once I had identified eligible participants and disclosed my research interests, the previous concealment would raise more suspicion and probably reduce access to further participants. On the other hand, given the sensitivities of the research, I needed to be cautious not to arouse hostility towards me. My tactic was being frank about my research interests while emphasising that my purpose was to make the voices of irregular Chinese migrants heard by the wider British society. Hence, I explained that I wished to interview Chinese migrants without status and by doing so, hoped to improve the understanding of their experiences. However, still no one showed interest in hearing more about my research and some fellowship members seemed unhappy about my presence. After the first meeting, I was going to a charity and the priest asked other two attendees to walk me there on their way home. I assumed it would be a good opportunity to chat with them, but whatever I tried to talk about (e.g. weather, food and children), they replied as short as a single word 'right' and 'uh'. Later they two chatted in their dialect, leaving me in awkward silence. Although I had prepared myself for suspicion, I was upset by their standoffish reaction to me. I later learned that they were both undocumented and therefore were probably unsettled by my 'intrusion' into the fellowship as a PhD student of (curiously) criminology.

Throughout the fieldwork, I downplayed my role as a researcher and sought to be accepted by the fellowship members as a friend. As Shaffir (1991) identifies, the researcher's personal qualities often outweigh the academic credentials in gaining the cooperation of participants. Instead of emphasising the academic merits of the study, I tried to demonstrate that I respected them and was truly keen to hear their stories. To do so, I utilised some commonplace social skills, such as friendliness, empathy and sharing. For example, I continued to serve tea and refreshments in the church. In the fellowship meetings, I shared the stories about my family and my everyday life. I read

the Bible in my free time to gain more understanding of Christianity. I helped some newly arrived church members to open bank accounts and to register with doctors. I also avoided asking any questions related to irregular migration because I did not want to be considered as invading privacy. Simply listening rather than asking questions often elicited more information from people and appeared to cement trusting relationships, as the following event demonstrated.

In the third meeting, the priest invited each attendee to share our recent experiences. Zhou Lan was the first person to speak. Being rather talkative, Lan bored other attendees with his lengthy account. While others were whispering or playing with mobile phones, I kept eye contact with him and nodded occasionally. My listening encouraged Lan and then he kept eye contact with me all the time while he was speaking. In the following meetings, while Lan was telling his stories, he mostly maintained eye contact with me. Being an attentive listener helped me to establish a rapport with Lan, who later agreed to be interviewed.

After gaining Lan's trust, I realised that many potential participants were looking for good listeners to whom they could tell their life stories. The declared purpose of the study – providing an opportunity for individuals to tell their stories and to make their voices heard – was the opportunity that some people had been waiting for. It just took them time to trust me. With my regular presence at the Sunday services and fellowship meetings, the members gradually let down their guards.

At the sixth meeting of the fellowship, the Fujianese shared inside knowledge about who was undocumented in my presence. A couple of days ago before the meeting, the immigration officials had raided the Chinatown restaurants and arrested a few undocumented Chinese workers, so the Fujianese asked each other if their businesses were affected by that raid. One said: 'Fortunately, Ah-Lin (pseudonym) was not there. Or otherwise, she might be caught'. It was the first time that I was given a clear clue as to who was undocumented. Suddenly, it seemed that fellowship members felt safe to

talk about undocumented migration in my presence even though I had studiously avoided the topic. A subsequent event in the church further provided me with more inside knowledge of more members' immigration status. This opened a discussion about irregular migration that convinced me I finally had 'access' after five months in the church.

The church had a children's ministry, teaching kids who came to the church with their parents to learn the Bible. Two Fujianese members had served in the ministry for many years and brought their own children there. Nevertheless, the church leadership requested a Disclosure and Barring Service (DBS) check certificate from each children's ministry member. The DBS provides criminal records of individuals for organisations to identify whether a candidate is suitable for a job, especially involving children. To apply for a check, applicants need to validate their identity documents, such as passports.

challenges they faced in the everyday life.

My sympathy was not just to gain acceptance. I truly felt for the two excluded people and realised the pervasive influence of immigration status, or lack thereof, on those individuals. After this meeting, my anxiety was largely eased, as the topic of undocumented migration was no longer a taboo between the Fujianese members and me.

Helping people also contributed to gain trust. It enabled me to develop a close relationship with two participants, Wang Fen and Liu Yan. Compared to other church members who had been established in the UK, those two people were relatively new arrivals and had not established networks, from which they could gain assistance. I helped them with practicalities, such as making medical appointments, translating English documents and purchasing train tickets. Indeed, I initially offered to help in the hope that this would encourage them to participate in my research, but in doing so, I

gained an intimate understanding of their predicaments as Chinese migrants in the UK where the language barriers and/or precarious immigration status made their everyday lives difficult, and truly wished to help. An event I recorded in the field notes revealed the change in me.

Yan rang me around 9pm and said her four-year-old son had a temperature. She tried to give him medicine but could not read the medicine information leaflet. I told her how much and how often the medicine was prescribed. Her son took the medicine but soon vomited and had difficulty breathing. Yan rang me again in a quavering voice and asked for my help. I sent her the address and postcode of the children's Accident & Emergency (A&E) to enable her to take a cab there. Yan, however, did not know how to take a cab and could not speak English. I requested an Uber ride for Yan and met her at the A&E to interpret for her.

The physician checked the little boy over, and fortunately, he was okay, but had tonsillitis. We spent two hours at the A&E, during which time Yan told me about her difficulties. It was early January and the heating in her house had been out of work for two weeks, which probably made her son ill. Yan's husband came home only once a week for a night. 'When I asked him to do something with the heating,' Yan said, 'he just said "I don't know what to do" and then left'. Looking after two children while working part-time was so exhausting that Yan passed out last week. 'Life is a mess,' she sighed, 'and the worst thing is I could do nothing when my son is ill'.

Yan reimbursed me for the taxi fare and wanted to give me more money to thank me for my help, which I refused. After this event, she often gave me fruit and food she made and we built a closer relationship. I often recall the image that day while we were waiting for a cab home, Yan holding her son asleep in her arms and said 'when could you grow up, my little boy'. Observing the difficulties Yan encountered with taking a cab, I gained a more detailed and intimate understanding of her everyday life as a disadvantaged migrant in the country, where she does not speak the language and has little access to help.

After spending eight months in the field, I contacted people individually and asked if they were willing to participate in this study. Three out of the eleven people refused, whereas eight people agreed to be interviewed. The fieldwork enabled me to build a trusting relationship with the eight people and therefore interviews with them also were productive. Moreover, participant observation in the church and many other occasions also enabled me to gain insights into the social actions and relations of Chinese migrants, providing a valuable context to better understand the interview data.

Snowball sampling

I recruited a further four people through snowball sampling. Snowball sampling is a recruitment strategy that is often used to identify the hard-to-reach populations, where a researcher recruits additional participants through the referral of the existing ones (Atkinson & Flint, 2001). However, using this strategy in practice is not as simple as rolling a snowball – as if a 'self-propelled' process, in which one informant would nominate another, who would nominate a third and so on (Biernacki & Waldorf, 1981, p.143). Every time I finished an interview, I asked the interviewee to recommend this study to their acquaintances who might be eligible. To protect the confidentiality of their acquaintances, I did not ask the existing participants to give me names or contact information of eligible people, and instead let them give my contact information to eligible people so that those people could control whether to contact me or not. I assumed shortly new people would be referred to me, but for a long time, this did not occur. Some participants probably did not recommend the research among their social networks, and I could not remind them to do so. Some made attempts but failed to persuade their friends, as Xu Mei explained below.

> Mei: I've asked a couple of my friends, but none of them is willing to take part. You know, it's a rather sensitive issue. I agreed to be interviewed because I know you. You're my friend and I'm happy to help you. Besides, I've got status, so it's ok for me to talk about things like human smuggling and illegal working.

However, people who still have no status would be less willing or daring to be interviewed, particularly by someone they don't even know.

A trusting relationship between the researcher and the interviewees was rather important in snowball sampling. I finally recruited a new participant (Deng Lin) with the help of a previous participant. The negotiating process with Lin was recorded below.

As my previous participant vouched for me, Lin first agreed to participate. She told me that she was available to be interviewed because she had been unemployed since immigration officials had raided her house a week ago and detained some of her housemates/colleagues. I sent her a copy of PIS and explained the study in more details over the phone. A few days later, however, Lin apologised to me for being no longer available because she was now back to work.

I understood it might be a polite decline and asked her to contact me if she changed her mind or needed any help. Three weeks later, Lin messaged me and asked me if she could reclaim her money (£320) that was seized by the immigration agency during the raid. Lin could not speak English and had no friends who could help her. She sought my advice as I was 'doing relevant research' and 'had helped [the previous participant] a lot'. I asked Lin to find out the contact information of the authority that raided her house so that I could inquire about the seized funds on her behalf. Lin, however, could not find any useful information.

Lin: My landlord dealt with everything about the raid. He once went to somewhere like a police station and he claimed some stuff back but not my money. I asked him about my money, but he said he doesn't know.

As I was about to go to her city, I offered to accompany her there if she could find the

address of the 'police station'. Lin was delighted and decided to ask the landlord about the address. On the following day, however, Lin replied to me as followed:

> Lin: I'm sorry Siyu, but I'd rather forget about getting the money back. The landlord didn't tell me the address. He said the raid has caused him a lot of trouble and 'tell your friend not to make more trouble'. He had probably got my money back into his pockets. But he's right – I shouldn't make any trouble. Thank you anyway for helping me.

As an undocumented migrant in a country where she could not even speak the language, Lin could hardly prevent the landlord from taking advantage of her vulnerability. I asked her again if I could interview her during my visit there, and this time she agreed.

Unlike previous interviews conducted in a University office, I interviewed Lin at her house, which accommodated a group of construction workers. I was uneasy about the interview setting and it seemed that Lin was unsettled, too. She tried to welcome me as best as she could. Before I took a seat, Lin placed her pyjamas onto the chair for me to sit comfortably; she treated me with fruit that she bought especially for me; when I asked for drinking water, she singled out a wine glass and said 'this glass is clean. The workers never used it'; and after I finished the interview and asked to use the toilet, Lin gave me loads of toilet paper to pile onto the seat as 'the workers use the toilet'. By doing so, Lin seemingly tried to distinguish herself from the unpleasant housing condition and other construction workers. Respecting her self-identity was important to gain her trust.

Finally, I recruited four new participants with the help of previous participants. I did not have prior contacts with the other three participants as with Deng Lin, and the interviews were more difficult with them, as an example (An Xin) will show later.

Online advertising

The remaining three participants were recruited through online adverting, which I posted on a UK-based Chinese website. Online recruitment is increasingly used to approach potential participants, particularly hard-to-reach populations, as it allows researchers to reach wider segments of the population and allows participants to remain anonymous to the researcher (Temple & Brown, 2011). The first step in using this recruitment method was to identify appropriate online venues where the target population gathers. The popular social media sites (e.g. Facebook and Twitter), which are often used to recruit English-speaking participants, are rarely used by irregular Chinese migrants, and thus were not considered useful for this study. Instead, I advertised on a website, whose users were mostly Chinese people in the UK, including employers posting job vacancies, landlords adverting properties and job seekers looking for employment. I knew the website because when asked about how they found jobs, some participants told me that they sought jobs there.

To encourage responses to the advert, I highlighted in the post that each participant would be given monetary compensation. Compared to the participants from the church who mostly refused the payment, the compensation appeared to be attractive to online respondents. Within three months the advertising was posted, ten people contacted me for further information. I explained the details of the study over the phone and enquired about their basic information to check their eligibility, such as their provinces of origin, when they came to the UK, when they had been statusless and what their present immigration statuses were. Not all of the respondents, however, were eligible to participate. Some of them had never been statusless but contacted me to try to obtain payment or simply to find out more about this PhD. Some eligible respondents contacted me and told me briefly about their situations, which were worthy of research, but they refused to be interviewed in person. Finally, the three people recruited were all non-Fujianese and two remained statusless at the time of interviews, thereby increasing the diversity of the study sample. They were also rather

open to the interview questions and appeared keen to tell their stories – that was probably why they responded to my online advert.

Research participants

Table 2 lists the fifteen participants and their basic characteristics, organised by the year of arrival in the UK in ascending order. All of the participants' names are pseudonyms.

Table 2 List of research participants

Name	Gender	Age[4]	Province of origin	Year of arrival	Immigration status[5]
Wu Tai	M	62	Guangdong	1991	Naturalised British citizen
Chen Wen	M	56	Guangdong	1997	Statusless
Li Kang	M	37	Fujian	2000	Indefinite leave to remain
He Juan	F	40	Fujian	2002	Naturalised British citizen
Xu Mei	F	38	Fujian	2003	Naturalised British citizen
Zhou Lan	M	50	Fujian	2003	Statusless
Meng Lei	F	36	Fujian	2006	Naturalised British citizen
An Xin	F	38	Fujian	2008	Statusless
Du Yu	F	38	Fujian	2008	Statusless
Wang Fen	F	45	Shandong	2014	Statusless
Deng Lin	F	44	Shandong	2014	Statusless
Lu Min	M	43	Shandong	2015	Statusless
Liu Yan	F	46	Fujian	2017	Limited leave to remain
Han Zhen	M	32	Hubei	2018	Statusless
Wei Ting	F	42	North China	2018	Statusless

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[4] [5] At the time of interview

All but one participant were being or had at one time been irregular migrants. Five of them had been regularised and nine remained statusless at the time of interviews. Two more people obtained discretionary leave and one had returned to China at the time of writing. The periods of irregular residence ranged from at least one year to twenty-two years, with six people being statusless for ten years and more. One participant (Liu Yan) had always lawfully stayed and worked. Yan came with a spouse visa to join her husband, who had obtained indefinite leave to remain (i.e. permanent residency) after being undocumented for a decade. I recruited her to identity the impact of irregular migration on family members left behind.

The fifteen participants came from different areas of origin in China and had diverse socio-economic positions before migration, thereby having different migratory experiences. Generally speaking, the participants who came to the UK in the 1990s and the mid-2000s (earlier migrants) mostly worked in agriculture and low-skilled factory jobs before migration, whereas those in the late 2000s and the 2010s (recent migrants) mostly held professional occupations (including bank teller, entrepreneur, nurse, and university lecturer). Whereas the earlier migrants were more likely to resort to risker methods of movement (e.g. clandestine entry or using fake documents), the recent migrants all came to the UK with genuine visas (see chapter 4). As chapter 1 has explained, the participants who were able to move internationally tended not to be the absolute poorest population in China, although they may be considered poor compared to the standard of the UK. Nevertheless, they were in a disadvantaged position in the 'global hierarchy of mobility' (Bauman, 1998), compared to those fortunately born in the Global North who are entitled to the labour markets of high-income countries and greater mobility and also to the chosen few from the Global South who are deem beneficial to the economy of destination countries.

Limitation of the study sample

Two important sub-groups of irregular Chinese migrants were not included in this

study sample despite all attempts to recruit them. First, north-easterners or Dongbeinese, i.e. people from Northeast China (Dongbei in Chinese, including the three provinces of Heilongjiang, Liaoning and Jilin), were not included in this study. According to Pieke and Xiang (2009), a growing number of Dongbeinese have come to the UK and other European countries since the later 1990s following the collapse of the state-owned enterprises in Northeast China after the 1978 Chinese economic reform (see also Gao & Poisson, 2010). However, I did not find any Dongbeinese participants mainly because my major approach to recruiting participants was the Chinese Christian church. The Dongbeinese in Britain appear less likely to be involved in the church. I also visited two shipping and logistics companies where Dongbeinese were known to work, but did not gain access. In chapter 4 I will review the relevant literature on irregular Dongbeinese migration and draw a comparison between Fujianese and Dongbeinese migration (Pieke & Xiang, 2009; Gao & Poisson, 2010).

Second, sex workers were not included in this study. The existing literature indicates that some Chinese women, particularly those who are statusless and some of those from Northeast and North China, engage in the sex trade in Western destination countries (Pai, 2008; 2013; Gao & Poisson, 2010; Pieke, 2010; Chin & Finckenauer, 2012). In my original research proposal I set out the plan to recruit Chinese migrant sex workers in Britain by working with a Chinese community-based charity supporting vulnerable Chinese women, but I was not able to gain cooperation from that charity. I also contacted a Manchester-based charity supporting sex workers, but they have never had a Chinese service user. I visited several massage parlours in Manchester's Chinatown and talked with the receptionists and security guards, but never gained the opportunity to have a chat with a sex worker. In chapter 3, 4 and 5, I will draw widely on the literature on Chinese migrant sex workers to explore the role of sex work in irregular Chinese movement and employment.

FREE ASSOCIATION NARRATIVE INTERVIEW METHOD

I conducted one-to-one, face-to-face interviews with each of the fifteen participants. The initial plan was to conduct two interviews with every participant, but only eight of them attended follow-up interviews. The remaining seven people refused my invitation to a second interview giving the reasons (or excuses) that they were not available or had moved away. The length of the interviews ranged from forty minutes to more than two hours. With the consent of interviewees, interviews were audio-recorded and then I transcribed each interview verbatim. All the interviews were conducted in Mandarin, the first language of the interviewer (I) and the interviewees, and then I translated some transcripts into English to discuss with my supervisors – a point to which I will return later in this section.

The interview method used in this study is the Free Association Narrative Interview Method that was developed by Hollway and Jefferson (2013). Drawing on psychoanalytic theories and practices, the FANIM differs from other qualitative methods in theoretical premises and methodological implications (ibid.). First, the FANIM posits a defended, rather than unitary, rational subject. Departing from the rational, unitary notion of people, Hollway and Jefferson share the psychoanalytic premise that anxiety is an intrinsic quality of the human condition and such anxiety mobilises unconscious defences, which influence people's lives, actions and relationships. A full elaboration of the concept of 'anxiety' and 'unconscious defence' in psychoanalytic theory is beyond the scope of this thesis, but the method assumes that we are all anxious beings who mobilise defences in our talk to defend against feelings of vulnerability. This is particularly salient in criminological research where the focus of study is 'behaviour that is illicit, attitudes that are taboo, or experiences that are potentially shameful' (Gadd, 2012, p.39). Hence, the research subject is often unable to recount the unsettling experiences or conflictual feelings as exactly they were. And when some provide seemingly coherent accounts, these are often '"well worn" stories and commonplace discourses, depleted of personal meaning and

emotionally vivid experiences' (Hollway & Jefferson, 2013, p.151).

Working with a defended subject, Hollway and Jefferson apply the principle of free association – a technique employed in clinical psychoanalysis – to their interview practices. Like the psychoanalyst asking the patient to say whatever comes to mind, Hollway and Jefferson invite interviewees to tell their own stories, whatever they deem relevant, and then follow their associations to continue the interviews. In practice, the interviewer starts with an open-ended question to invite people to tell their own stories and then ask further story-eliciting questions to encourage interviewees to tell more about the particular experiences that they have just disclosed. For example, when interviewing Xu Mei, I posed the questions as follow.

> Siyu: Can you tell me about the story of your life in China?
>
> Mei: I graduated from middle school, and then went to my cousin who was in [a city] and ran a business. I graduated when I was about sixteen and then followed her to do a job in an ice cream factory…
>
> Siyu: So, you graduated from secondary school at sixteen and then went to [a city] work. Can you tell me more about your life before sixteen?

Stories, as argued above, are not a neutral, transparent description of pre-existing realities but are constructed by the storyteller, a defended subject, within the interview context. Nevertheless, stories can anchor people's accounts to concrete events rather than emotionally drained and defensive opinions, explanations or generalisations. Moreover, the way in which stories are told – to tell some while omitting others, to stress some while understating others – may be revelatory, providing an insight into the storyteller (Hollway & Jefferson, 2013).

Eliciting stories, however, is not always simple. Interviewees' willingness and capacities of story-telling may vary. In this study sample, the eight people from the church were

more willing to tell their stories due to the trusting relationship built between me and them, in contrast to the four 'snowballed' participants who tended to be reticent. Gadd (2012) summarises some tenets that may be helpful. First, at the onset of an interview, the interviewer may reassure that the interviewee could tell whatever they deem relevant and the interviewer would listen carefully and not interrupt. This can prepare the interviewee for the following process, which is beyond the common 'question-and-answer' type interview. Second, the interviewer should facilitate with minimal cues, such as nodding and saying 'hm' and avoid interrupting the interviewees either when they remain silent while thinking or when what they say seems irrelevant to the research topic. In this study, for example, I often had to tolerate long pause where the participants were reticent; in interviewing the participants from the church, I needed to remain patient and attentive when they came adrift from the topic and begin to talk about Christianity. In analysing data, however, valuable information was often gathered from the long, uncomfortable pauses and those seemingly irrelevant accounts. Third, formulating follow-up questions, the FANIM practitioners stick to using the interviewee's words and phrases and following the order in which events are narrated by the interviewee. By doing so, the interviewers can demonstrate their interest and attention to what had been told and thus encourage more disclosure. Moreover, the interviewee's words and phrases may themselves be revelatory. In this study, for example, when referring to the people who facilitated their irregular migration, some interviewees did not use the term 'snakehead' but instead referred to 'a person', 'those people' or 'the people who did it'. In posing follow-up questions about 'a person' or 'those people', I used the same phrases, however vague they were, instead of seeking clarification or using the term 'snakehead'. This enabled me to grasp the interviewees' understandings of their facilitators: some interviewees did not say 'snakehead' because they perceived their facilitators as businessmen and/or acquaintances rather than snakeheads; some deliberately avoided provoking the negative connotations (e.g. brutality and criminality) the term 'snakehead' implies.

Revealing the interviewer's own experiences, which to some extent echo the interviewee's, may help to open up a conversation. For instance, one of the participants, Chen Wen, refused to tell me about his life history before migration and denied that he had a family in China because he did not want to tell me 'anything that [he] did not tell the Home Office'. After two hours of interviewing, I knew nothing about Wen's 'past' except that he was a secondary school teacher and 'unhappy with the job'. To encourage more disclosure from Wen, I told Wen that my dad was also a secondary school teacher and he also left his job and migrated to work, albeit within China. The strategy worked and Wen started to tell me more about his work experience in the secondary school. Following the good start, I continued to ask whether he married or not in China.

> Wen: I told the immigration agency I didn't, but as I was already thirty-five before going abroad and I was a normal person, you can tell if I got married or not simply based on common sense. However, as I have been in the UK for twenty-two years and never been back to China, any relationship could have become estranged.

'It doesn't even take twenty-two years to be estranged from each other.' I continued to say, 'My mum and dad divorced only a couple of years after he left home'. My disclosure bridged the differences between me and Wen and overcame some of his defensiveness, thereby succeeding in eliciting the story his relationship with his wife, which speaks to Wen's reasons for going abroad and his reluctance of returning despite being undocumented for more than two decades (see chapter 3).

DATA ANALYSIS: FROM PEN PORTRAIT TO CASE STUDY

In analysing data produced with the defended subject, Hollway and Jefferson (2013, p.306) advance the principle of gestalt – 'the idea that the whole is greater than the sum of parts' and favour analytic methods that preserve the complexity of data and

interpret the research subject holistically. Complexities in narrative data may be evidenced as denial, hesitance, avoidance, contradiction, inconsistency and ambivalence. These are analysed as 'evidence of the nature and depth of the people under study' rather than 'idiosyncratic noise of no criminological interest' (Gadd, 2012, p.38).

The FANIM data analysis starts with drawing a pen portrait, i.e. a descriptive text of the interviewee (Hollway & Jefferson, 2013). Constructing a pen portrait is a process of condensing raw data, including interview transcripts, notes of the interviews, field notes, the interviewer's impression of the interviewee, and information collected from other sources, down to two to four pages of text while maintaining the complexity in data (Gadd & Jefferson, 2007). A pen portrait usually starts with an introduction of the interviewee – who they were, how they seemed, how you came to know them and what you felt about them. The main body is an overview of the entire life history of the interviewee from as far back as they can remember to where the life is now. Establishing a timeline of the interviewee's life course in chronological order can help at this stage. A timeline is a three-column table with headings: life stage (when the events happened), event (what happened), and comment (how the interviewee commented on the events).

In light of different research interests, the researcher may focus on specific life events or periods, depending on their projects and also what complexities the participant brings to the interview. In this study, for example, the most detailed accounts tended to focus on periods around moving, the journey from China to the UK, and the experiences of employment. Generally, the researcher may use the pen portrait to depict the significant relationships of the interviewee, including those with parents, siblings, spouses and children, and to delineate key life events, such as dropping out of school, joining the job market, childbearing, marriage and separation. The pen portrait is also the place to note the complexities in the data, including what people

failed to tell or avoided talking about, inconsistencies or contradictions in their accounts, unsubstantiated generalisations and to explore the way of making sense of the complexities (Gadd, 2012). The pen portrait may conclude with flagging such complexities so they become part of the subsequent analysis, during which the researcher will return to the transcripts and seek to test out working hypotheses against the data, often in discussion with PhD supervisors or collaborators.

In what follows, I use one of the research participants, Zhou Lan, to illustrate the data analysis process. It starts with a pen portrait of Zhou Lan, and, in light of the research question that 'why do Chinese people leave China for the UK even if illegally', I develop a case study, in which inconsistency and contradiction in Lan's accounts are analysed to reveal the complexity of migration decision-making.

Pen portrait of Zhou Lan

Zhou Lan was one of the Fujianese who I met in the church. Lan was a talkative man who often shared the stories of himself and his family in the fellowship meetings, from which I learnt that he remained undocumented for fifteen years. I finally decided to invite Lan to an interview when I knew that he was detained in a removal centre for two weeks, which he described as a 'holiday'. It was puzzling that during the past fifteen years he was detained twice, but not returned to China and that he saw detention as a 'holiday'. Drawing a pen portrait of Lan enabled me to flag the complexity to be analysed in the subsequent case study and to resolve the puzzle.

Born in the 1960s, Lan was the second child of a deprived family struggling to get by on scarce incomes (approx. 18 pence monthly) and remnants of food given by their relatives. Lan's father, a violent 'dictator', often beat the children and his wife until 'every part of' their 'bodies got swollen'. Growing up in such a family, Lan 'never felt any happiness' and 'literally hated' his father. At the age of 20, Lan married his wife, a 'sincere Christian sent by God to [his] family' and later had their first child. The 'happy'

marriage lasted only two years, from which Lan became a lorry driver and started to do 'all kinds of bad things': drinking, gambling, soliciting prostitutes and having mistresses. Lan attributed his 'wrongdoing' to 'the degenerating social ethos' and 'the human nature' passed on from father to son – 'I didn't want to follow my father, but what I did was no different to him'. The life of debauchery caused him debts (Lan earned 5,000 to 7,000 yuan monthly but spent at least 30,000 yuan) and damaged his marriage, thereby contributing to his decision of going abroad.

In his community of origin where 'at least one person in each household was abroad', Lan easily found 'a person' who helped him to obtain a business visitor visa to Ireland. In 2003 Lan left China for Ireland, from where he went to Northern Ireland and then entered England 'by using someone else's refugee paper'. The journey cost Lan 23,000 yuan (approx. £23,000), which was 'borrowed from others'. In contrast to 'the life of the West' he imagined for himself, Lan soon found he 'came here to live in hell': doing the kitchen job twelve hours a day, living in a 'pigsty-like' room accommodating more than ten people, and being verbally abused by the employers. Being 'lonely' and 'stressful', Lan readopted the habits of smoking, drinking and probably gambling. In 2005, Lan opened his own takeaway shop in collaboration with a chef who had a work permit, allowing them to lease business premises. Making extra money from the business and being so 'lonely' with 'no one to talk with', Lan had an affair with 'a person'. Lan's infidelity upset his son, who came to England in 2008 for education, meaning the father-son relationship 'could not be worse'. One year later, Lan's wife travelled to the UK, after which Lan 'broke up with the person' and 'gradually changed by God'; he stopped smoking and adultery and repaired his relationship with his son.

In 2009 Lan was arrested for illegally staying in the UK, and to avoid being removed, he claimed asylum – 'just like everyone else – making up stories to claim asylum'. His asylum claim was rejected but instead of being removed from the UK, he managed to remain until 2018 when he was detained again for two weeks and then released. The

major reason for his release rather than being returned to China may be that he did not have a Chinese passport and that the Chinese government refused to re-document him. Being accepted by neither the UK nor China, Lan appeared to be both 'statusless' and 'stateless'. 'Having been in the UK for fifteen years', Lan concluded that, 'I got nothing but lost my mother and father forever'.

In analysing the interview data, I was confused about the multiple accounts Lan provided about his reasons for moving. He suggested that many undocumented Chinese migrants made desperate attempts to go abroad because of unemployment and deprivation in China, while he described his life in China as 'ok' and 'better than those living abroad'. He attributed his migration to his wife's advice, but he admitted that he had planned to abandon her after going abroad. Claiming that Chinese migrants send enormous remittances home, Lan, however, also said that he did not earn much money in the UK and that his wife sent money from China to him to help with his business. The inconsistencies and contradictions evidenced the complexity, uncertainty and controversy in Lan's migration decision-making.

Case study: why did Zhou Lan migrate?

One of the key research questions this study aims to address is: why do Chinese people leave China for the UK despite the costs and risks associated with migration and adaptation and the lack of lawful immigration status in the destination? As 'why' questions are avoided in using the FANIM, I did not ask an interviewee questions such as 'why did you leave China' or 'why did you come to the UK'. Lan, however, still tried to provide a plausible explanation of his migration after I asked how he raised the funds for moving and suggested that he moved abroad due to poverty.

Lan: It was borrowed. Most of those going abroad borrowed money... A lot of people went abroad because they didn't have a source of income at home in China. Although we work in low-paid jobs abroad, we send home hundreds of

thousands of remittances every year to make our hometown better. Now you can see that my hometown has largely improved.

In the second interview, Lan again suggested that he moved abroad for providing better for his family.

Lan: Honestly, we came here for making a living. There were lots of unemployed people in China. We were ok as urban residents, but how about those peasants without a source of income? They could barely survive by farming. So, most people came here simply for making a living, for, honestly, for the families could live a better life.

If we regard Lan's accounts as a 'tell it like it is', then the reason of his migration would be a commonplace story: Lan left China because of the poor economic condition at his town of origin; he came to the UK to make money for improving the lives of his family and further improving his hometown. This explanation, however, fails to make sense of the contradictions in his accounts. In the extracts above, Lan said '*a lot of people* went abroad because they didn't have a source of income', particularly '*those peasants*'. On the other hand, Lan himself was '*ok*' as an '*urban resident*'. He appeared not to be one of those unemployed or those without a source of income. Lan emphasised four times that 'my life in China was ok' and that 'actually I didn't have to go abroad'. It appears that Lan attempted to mix his reasons of migration with those of 'a lot of people' despite the evidence showing the opposite. Moreover, contrary to his claim that 'we send home hundreds of thousands of remittances' in the first interview, Lan admitted in the second interview that he spent all his earnings within the UK rather than sending back home. Instead, his wife sent money from China to him to start his businesses in the UK.

Lan: My incomes were all spent within the UK. (S: Within the UK?) Yes, actually

I haven't earned much money since I came here. My son came here to study, and I spent almost of my money on him, to pay his tuition fees and living costs. I ran two businesses, but neither was good. The money mainly came from my wife's investment in her brother's business. The money for starting my businesses was sent by my wife.

I suspected that he also spent a large amount of money on gambling and even fell into debts, although he presented this as the story of others.

Lan: A lot of men go to casinos, go to gamble. Why? Because they are so stressful. The employers are rude to you. The jobs are temporary, and you have to change jobs and move from one place to another every few months... They are also very lonely, with no one to talk... So what to do on the day off? They can only go to gamble, to bet on horses... A lot of people work hard and spend what they earn on gambling and some even fall into debts.

Finally, Lan emphasised that people came to the UK to provide for their families at home, but the relationship between him and his wife had broken down before his leaving and he decided not to go back home: 'what I thought was to say goodbye to her [his wife] and would never go back'.

Reading the transcripts of two interviews thoroughly and considering the whole of the data I gathered relating to Lan, I interpreted Lan's explanation as self-justification against the negative consequences associated with illegal migration. The contradictions in his accounts evidenced that his reasons of migration were more complicated than simply for making money. To understand his migration, we need to situate migration in Lan's entire life course, in his relationships with families and within the migration culture in his community of origin (see chapter 3 for more details). In the subsequent chapters, I will interpret the stories told, as exemplified

here, and present some participants as case studies. The data analysis and interpretation of this kind enabled me to provide answers to the above-mentioned research questions.

Translation

As mentioned above, all the interviews were conducted in Mandarin, and all the testimonies of the interviewees quoted in this thesis were translated into English by me. Hence, it is worth noting the challenges of translation in this research. Scholars have reflected on the issues of translation in cross-language interviews, which are conducted by researchers who do not speak the same languages as the researched and which are facilitated by interpreters/translators (Edwards, 1998; Temple, 2002; Williamson et al., 2011; Tipton, 2016). Despite speaking the same language as the participants, I also faced difficulties in translation when I translated the interview transcripts into English for the purpose of data analysis, writing up of this thesis and dissemination of the research findings.

As Temple and Young (2004, p.164) argue, 'there is no neutral position from which to translate' and 'translators must also form part of the process of knowledge production' from a social constructionist perspective (see also Tipton, 2008; 2016). For the participants who do not speak the language (i.e. English) of the host society, my ability to use English forms 'language power' that needs to be acknowledged (ibid.). For example, a female participant, Deng Lin, told me in the interview that she and her husband 'quarrelled every day' and 'sometimes fought' (see chapter 3). While I was drafting the pen portrait of Lin, I initially translated 'we fought' (*dajia* in Chinese), suggesting bidirectional violence, into 'he beat me', highlighting that Lin was physically abused by her husband. Only when discussing the pen portrait in a group meeting with other FANIM practitioners did I realised that my translation of Lin's narratives was influenced by the way I see the circumstance (Temple & Young, 2004). On the other hand, as English is not my first language, it was difficult for me to

translate the interviewees' narratives told in Mandarin into English text that retains as much as possible of both the semantic and the cultural meanings both languages carry. To minimise (though not eliminate) the loss of meaning in translation, I shared some transcripts and pen portraits with my supervisors and also discussed the case studies with other PhD students whose first language is English.

ETHICAL DILEMMA

Informed consent

The obtaining of informed consent was a significant ethical issue in this study. General ethical guidelines usually require researchers to provide all individuals and organisations involved with sufficient information about the research before commencing any research so that participants can make informed decisions on their involvement, without coercion or undue influence from others. However, in negotiating access at the church I found it unnecessary and ethically inappropriate to negotiate consent from all relevant parties, i.e. the whole congregation that consisted of hundreds of individuals with different immigration status. Only a minority were identified as possible participants and a fewer were invited to interviews. Informing the whole congregation of the research or distributing information sheets in the church, as the University ethics committee advised, would create an unnecessary barrier to participating and compromise the commitment to confidentiality. Those wishing to participate probably did not want others in the church knew their involvement in this study. Not distributing the PIS in the church, I believe was an ethical decision to minimise risks of harm to participants. I instead contacted potential participants individually and explained the research in detail prior to interviews.

Second, people may be more capable of making informed decisions when they gain not only sufficient information about the research but also a certain level of confidence in the researcher, as opposed to the general guideline of research

integrity that assumes 'a person is in a better position to judge prior to the interaction with the researcher' (Hollway & Jefferson, 2013, p.82). Moreover, the negotiation of consent tended to be dynamic and continuous together with the course of research instead of being a linear process. My fieldwork in the church was a constant procedure of negotiating consent. As mentioned earlier, my explanation of the research at my first encounter with the Fujianese subgroup did not convince any person to participate, although that explanation was necessary. The people's decisions to participate (or not) were made largely on their feelings about me, which they grew with every interaction we had in and outside the church.

Third, oral consent rather than written consent was obtained from the participants of this study. The use of signed consent forms is a standard research protocol, but in criminological research, where the researched activities may be illegal, respondents are often reluctant to sign consent forms, although they may agree to participate (Israel & Hay, 2012). Furthermore, the existence of paper records could put the anonymity and confidentiality of participants at risk (ibid.). Therefore, I provided each participant with a copy of Consent Form (Appendix 3), which was translated to Chinese for them to read, but I did not require them to sign off. At the onset of interviews, I asked the participants to provide oral consent by saying in the audio recorder that they understood what the research was and agreed to take part.

Ethics issues in interview and data interpretation

Due to the nature of this study and the specific interview method used, I often needed to ask questions that were uncomfortable or distressing for the participants to answer, including questions about their intimate relationships and their involvement in illicit activities. There were a few situations when the participants cried during the interviews when they recalled painful memories, such as the experience of bereavement, being forced to drop out of school by a sexist family, and being separated from children for years. Facing their being upset, I often found it difficult to

ask them to tell me more about these events as the FANIM instructed, particularly when the participants were strangers to me (and so was I to them). The interview with An Xin is an example. As I mentioned before, Xin was recruited through snowballing, who met me the first time at the interview. Throughout the interview, Xin remained fairly reticent, answering my questions briefly and not responding to my request for detailed stories, as the following extract exemplified.

Siyu: Can you please tell me about your growing up, maybe as far back as you can remember?

Xin: Uh, I was, I was, when I was three years old, my dad, eh, passed away. So, I was brought up by my mum and my four older brothers. Um, that's is. [8 seconds pause]

Siyu: Your dad passed away when you were three.

Xin: Yes.

Xin's opening response, despite being short and with a long, uncomfortable pause, opened up an important line worthy of inquiry: the story of dad passing away when she was only three. I, however, failed to ask more about that but continued the interview as follow.

Siyu: Um, your mum and four older brothers brought you up. Maybe you can tell me more about that.

Xin: Em, just like, for example, they afforded me to go to school. So, I dropped out of school at a very young age. I dropped out of school when I was about fifteen. Actually, I should be a happy child. You see, my mum and my four brothers loved me. Yet, I dropped out of school when I was fifteen and started to make a living, eh, by working at the factories. [10 seconds pause]

Again, Xin provided important leads through which stories could be elicited: the

relationships with her mum and four brothers and dropping out of school. I avoided asking more about these and inquired about her working experiences instead, which I assumed would be easier for her to tell. Yet, this question only elicited a one-sentence reply and made the interview even harder.

Siyu: Can you tell me about your working experiences from fifteen?

Xin: Just worked at a factory.

In retrospect, Xin might be frustrated when I failed to follow up with her opening response – the losing of dad that would be painful to recall but defined her childhood. I did not follow up lest she became upset. However, would it have been necessarily harmful for Xin to talk about distressing memories? Hollway and Jefferson (2013, p.80) argue that, rather than being harmful, 'it can be reassuring and therapeutic to talk about an upsetting event in a safe context'. Some interviewees may wish for an opportunity to talk about personal, disturbing issues with a person, who is 'capable of listening well' and 'not competing for attention, who can 'reflect back in questions and comments a recognition' of their experiences, by whom they do not 'feel judged' (ibid., p.81). The interviews with Xu Mei (see chapter 3) is an instance, in which she told me about the stories of her mother's suicide, child neglect by her father, unkind stepmom and separating with her brother and then she cried after recounting these traumatic events. However, Mei's following comments suggested that the emotional discharge was not necessarily harmful to her and that she had wished for an attentive listener.

Mei: Sometimes it's good to let emotions out by crying, isn't it?

Siyu: Yes, that's good.

Mei: I often shared my stories with my friends before, but now I try not to do so… I now rely on God for help. You can't rely on people to, eh, to make it. For example, if I'm unhappy and I go to you for help or listening, you might be not available because maybe you're busy with your own business… Then I would be

frustrated because I felt like I was not that important to you.

As I conducted more interviews, I increasingly gained experience of dealing with the situations when the participants were upset: offering them tissues, expressing my sympathy about their emotions, acknowledging their generous sharing, leaving them alone for a while or keeping the conversations going on when the interviewees wanted.

Ethical issues continue at the stage of interpreting data and writing up this thesis when I had completed the data collection and been distant from the participants. The findings presented in the thesis involves my analysis and interpretation, which are not necessarily shared by the participants. For example, my interpretation of Lan's accounts as self-justification may not be shared by Lan. In contrast to 'the democratic principle' in feminist research that privileges the voices of participants and minimises the 'intellectual intervention' by researchers, the FANIM defies analysis that 'is driven by the rationalising self-descriptions of informants, which are also the touchstone for judging the correctness of any interpretation' (Hollway & Jefferson, 2013, p.53;155). Keeping the assumption of 'defended subject' in mind, I also was aware that I was a defended subject, too and 'receptive to the possibilities of interrogating researcher defensiveness as a means of delivering more probing qualitative analyses' (Gadd & Corr, 2015, p.7).

Furthermore, irregular migration attracts considerable official and public attention and media coverage, thereby adding a political dimension to the ethical considerations about presenting and disseminating the research findings (Düvell et al., 2010). For example, this study found that twelve out of the fifteen participants had claimed asylum and that they concocted stories of persecution to form valid bases of asylum claims; a finding that might be (mis)used to fuel the claims of that 'bogus' asylum seekers abuse Britain's generous welfare system. Yet, it also found that making such asylum claims was the only way to alleviate the people's plights, which were largely

caused by the tightened immigration control (see chapter 7). In presenting these research findings at an academic conference and writing up this thesis, I strived to keep a balance between the aim of advancing knowledge and the obligation of not stigmatising the participants.

Leaving the field and providing feedback

Like many researchers who immersed themselves within research, I faced emotional challenges while leaving the field (i.e. the church) and disengaging from the research participants (Snow, 1980; Russell, 2005; Iversen, 2009; Batty, 2020). While approaching the end of the fieldwork, I felt both relieved for completing the difficult task of data collection and guilty for leaving the people I had interviewed after 'using' them (Batty, 2020). After completing the interviews in 2019, I exited from the church in a both planned and unexpected way. I planned not to go to the church after the Christmas holiday, and the Covid-19 outbreak suddenly disrupted many regular aspects of life, including movement and gathering. It became difficult to conduct conventional ending practices, such as a farewell gathering, which some researchers view as a good practice to declare the end of a study and to acknowledge the contribution of the participants to the study (Russell, 2005; Iversen, 2009).

I did not provide feedback on the research findings to the participants because of the Covid-19 restrictions on meeting in person. Besides, some participants (mainly those recruited by snowballing and online advertising) no longer kept in touch after the interviews were completed. I only communicated casually about the research findings with the priest and two participants who I still maintained contact with after completing the thesis, and they expressed their pleasure in participating in this research.

Self-reflexivity

It is evident that my characteristics and subjectivity played a role in this research. First,

my background as a Chinese student/migrant in the UK facilitated my access to irregular Chinese migrants; a group of people that are often inaccessible to researchers. The priest told me that a British researcher had visited the church to look for participants for her study, but she failed to talk with anyone due to language barriers. The shared ethnic, cultural and linguistic backgrounds enabled me to communicate with the church members and to build a rapport with them. Additionally, my role as a PhD student enabled me to gain trust from some participants as a high level of education is often valued by Chinese people. Pieke et al. (2004) mention that their educational and professional backgrounds helped them to gain access to Fujianese migrant families in China, and Chin (2005) reveals that her bachelor's degree from Harvard University enabled her to gain trust from the Chinese and Korean immigrants, who very much hoped their children would be high achievers in education. Nevertheless, my Chinese ethnic background was not always an advantage in this research. One of the church members refused my invitation to an interview because she did not believe that this research conducted by a young Chinese student could make her voice heard in British society.

Reflecting on her ethnographic fieldwork with British migrants in Tenerife, Bott (2011, p.160) reveals that,

> As we get to know the people we are researching, our investments in them change. Inevitably we begin to identify/disidentify, like/dislike, familiarize/otherize and this impacts our representations of them in relation to ourselves when we write up our ethical worries and interview data.

During this research I indeed became familiar with some participants while losing touch with some after completing the interviews; I became more sympathetic towards some participants while more critical about others. Additionally, the interview data

were collected and analysed by me, another defended subject, and my interpretation is not necessarily shared by the interviewee. For example, I was saddened by the life stories of Xu Mei (see chapter 3), who witnessed her mother's suicide and was neglected by her father and later separated from her child for ten years, and I became even more sympathetic to her while I was analysing the data and repeatedly reading the transcripts. By contrast, I disapproved of the indifferent attitudes of another participant, Chen Wen, to his ex-wife and child whom he left behind for twenty years as this reminded me of my parents' divorce and caused my defence against the feeling of vulnerability (see chapter 3). In chapter 3, I therefore emphasise that what the interview aimed to discover is the emotional reality that the interviewee remembered, recalled and recounted at the particular interview setting rather than objective truth as how events exactly happened. The fact that my subjectivity and defensiveness played a role in the interpretation was unearthed while I was discussing the cases of Mei and Wen with other PhD students, who asked why I emphasised in Wen's case but not in Mei's that it is emotional rather than objective truth.

LIMITATIONS: RELIABILITY AND GENERALISABILITY

The research method used in this study, just like all the other qualitative research methods, has its limitations, or more precisely, may attract criticism from the paradigm of quantitative research approach. The first issue is the reliability of data, i.e. the extent to which I could ensure that the interviewees told me the truth. A simple response is I cannot ensure that. The stories elicited were one-sided accounts from the interviewees, and I could not assess the extent to which the factual truth – what happened exactly – was compromised by the interviewees, by, for example, interviewing other people involved in their stories or accessing their immigration records held by the Home Office.

This, however, does not render the stories told unreliable. I did not discover a situation in which an interviewee deliberately lied to me. Where there were questions that they

did not want to answer, they simply refused to answer or provided brief responses rather than telling lies. More importantly, the FANIM acknowledges that people as a defended subject are unable to 'tell it like it is' not only because they may be not completely honest with the researcher but also not transparent to themselves. For the participants of this study, they may find it particularly difficult to retell their involvement in illegal activities as offenders or victims because of their conscious and unconscious defensiveness. The purpose of the interviews is not to investigate factual truth but emotional truth – what and how the interviewees remember, recall and retell their experiences. In the above-mentioned case of Zhou Lan, for example, he claimed that many irregular Chinese migrants worked hard (despite in breach of law) in order to send remittances home and on the other hand, he admitted that he did not send money home. Instead of finding out whether Lan had sent remittances or not, I aimed at understanding how and why he provided inconsistent accounts. Instead of a lie, I interpreted his inconsistent accounts as an unconscious act of self-justification. Paying attention to the inconsistencies and contradictions and keeping in mind the whole data set while analysing a part of it, the FANIM critically examines the one-sidedness of interviewees' accounts and thus defend the reliability of data.

The second limitation is the generalisability of the research findings, i.e. the extent to which the conclusions drawn on the small-sized (fifteen), non-random sample can be applied to a larger population. The participants of this study are probably not representative of the whole population of irregular Chinese migrants in the UK. Most of the participants were recruited from the church and thus tended to be established migrants given the fact that they were able to visit the church regularly for years; newcomers and those with very precarious lives may be less likely to involve themselves in a church. Hence, the findings of this study are unlikely to be generalised by the means of statistical inference, to which selecting representative samples is central; an approach of generalisation that is neither possible nor desirable for many qualitative studies, including this one (Flick, 2018).

The generalisability of the research findings is assessed by the means of theoretical generalisation, in which generalisability is based 'not on the typicality or representativeness of the case but upon the cogency of the theoretical reasoning' (Mitchell, 2008, p.39). For example, the findings draw on the case of Wang Fen, who had cancer but was denied access to treatment because of being undocumented and who claimed asylum in order to be admitted to hospital, can illustrate the plight of many undocumented migrants and their survival strategies (chapter 7). In the following chapters, I will demonstrate the generalisability of the knowledge derived from the case studies to a larger group of irregular (Chinese) migrants.

CONCLUSION

This chapter has recalled the research journey I went through from preparing for the fieldwork to the current stage of writing. Through the elaboration of the recruitment of participants, this chapter illustrated how I approached the irregular Chinese migrants and building of a trusting relationship and rapport with them, so that they were willing to reveal their involvement in illegal migration and the underground economy, the traumatic events in their lives, and the intimate details of their relationships. In using the snowballing and online adverting to recruit participants, the building of trust relationship also proved to be important. The rich and detailed data were collected also because of the specific interview method used in this study. The FANIM has been mainly applied to English-speaking interviews (Hollway & Jefferson, 1997; Gadd & Jefferson, 2007; Garfield et al., 2010), and this study proved that it was also fruitful to elicit rich material in Mandarin-speaking environment.

The nearly two years' fieldwork, multiple in-depth interviews, and thorough analyses of the data introduced a change in me personally and professionally. As Gadd (2012, p.46) reveals, contacting and interviewing criminological research participants and engaging with the material the FANIM elicits are 'emotionally and intellectually demanding'. For example, the aforementioned interviewee Xu Mei provided me with

very valuable material. For a few weeks after finishing the interviews, I could not stop thinking about the stories told, and sometimes woke up at the middle of the night, reading the transcripts and drawing the pen portrait of Mei. The emotional engagement inspired 'intellectually driven analyses' (ibid.), which helped me to move beyond the dominant migration theories, and to gain a better understanding of why people migrate (chapter 3). The remainder of the thesis documents this kind of emotionally-inspired and intellectually-driven analyses and interpretation of the data. Thanks to the interviewees' generous sharing and the research skills I acquired throughout the PhD journey, this study will make an original contribution to knowledge.

Chapter 3

Why people migrate: A biographical approach to understanding irregular Chinese migration to the UK

INTRODUCTION

'Why people migrate' is a question that interests not only scholars but also policymakers seeking to manage migration. It is particularly perplexing that people risk money and even their lives to move to a foreign country where they may lack the basic rights of residence and work. The dominant functionalist theories explain migration as rational economic behaviour. From the macro-level perspective, migration is regarded as a consequence of geographic differences in the supply of and demand for labour, which drive people to move from low-waged to high-waged areas. From the micro-level perspective, migration is seen as a rational calculation of costs and gains of movement, in which people decide to move if they believe there is a positive return. From the meso-level perspective, migration is a collective decision made by a migrant's household to diversify income sources and minimise risks (Massey et al., 1993). In contrast to the functionalist paradigm, the historical-structural theories conceptualise migration as a result of structural determinants, including wars, political persecution and national economic recessions, which impel people to move (Castles et al., 2014). The two ostensibly opposite paradigms both assume migration as a 'preordained response' to external and principally economic stimuli and migrants as 'passive dupes' of pull and push factors, therefore often failing to explain real-life migration (Halfacree & Boyle, 1993, p.334). This chapter instead uses a biographical approach that conceptualises migration as a part of individual life courses and situates migration in familial and social contexts (ibid.).

In exploring why Chinese people move to the UK even in the absence of lawful immigration status, this study finds that economic factors, such as a lack of employment opportunities in China and expected high wages in the UK, are not the

sole or even the major reason. Non-economic factors, by which I refer to migrants' early life experiences, significant social relationships and sociocultural contexts in the communities of origin, have a profound impact on individuals' migration decision-making. This chapter aims to explain why individuals, despite the hostile policy against irregular immigration, continue to move and struggle to stay in host societies where they 'have no right' to stay. Specifically, this chapter will answer three questions. First, why do Chinese people leave China for the UK, even if illegally? Second, why does irregular Chinese migration to the UK persist in the 2010s when China has witnessed rapid economic growth and the UK has tightened immigration policy? Third, to what extent does the UK's restrictive immigration policy, as exemplified by the Home Office hostile environment policy, deter potential irregular Chinese migrants from coming into the UK and encourage those already here to leave voluntarily?

This chapter starts with an overview of the Home Office hostile environment policy and points out that the policy fails to encourage irregular Chinese migrants to leave the UK. After elucidating the principles of the biographical approach of understanding why people migrate, I use this approach to analyse three case studies of irregular Chinese migrants in the UK and discuss the impact of sociocultural context, early life experiences and significant interpersonal relationships on migration decision-making.

HOSTILE ENVIRONMENT POLICY

The hostile environment policy was named in 2012 when the then Home Secretary Theresa May in an interview with the Telegraph declared that 'the aim is to create here in Britain a really hostile environment for illegal migration' (The Telegraph, 2012). The policy is a strategy to fulfil the 2010 Conservative election manifesto pledges to 'take net migration back to tens of thousands a year' (ibid.). The initial target of reduction included 'non-EU economic migrants' and nationals of 'all new EU Member States', thereby 'limiting access only to those who will bring the most value to the British economy' (Conservative Party 2010, p.21). Far from fulfilling its pledge after two years

in office, the Conservative government strategically turned the focus to a more precise and 'legitimate' target – illegal immigration. Designing the hostile environment policy to make the life of irregular immigrants as difficult as possible, the government aimed to encourage voluntary departure and deter future illegal entry. Most measures of the policy were made in law through the Immigration Acts of 2014 and 2016, which deny irregular migrants access to work, housing, healthcare, driving licences and bank accounts and requiring data-sharing and reporting mechanism between other government departments or external organisations with the immigration agency (Düvell et al., 2018).

The hostile environment policy has been blamed for the Windrush scandal[6], which resulted in people who have the right to abode in the UK yet are not able to produce papers to certify their status being denied social rights and deported. Düvell et al. (2018) further identify its counterproductive effects on large numbers of individuals and stakeholders. Instead of reducing illegal immigration, the policy 'increases human suffering whilst offering opportunities to criminals and giving rise to criminal practices and pushes irregular immigrants further underground' (ibid., p.5). Concurring partly with their conclusion, this study found little evidence that the UK's tightened migration control, as exemplified by the hostile environment policy, succeeds in encouraging irregular Chinese migrants to leave the UK voluntarily or deterring potential entry. None of the people that I interviewed, observed and chatted with considered returning to China voluntarily however difficult their lives in the UK were. Irregular Chinese movement to the UK has persisted in the 2010s, albeit in a noticeable downward trend. Among the research participants (see Table 2), six people came to the UK between 2014 and 2019 (recent migrants). Compared to their compatriots

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[6] The Windrush scandal is a 2018 British political scandal that saw many Commonwealth migrants arriving in the UK between 1948 and 1973 were denied right to work and access to social services to which they were entitled and some were detained and deported wrongly under the hostile environment policy. Those people are known as 'Windrush generation', which is named after the ship Empire Windrush that brought the first large group of migrants from the former British colonies in Caribbean to the UK in 1948 in response to the post-war labour shortage. Their right of abode in the UK was confirmed by the 1971 Immigration Act (BBC, 2018).

arriving in the 1990s and mid-2000s (earlier migrants), it is more difficult to fit the recent migrants in a rational economic model of migration given the economic and political conditions in the two countries and the recent migrants' socioeconomic characteristics. From the macro-level perspective, the wage differential between China and the UK and the exchange rate of the British Pound against the Chinese Yuan that drove pioneer migration has been declining in recent years. Meanwhile, the UK has tightened control over labour migration from outside the EU and increased enforcement against illegal working (see chapter 5). From a micro-level perspective, compared to the earlier migrants who were mainly low-skilled rural residents working in farming and factory jobs before moving to the UK, the recent migrants had decent occupations in China, including a bank teller, a nursery school teacher, an entrepreneur, a nurse, and a university lecturer. It appears more perplexing that those people came to the UK, where they did not have lawful status and worked in low-skilled jobs. To explore why those people came to and stayed in the UK amid the hostile environment, this study turns to an alternative approach, which advances the understandings of migration beyond economic rationality or forced displacement.

BIOGRAPHICAL APPROACH IN MIGRATION STUDY

This paper deploys a biographical approach that Halfacree and Boyle advocated in the discipline of human geography (Halfacree & Boyle, 1993; Boyle et al., 1998). According to Halfacree and Boyle, there are three principles of using this method. First, migration is an 'action in time'. Migration exists as a part of an individual's life course rather than a discrete act. The migration decision is influenced by the individual's past that may far precede the movement rather than just being triggered by immediate needs and external stimuli around the time of move (Findlay & Stockdale, 2003). Specifically, this approach explores the relation of migration with all the other significant transitions and life events of a migrant, including but not limited to transitions from childhood to adulthood and from school to the labour market, family formation, child-bearing and rearing, relationship breakdown, and ageing of parents (Ní Laoire, 2000).

Second, migration is a cultural construct. Halfacree and Boyle (1993) argue that migration decisions are a manifestation of an individual's value system, which is developed within a set of societal norms and is, therefore, a cultural event. As people live their lives among others people within a specific sociocultural context, decisions they make throughout their life courses, particularly an important decision of leaving home for a foreign country, are 'socially referenced' and 'involve their understanding of social norms and cultural practices' (Findlay & Stockdale, 2003, p.5). Emphasising the socio-cultural embeddedness of migration decision-making, this principle is to avoid de-contextualisation of individuals' actions, a fallacy that a micro-level approach is likely to commit.

Third, migration research should recognise the complex and multifaceted reasons for movement rather than suppress them (Halfacree & Boyle, 1993). It is widely agreed that migration can be driven by multiple motives: a labour migrant primarily moving for employment can meanwhile come to join a family; a refugee may seek both asylum and economic opportunities in a safe country. The debate is, when to explain why migration occurs and sustains, whether we should aggregate the multiple motives to discover a kind of norm, pattern or model of migration, or unpack them to acknowledge the complexity, uncertainty and controversy in migration. Taking the biographical approach, this study highlights the complexity of migration decision-making and challenges the simplification of migration into purely economic behaviour.

SITUATING MIGRATION DECISION IN A LIFE COURSE

Three research participants, Xu Mei, Chen Wen and Deng Lin are drawn as case studies to illustrate how migration is embedded in a person's life history and the social structure. The three people stand out because, first, I elicited rather full and nuanced life stories from them, enabling me to explore the substantial depth and complexity behind their migration decisions. Second, each person bears both representative and distinguishing features of the rest of the sample, which can reflect migration processes

beyond the limited scope of this study based on a small sample and also challenge the dominant political and media discourse on irregular migration.

Case 1: Xu Mei, female, aged 38, coming to join husband

Xu Mei came to the UK in 2004 from Fujian province, which has been identified as a major area of origin for (undocumented) Chinese migrants in Japan, Europe and the US (Pieke et al., 2004; Liang & Ye, 2011). In Mei's case, the well-documented factors articulated in chapter 1 – a historical legacy, a consequence of the 1978 economic reform and relative deprivation – all played a role in driving her movement. Nevertheless, these factors do not fully account for her behaviour because the major reason for her coming to the UK was to join her husband, rather than to make money, and the reason why she desperately wanted to join her husband was then related to her early life experiences and problematic family relationships. By revealing her life story in detail, and by exploring the entanglement of her migration in her relationships with family, community and the wider society, I will provide new insights into the well-studied Fujianese migration.

At the beginning of the first interview, Mei explained that she came to the UK to join her husband, who came to the UK also illegally one year ago.

> Mei: [I] wanted to come to the UK *simply because* my husband had been here… We got married based on romantic love [instead of an arranged marriage]. My husband went to the UK when I was eight months, eight months pregnant. I felt very lonely after being separated with him suddenly [emphasis added].

The friction with her mother-in-law, who Mei lived with after her husband left home, was a catalyst for her decision of leaving.

> Mei: My mother-in-law was conservative and believed that the daughter-in-law

should remain at home when the husband, her son wasn't at home. Like, when I asked her if I can go somewhere, she sometimes said 'you'd better not'. I spent most of my time at home, only at home. I can't sleep well or have food, became very skinny...I wasn't happy, not very happy, feeling like being trapped in a cage.

Mei told her husband that she did not get along well with her mother-in-law, and he said 'come here; you don't need to stay at home'. Her mother-in-law also agreed that 'a young couple should be together' and helped Mei to raised funds and contacted snakeheads to arrange her documents and travel. One month after her son's first birthday, Mei left China and did not go back until ten years later.

The reason for Mei's moving to the UK appeared to be unambiguous – she missed her husband and did not get on with her conservative mother-in-law, which is not uncommon in married women's migration. In analysing the first interview, I, however, discovered some avoidance and inconsistency in Mei's story. First, Mei did not provide any information about her mum and dad or about her life before marriage. Second, Mei's accounts that 'we got married based on romantic love' and 'my husband loved me very much' was inconsistent with the fact that he left her when she was eight-month pregnant with their first child. Third, hearing how upset Mei was after leaving her child, I wondered if there was something more than simply coming to join her husband behind her difficult yet resolute decision of leaving.

Mei: When I left my son, he knew nothing since he was only thirteen months old. He just began to be able to speak. I remember that he started to be able to walk on his first birthday. I bought him some food that people said can help children walk – which was funny. I went to the city centre to buy him the food, and he was really able to walk exactly on his birthday – [I was] very happy. He wasn't actually able to speak but rather say mama. So, he didn't even remember me at all. I was really upset. I brought him up on my own.

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In the follow-up interview, I asked her to tell me about the story of her life before she met her husband. She was initially hesitant to talk about her childhood and teenage years and asked 'is that relevant' and said 'I almost forget everything of my childhood'. But, at the end, Mei revealed that she did not remember 'any happy things': 'It's strange – there should be lots of happy things. But what I can remember about my childhood are all unhappy things'. Mei's childhood, as I interpreted, was not simply 'unhappy' but traumatising and played an indirect yet profound role in her migration decision.

Mei's mother was the child bride of her father. As far back as Mei can remember, her father 'always worked somewhere away home', leaving the two children, Mei and her older brother, to their mother. When Mei was only nine and her brother was twelve, her mother killed herself by taking pesticide in front of the two children.

> Mei: I remember that my brother and I went home after finishing school that day and then saw my mum crying. Um, I remember that we were in my room and my mum held me and kept crying. Then I crept to the bed, and my brother stood at the door. My mum cried and spoke to me something, like, 'my daughter, you will be a good girl, be good' and something like that. I cried too. I didn't understand what was happening and just cried as my mum was crying... While she was speaking, she suddenly went to the tent behind the bed, took the pesticide and drunk it.

Mei attributed her mother's suicide to an 'insane neighbour', who broke into their house and 'messed the kitchen up' while her mother was cooking in the kitchen. This incident caused her mother paranoia and depression, which led to her suicide. I wanted to explore this explanation further but did not do so because Mei was clearly very upset to relive these memories. Perhaps Mei did not want to tell me all of the specific details, or maybe she had been too young at the time to understand the full

truth and complexity of the situation. Nevertheless, her mother's death was a turning point in her life, as Mei had to develop quickly from being a 'bad-tempered' and 'clingy' child to a 'mature' and 'independent' person who 'understood the way of the world' at an early age.

Mei's maternal grandparents, uncle and aunt, attended her mother's funeral and went back to their city shortly. The two children losing their mother seemed not to trouble the maternal relatives.

> Mei: It was the first time that they all came to my home. They rarely visited my family because they were urban dwellers and we're rural, and urban people simply didn't like rural people or going to a village.

After the funeral, Mei's father also left home to work, leaving his two children to his brother's wife – 'after they all left, there were only my brother and me'. Her aunt was very kind to Mei, treating Mei 'like her real little daughter', but 'the life without mum was always hard'. The two children lived with their aunt for more than one year until their father married a new woman. Since then, Mei's life became 'very hard'. The stepmother was not kind to Mei or her brother. Her brother left home to work aged 16, and Mei did so at 17. For Mei, leaving home and starting work was 'a new phase of life'. She described the two years working in a factory as a 'very happy and free' time: eating ice cream in summer and hot pot in winter, hanging out with young friends, using up her monthly salary on food and clothes. She rarely went home or contacted her father, who seemed not to care about their lack of communication.

Around two years later, Mei met her husband at their workplace. The young man 'kept saying he loved [Mei] very much' and was 'very nice to [her]'. Mei fell in love and later left her job to live with him at his home. Although her brother was not happy with their relationship, and her father apparently 'did not care', Mei was soon engaged to

her husband. (According to Mei, they did not marry because her husband was then under the legal age of marriage, which was 22 for men in China). No more than one year after their engagement, her husband left China for the UK while Mei was eight-month pregnant. According to Mei, her husband 'was not willing to leave at all', but his mother 'insisted that he should go abroad', just like his two brothers who had already been abroad. To stabilise their relationship, her mother-in-law suggested that they should have a child before her son left. Mei also believed that having a child with her husband 'was the only way', through which she could justifiably live in his home and did not have to go back to her father's home anymore. The desire to leave her father's home played a role in every important decision Mei made in her early life stage, including the decisions to work, to marry, to bear a child and to move abroad.

In the two interviews, Mei emphasised that her husband loved her and was nice to her.

Mei: When we were dating, he was of course very nice to me. He helped me with my job when we worked together, and what I did was shopping and playing.

My husband really loved me when I was pregnant. He made me food every night because I was often hungry and needed to have several meals a day. He often went to the city centre to buy a lot of fresh and expensive fruit for me. Since he left, no one loved you [sic.] that much anymore.

My husband has never made me worried about money. I always buy whatever I would like to buy and he never said no... He always gives me the best things he can afford.

These words highlighted the importance of Mei's husband to her as the major and even the sole source of permanent attachment and emotional fulfilment in her life against the backdrop of her mother's suicide, child neglect by her father, indifferent

relatives, unkind stepmother and separating with her brother. The desire to not lose her husband outweighed her role as a mother of her 13-month-old child.

It is important to note that Mei was not an 'atypical' mother who left her small child behind. In their study sample of 3,000 women moving within China, Connelly et al (2012) found that only 12% of the women took their children with them. In my observation of the Chinese community in the UK, it was not uncommon for undocumented female migrants to leave children in China and not even see them again for years until they could regularise their immigration status. Mei's moving to the UK mirrored the migratory experiences of millions of Chinese women. On the one hand, it was an empowering process　women exercise autonomy in various ways to participate in the urban labour market, broaden their horizons and achieve personal values in the era of reform. On the other, it was a manifestation of the enduring gender ideology and patriarchal norms underpinning the subordinated position of women to men (Gaetano, 2015). The fact that Mei left her child to her mother-in-law had its roots in the Chinese traditional patriarchal practice, in which a woman, once married, 'belongs to her husband's family'. Mei's mother-in-law believed that 'a young couple should be together' or more precisely, a wife should be together with her husband and 'definitely made your husband a priority'. A grandchild is therefore more likely to be seen as 'the responsibility of the husband's extended family, and to be taken care of by paternal grandparents' (Chen et al., 2000, p.573). As the remaining of this thesis (mainly chapter 5 and 6) will discuss more broadly, gender plays an important role in shaping the migratory and working experiences of Chinese women who flee gendered oppression in China while ending up in gender-based labour exploitation in the UK.

Case 2: Chen Wen, male, aged 56, migrating to the West as a symbolic success
Chen Wen came to the UK in 1997 from Guangdong province, where there has also been a centuries-long history of international emigration. Wen stands out among the research participants because of his experience of detention. Being undocumented for

twenty-two years and detained on four occasions (see chapter 6), he serves as an extreme example of how the hostile environment policy could make the life of an undocumented migrant as difficult as possible but still could not encourage him to leave the UK.

Eliciting a full and nuanced life story from Wen was difficult. In the interview, I, as usual, started with the question – 'can you tell me about your life story as far back as you can remember?'. Wen started his story:

> Wen: I grew up in a rather remote and poor town in Guangdong. I graduated from high school and my grades were good – not good enough to be admitted to a university but nearly – so I was sponsored by a secondary school to attend a normal school. The condition was that I would work for the secondary school for eight years after graduation. So I was a secondary school teacher in China. However, I wasn't happy with the job or the working environment. *I didn't like the Chinese culture, in which the interpersonal relationship was too complicated and people always told on each other* [emphasis added]. And, I didn't like being with children – I taught secondary school students. So I left the job and found a channel of coming to the UK. I'd rather not tell more about that because first I don't want to talk about my past... And second, I told the immigration agency that I have no family in China. I'm applying for status as a stateless person, and an illegal immigrant, to be recognised as stateless, must not have any contacts at all with the country of origin. So, it's not the right time to talk about something. Anyway, *I came here not for making money but because I didn't like the Chinese culture* [emphasis added].

This was almost all the information Wen gave of his 35-year life in China in the two-hour interview, leaving a few key questions unanswered – why did he not want to talk about his past; what did he mean by 'Chinese culture'; why did he come to the UK

working in low-skilled jobs despite having a 'decent' job in China; and, why had he 'never regretted coming to the UK' and never considered going back to China even though 'having no status, no money, no family, nothing' for the past twenty-two years. To elicit more details about his life story before migration, I revealed that my dad was also a secondary school teacher, who left his job and moved to work in the 1990s, albeit within China (see chapter 2). After my disclosure about myself, Wen felt more comfortable to tell me about his early life stories with his parents and wife, which spoke to his determination of leaving and the reluctance of returning.

Wen's parents were both employees of state-owned companies, to whom the Chinese government allocated everything – food, housing, children's schooling – for free or an insignificant amount of money in the era of the planned economy. So, his family was 'relatively OK', although 'everyone was poor and fool at that time'. Nevertheless, Wen's mother, according to him, was 'extremely selfish' and 'self-centred' and 'never took the responsibility as a mother'.

> Wen: She was like, if there were two eggs, she would eat both rather than giving one to her children… I started to cook and wash clothes for the whole family when I was only seven. There was one time when I finished school and went home. My home was four kilometres away from the school and it was summer, so I came home hot and sweaty. I took a break and had some water. My mother went home and saw no meal ready. She went mad and shouted at me 'I worked hard a day but have no food to eat at home!' You see, she was such a selfish person.

Wen's father, a 'coward', did not dare to say no to his wife since she found him cheating, which was a serious 'moral defect' that could lead to his father's dismissal at that time. The unpleasant childhood experience and fragile parental relationship, although not directly leading to Wen's movement, contributed to his impression of Chinese culture

that he so disliked. When he decided to move abroad, Wen felt little hesitance about leaving his elderly parents.

After graduating from the normal school, Wen became a teacher in a secondary school, where he met his wife. Wen and his wife, as 'young people loving each other', had 'premarital sex'. She was pregnant and had an abortion because having premarital sex, particularly having a premarital pregnancy, was shameful at that time. Her brother discovered the abortion and reported it to Wen's school. Consequently, Wen was given 'a major demerit' in his record and fined 200 yuan, equivalent to his wages of ten months. With a major demerit, Wen felt that his career was 'completely destroyed'.

Wen and his wife married and had a child. In the following three years his wife had seven abortions. It was the time when the enforcement of the one-child policy was draconian in China, particularly for Wen and his wife who were public school teachers; they would have been dismissed if they had had a second child. The recurrent abortions made Wen's wife 'scared of having sex' and thus their relationship 'gradually went bad'.

Wen further revealed the event of his resignation, and the event illuminated his meaning of 'Chinese culture', from which he fled abroad.

> Wen: In Chinese culture, flattering was more important than working. I, however, didn't know how to brown-nose the superiors. Neither did I like to do so. I'd like to be alone. That's OK in Britain as long as you do your job well, but, in China, the leaders didn't like such person and people talked behind your back that you're arrogant, asocial and something.

> The last straw making me resign was I taught two classes, a top class and a lower class. The top class ranked the second-best in a county-level examination, while

the lower class ranked the second last. Then, the school leader blamed me for the second last ranking and said I didn't do my job. And, I said 'didn't you see that another class got the second best? That's simply because they were top and lower classes!' If it happened to someone good at brown nosing the leader, then the leader would rather praise him for the second-best ranking. I, however, was only blamed for the second last ranking. I had had enough and left the school.

A 'selfish' mother, a 'coward' father, a 'snitch' brother-in-law, an 'estranged' wife, 'ass-kissing' colleagues, and a 'good-for-nothing' son, regardless of whether it was true or not, were the emotional reality Wen maintained about his life in China. Thus, 'when I left China', Wen concluded, 'I literally had no attachment to any person'.

After leaving his job, Wen sought to leave China and found a chance to go to the UK.

Wen: There were occasionally some overseas Chinese visiting families in my town. A British Chinese wanted to take his biological mother to join him in the UK, but the British government rejected his application because he was adopted by his aunt, a British citizen, when he was small on the ground that his mother remarried and abandoned him after his father died… He somehow got two Belgian passports and he wanted someone to travel with his mother because she was illiterate and too old to travel alone. I wanted to leave China and he wanted someone to help, so we agreed that I accompanied his mother to the UK in exchange that he provided me with accommodation after arrival... I paid him £3000 for the passport.

From a macro-level perspective, Wen's migration coincided with a time when international movement became not only possible but admirable in China. During the Mao era, moving abroad was difficult for an average Chinese citizen, and even people

with a relative abroad could be suspected of spying for foreign countries (Nyíri, 2002). Since the 1978 economic reform, however, a new hierarchy has been established, in which success as a modern Chinese subject was linked to mobility; and the top of that hierarchy was moving to the West, especially the US (Liu, 1997; Nyíri, 2010). Back in the Mao era, a stable job, such as a secondary school teacher that Wen held, was a desirable career in China. Since the 1978 reform, however, many people with stable jobs were either laid off due to the collapse of state-owned enterprises or voluntarily left their jobs to join the soaring private economic sectors in the rapidly growing cities or, more ambitiously, to relocate themselves to western high-income countries. In the craze for going abroad among Chinese in the 1990s, moving to a western country itself connoted upward social mobility regardless of the outcome of such movement. Wen's migration can be interpreted as an attempt to rebuild his life from career failure and relationship breakdown to the top of the hierarchy.

From a micro-level perspective, Wen's movement to, and continued stay in, the UK could be understood as an attempt to save mianzi or lian (literally face)[7], or not to lose face. Mianzi refers to dignity, honour and prestige that a person acquires by achieving (mainly monetary or career) success that is recognised and admired by others in a society (Hwang, 1987). Although dignity and honour may play an important role in many cultures, mianzi features so heavily in Chinese culture that 'saving *mianzi* rather than losing it becomes a primary objective in Chinese society' (Hwang, 1987, p.961) and that the loss of face 'makes it impossible for him to function properly within the community' (Hu, 1944, p.45, see also Xiang, 2014). The strong desire to save face (or the fear for losing face) contributes to Chinese migrants' reluctance to admit to the ways in which migration fails them, or to terminate their stays in the UK until they earn enough money or obtain legal status, preferably British citizenship. In this respect, Wen would never return to China voluntarily, however difficult his life was, unless he had first obtained legal status in the UK.

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[7] See Hu (1944) for the distinction between mianzi and lian.

Case 3: Deng Lin, female, aged 44, struggling in the hostile environment than returning home empty-handed

Deng Lin, who came to the UK in 2014, is taken as an example of recent migrants, evidencing the perpetuation of irregular Chinese migration to the UK in the 2010s, in a period when China has witnessed rapid economic growth and the UK has tightened immigration policy over non-EU immigration. Coming from Shandong province, where there is less international emigration than that from Fujian and Guangdong, Lin was one of the first migrants to the UK from her town of origin. Her moving to the UK appeared not to be an individual utility-maximising decision. Being a nurse in China and having a relatively affluent life, Lin lived in rather poor circumstances in the UK. She first worked as a kitchen porter, being discriminated and bullied by employers and senior colleagues, and then became a construction worker and lived in a shared house with dozens of co-workers. Neither was her migration a family risk-averse strategy. Lin, married and a mother of a teen boy, came to the UK alone without the support from her husband. Her case challenges the stereotype that irregular migration is a male-dominant and economically-driven phenomenon exclusive to the poor.

Born in a small town in Shandong province, Lin was the youngest daughter to a private hospital chairman and a housewife. Lin's family was relatively affluent with the profits from their small yet prosperous hospital.

> Lin: There was a public hospital in my town, but few patients went there. They all came to our hospital. Our hospital was small but well-equipped. When the business was good, the parking place was full and people could only park off-street.

Being highly self-disciplined himself, Lin's father was also authoritarian to his children.

Lin: My father was a dictator and very conservative. He made decisions for us, like education, job and even marriage. My siblings and I all went to medical school and worked for his hospital. And, because we are his family, he said we should be even more hard-working than other employees. Under his requirement, we were always the first one coming to the office and the last one getting off and having the least days-off.

My older sister killed herself when she was only 20 because my father forced her to marry. She was such a brilliant girl and did very well in her study. She could have been a good doctor. But my father forced her to come back home and marry a man she didn't even like. She killed herself the day before engagement.

Observing the tragedy of her sister, Lin determined that 'I will take, at least, my marriage into my own hands'. In her early 20s, Lin met her husband, a penniless farmer but who gave her 'the feeling of freedom' that she longed for in her entire life.

Lin: Every day during my lunch break, he came and took me to a beautiful hill near the hospital. We shared our lunch, talking and laughing. He picked me bunches of wildflowers... My dad, of course, didn't like him. But the more he didn't like him, the more I liked him! There was like nothing happier than going out with him.

Despite her father's opposition, Lin married her husband. Lin borrowed money from her brother to help her husband to start a small business. His business, however, hardly made profits.

Lin: My husband, or ex-husband, was ambitious to make big money, but not even capable. I borrowed money for him to do business in wood processing but

he lost money. He only wanted to be a boss but didn't know how to run a business… My son was only one month old and I had to go back to work. My father didn't even allow me to have a look at my child during a break. My mum looked after him while I was working. Sometimes he was too hungry to stop crying, and my mum had to take him to the hospital. I fed my son furtively in the washroom and didn't dare to let my father know.

When Lin was 37, her father passed away. His death was a severe blow that changed Lin's life to a future that 'I had never ever expected'. Lin, first, was confronted with a career setback due to the takeover of her family-owned hospital.

Lin: My father died and our hospital was taken over by the public hospital... I still worked there but no longer as a nurse because I didn't have a nurse licence. I finished nursing training in the hospital and had nursed since I was 20. However, since I wasn't trained in a formal nursing college – few people did so at that time, I could only be a cashier… My wages were axed to less than 2000 yuan a month (approx. £200).

Moreover, issues within her marriage became problematic.

Lin: He was good to me when my dad was alive and I was able to give him money. Since my dad passed away and I had no money, we quarrelled every day and sometimes fought. Every time we quarrelled, I left home and stayed at one of my friends' or the office. I never went to my mum's because I didn't want to lose face. I made the choice and had to pay the price.

Lin attempted to divorce her husband but failed due to the onerous divorce procedure in China.

Lin: I tried to divorce him, three times, but didn't make it. The first time was because we didn't bring any document. I thought the marriage certificate was all that we needed, but actually, to divorce, a lot of documents were required. The second time was because I didn't have an employer's letter. Can you believe how ridiculous it was? Why was an employer's letter required for a divorce? At the third time, I got everything, but he changed his mind and didn't agree to divorce. I was so exhausted and then just left it at that.

While Lin was struggling in her work and marriage, her best friend, who had worked in Japan, sought to go abroad again and got in touch with 'a middleman'. Understanding Lin's situation, the friend asked if Lin would like to go abroad as well.

Lin: She knew everything about me and she asked me if I would give it a try. She said if we two went to the UK together, that would be much better than being abroad alone. I was like, OK, give it a try… I gave the middleman my passport and paid about 50,000 yuan. I didn't take it seriously or believe I would really go. I just gave it a try. I thought I would be refused a visa and got my money back – that's all, no harm. I didn't expect I got a visa in just one week.

Although holding a tourist visa to the UK, Lin was still hesitant about going abroad until the breakout of escalating violence with her husband.

Lin: It was at night. He got drunk again and came to my office. I was dealing with a cash book. He came and shouted to me and tore the cash book off. I was really scared, too scared, so I picked up a pair of scissors to defend myself. He was trying to grab me, and the scissors pierced his palm by accident. It's really by accident; I didn't mean to hurt him. I freaked out and was trying to see how his hand was, but he slapped my face... The day after I packed a suitcase and moved out. There's no way I could stay at home any longer. I stayed at the office for a few days and departed for London with [my friend].

This was, of course, a one-sided account of her problems with her husband. As chapter 2 elaborated, the purpose of the interview was not to discover the objective truth but the emotional truth as Lin remembered, recalled and recounted it. The emotional truth motivated her to move to the UK and continued staying despite the financial predicament, labour exploitation, cultural barriers and threat of detention and removal that she faced.

The middleman told Lin that she would be given a job as a social care worker, but she ended up working in Chinese restaurants and then in construction. At the time of the interview, Lin had been unemployed for a few weeks following an immigration raid on her home, in which some of her housemates, who were also undocumented Chinese migrants, had been detained. Although the life in the UK proved extremely difficult, Lin did not expect to go back to China until she could earn enough money to buy a property of her own in China. For many irregular migrants, returning home empty-handed can be worse than struggling in the UK.

> Lin: At the first few months, it was really hard. I was thinking about going home every night – I'll buy a flight ticket home tomorrow, but I never did it. It would be a shame if you go home empty-handed. Everyone knew that you went abroad to make big money; you left your husband and kid behind to make money, but now you couldn't stand the hardship and went home with nothing – that would be a shame. I'll go home in a few years when I make some money, not too much but enough for a decent life.

Lin's case helps to understand why the tightening immigration policy may fail to deter illegal entry or to encourage voluntary leave. In 2014, when Lin decided to come to the UK, the British government had disallowed the entry of low-skilled migrants from outside the EU since 2008 and had become increasingly hostile to irregular migrants

since 2010. One the other hand, China had witnessed impressive economic and social development in the 2010s, and Lin personally was not poor but relatively well-off in her town of origin. She, however, still chose to move. Economic factors still matter. In Lin's case, a wage cut at the hospital and a (false) promised job opportunity and the anticipation of high payment in the UK played a role in motivating her movement. However, what also matter but underacknowledged is the death of her father, the marriage breakdown and the social pressure from the community of origin ('It would be a shame that you go home empty-handed'). These non-economic factors have very little space in the immigration policy-making, in which irregular migrants are assumed to be attracted by economic incentives and thus can be deterred from entering by reducing the incentives. Simplifying migrants as a figure without life history and migration as a result of external and mainly economic stimuli, the hostile environment policy, therefore, fails to reduce irregular immigration.

CONCLUSION

In exploring why Chinese nationals move to the UK even in the absence of lawful status, this chapter concludes that economic factors are not the sole nor even the primary reason. As the three cases indicated, their reasons for migration can hardly be considered to have been a rational decision for utility maximisation, a household strategy for income diversification, or a forced displacement due to structural determinants. Even in the cases of 'standard' economic migration, the economic motive alone does not prompt movement or encourage continuous stay at the destination. Instead, human migration is better understood as situated within people's entire life courses and in the relationships with families, communities and wider societies.

Based on the narrative interviews with irregular Chinese migrants in the UK and illustrated by the three case studies, three conclusions can be drawn. First, as the principle of the biographical approach indicated, migration is a cultural construct,

bearing on sociocultural norms and values. The migration flow studied in this project occurs along with the unprecedentedly large human movement within China and abroad since the 1978 Chinese economic reform. Almost all of the research participants had domestically moved from the villages or small towns where they grew up to big cities during their late adolescence and some of them had worked in Singapore and Japan before they departed for the further afield as the UK. Their movement is underpinned by (and in turn reinforces) the migration culture of China, where success is associated with mobility, particularly mobility to the West. Furthermore, within the migration culture, Chinese women also increasingly participate in (irregular) international migration and (informal) labour markets.

Second, problematic interpersonal relationships, including intimate relationship, kinship, friendship and workplace relationship, can contribute to a migrant's moving to and staying in a distant destination. Migration theories, which take a household as the locus of migration decision-making (e.g. new economics of migration), usually assume a harmonious family relationship and a family member moving in the best interest of a whole family. The intra-household conflicts and relationship problems and their influence on people's decision to move and reluctance to return are overlooked (de Haas & Fokkema, 2010). This study identified that a migrant's relationship with parents and if married, with spouses, can be particularly influential in their initial decision to move and whether to extend their stay abroad. Parents can tie children to their hometown if their familial bonds are strong, but if the parent-child relationship is fragile particularly in cases of child neglect, domestic violence, death of a parent and authoritarian parenting, then this can have an indirect yet profound impact on their move away, far away, and not return.

Third, this study draws attention to the impact of early life experience on migration. Dominant migration scholarship tends to focus on an immediate moment or a limited period of time before departure (Collins, 2018). Yet, as the case studies demonstrated,

people's early life experiences, which long predate their departure, often play a role in the decision to move abroad. This, however, is not to suggest that migration is a predestined end of the miserable past or that an unfortunate person is fated to leave home and settle abroad – a deterministic perspective that the biographical approach opposes. The biographies of the three people in this article by no means mirror all migrants' experiences. It is also not an absolute rule that people who share such histories will definitely migrate at some point in their lives. What this study demonstrates is that determining factors for migration exist beyond and outside of economics and long predates departure. Migration can only be fully understood when considering the entirety of migrants' life courses, which are constructed by the intricate relationships they forge with their families, as well as by the broader communities and societies they find themselves in. By considering the complexity of migrants' life courses, it is possible to better understand why people may still come to and struggle to stay in a distant country despite facing declining economic gains, tightening immigration control, and the threats of a hostile environment.

Chapter 4

How people migrate: Pathways to becoming irregular migrants

INTRODUCTION

Following chapter 3 'why people migrate', this chapter continues to explore how potential migrants come to destination countries in ways that states categorise as 'illegal'. The reasons why people migrate do not differ fundamentally between regular and irregular migrants. What leads to non-citizens being categorised by states as 'illegal' migrants are the ways in which they enter, reside and work in their destinations. In the UK, illegal immigration can be 'any migration occurring outside of the law', covering very different forms of behaviour, including clandestine entry, using false documents, using deception to obtain leave to enter, overstaying and working in breach of stay conditions (Düvell, 2011, p.280). Among the various forms of illegal immigration, clandestine entry, or smuggling undocumented migrants by lorry or boat, attracts the greatest attention from the media and the public, particularly when it results in tragic deaths, such as the 2000 Dover lorry deaths and the 2019 Essex lorry deaths. Governments generally respond to these tragedies by blaming evil smugglers and their organised crime groups. For example, responding to the drownings of migrants and refugees in the Mediterranean Sea while attempting to reach Europe, the European Commission (2015, pp.1-2) claims that:

> Ruthless criminal networks organize the journeys of large numbers of migrants desperate to reach the EU. They make substantial gains while putting the migrants' lives at risk... Smugglers treat migrants as goods... [I]t is essential to disrupt the business model of criminal groups and bring the perpetrators to justice.

Clandestine migration is inherently hazardous, and smugglers are reported to abuse vulnerable migrants (e.g. CNN, 2017). Nevertheless, the question remains, as to why

many migrants, despite governmental opposition and media reports of the brutality of smugglers, still risk their lives and put large amounts of money into the hands of the so-called criminals (Zhang et al., 2018). The persistent reliance of migrants on smuggling services challenges the depiction of smugglers as nefarious predators and migrants as helpless victims and calls for a critical examination of the interactions between migrants and smugglers and the dynamics of irregular migration. Empirical research, which collected primary data from the smuggled and smugglers, reveals that the relationships between the two sides are often less vicious and more reciprocal than mass media and governments suggest (Chin, 1999; Zhang, 2008; Sanchez, 2014; Achilli, 2018; Maher, 2018). By portraying migrants as victims of evil smugglers, governments disguise the predominant role of immigration control regimes in determining how non-citizens can enter and stay and what they can do in the territories.

This chapter aims to examine the roles of states, migration brokers and migrant individuals in shaping irregular migration from China to the UK. It argues that the states of destination, and to a lesser degree, states of origin, determine what constitutes legal and illegal migration and that it is the mismatch between the large numbers of people seeking to move to desired destinations and the limited immigration quotas that destination countries impose (with an ever-tightening quota for the disadvantaged populations from poorer countries) that creates the demand for and supply of irregular migration (Sanchez, 2017). In this regard, irregular migration is not only a result of border crossings of individuals in breach of law, but is also a product of law that denies the rights of entry, residence and employment to those individuals (De Genova, 2002; Düvell, 2011). This study also recognises the efforts of migrants and their communities at both origin and destination to secure their mobility against unfavourable environments. In this regard, irregular migration is 'a form of resistance' by people seeking better lives, 'a universal desire that is often reserved for the privileged few in a world increasingly impacted by an economic apartheid' (Zhang et al. 2018, p.10).

Finally, this chapter provides a critical perspective on the role of migration brokers in facilitating irregular Chinese migration. It identifies the change of irregular migration services involving Chinese from smuggling undocumented migrants into destination countries to manufacturing evidence to help potential migrants to obtain genuine documents. In the vast industry of irregular migration brokerage, well-established criminal organisations constitute only a minority, while the majority is licit entities, such as licenced gangmasters, travel agencies, language schools and even governmental institutes (Pieke & Xiang, 2009).

This chapter starts with a review of emigration control policy in China and immigration control policy in the UK, aiming to explore how immigration control and, to a lesser degree, emigration control, impede certain populations from accessing legitimate migratory pathways. After exploring the different entry routes used by earlier Chinese migrants in the 1990s and the mid-2000s and by recent Chinese migrants from the late 2000s onwards, I then explain the change of roles of irregular migration brokers from snakeheads to middlemen and summarise the characteristics of the latter. Two case studies are drawn to represent the pioneer and recent migrants respectively, illustrating the trajectories followed by Chinese migrants to enter the UK extra-legally.

MIGRATION CONTROL FRAMEWORK

China emigration control: liberalising control over the exit of Chinese citizens

Emigration policies, mainly governing passport issuance and exit control, have a significant influence on the volume, direction, method and composition of transnational migration. However, in both Chinese and English academic literature, the examination of Chinese emigration policy has been minimal (Xiang, 2003; Liu, 2009). The literature gap mainly reflects a global research bias towards immigration policies pursued by countries of destination, with little attention paid to emigration policies pursued by countries of origin (Brettell & Hollifield, 2015). It also reflects the fact that making migration law remains low on China's legislative agenda. From 1949 to 2018,

the Chinese national legislature passed only four statutes governing the exit of Chinese citizens and the entry of non-citizens. Generally speaking, since the 1978 economic reform, the Chinese government has largely liberalised control over the exit of Chinese citizens, thereby contributing to the upsurge of international emigration from China since the late 1980s (Liu, 2009).

Before the 1978 economic reform, the Chinese government exercised stringent border control. International travel was a privilege exclusive to high-ranking governmental officials travelling abroad for official work-related reasons. Spontaneous emigration was rare and unauthorised migration could be attributed by the government to disloyalty and betrayal of the country (Liang & Ye, 2011). Since the 1980s, the Chinese government has gradually relaxed control over the emigration of Chinese nationals in order to reconnect with Chinese diaspora communities and attract foreign investment into China. The relaxation first applied to the families of overseas Chinese who, with invitation letters from families abroad, could be allowed to visit abroad. The Law on Management of Entry and Exit Administration of Chinese Citizens 1985 (1985 Law) – China's first migration statute – lifted the exit visa system for Chinese passport holders and conferred the right to leave China on all Chinese citizens (with certain exceptions), enabling Chinese citizens even without a family abroad to leave China for 'private affairs', including education, employment and tourism.

Despite the statutory right to leave, passports were still beyond the reach of many Chinese people because of the excessive documentation required and the cumbersome formalities involved in applying for a passport. It was reported that Chinese citizens had to provide documents, such as an invitation letter, bank statements and an employer's letter, which had to be scrutinised by several bodies, including the neighbourhood committee and the local police station, prior to lodging a passport application (Jinghua News, 2008). As a result, in the 1990s some potential migrants, usually the poor, the unemployed and rural residents, often had to pay

migration brokers, who sold documents (e.g. financial affidavits and employer's letters), or who had connections with governmental officials in charge of passport issuance, in order to obtain passports (Pieke, 2004; Zhang, 2008). In 2001 the Chinese government launched the 'passport-on-demand' policy, under which a Chinese citizen, can, at least in principle, acquire a passport by producing only his/her national identity card and household registration certificate. First put into practice in Guangdong province in 2000, this policy was extended to more than 200 cities in China as of 2007 (State Council, 2007).

UK immigration control: reducing entry routes for the disadvantaged

The immigration control regimes of destination countries lay the precondition for irregular migration. As Düvell (2008) argues, only when the state introduced legislation that defined undesirable immigrants and established mechanisms to exclude them, did some immigration finally become illegal. Undesirable alien is a key concept in the UK's immigration control history since the passage of the Aliens Act 1905 (1905 Act), which is regarded as a mark of the onset of the UK's modern immigration control system (Sales, 2007). Undesirable aliens were defined as those unable to support oneself and dependents (the poor), those having a mental illness that might cause a burden on welfare system or harm to the public (the ill), and those having a non-political criminal history (the fugitive). The 1905 Act granted the immigration officers the power to deny entry to undesirable aliens and to expel those already here.

In identifying the undesirable, race or nationality is the first criterion, on which the British government selects some immigrants while ejecting the other (Weber & Bowling, 2008). Before the Second World War (WWII), Irish, Germans and Italians, and particularly Jews, who fled Eastern Europe from persecution and economic poverty in the early 1900s, were subject to bouts of racism and anti-immigration sentiment. Race became a crucial issue in post-war Britain, when it, for the first time, witnessed large numbers of non-white immigrants from outside Europe, mainly the New

Commonwealth – the Caribbean, Indian subcontinent and West Africa (Solomos, 1989; Spencer, 1997; Hampshire, 2005). In response to the post-war labour shortage, the British government encouraged Commonwealth citizens to come to and rebuild the 'mother country'. To do so, the British Nationality Act 1948 granted the right of abode to the citizens of the UK and Colonies (CUKCs) and citizens of independent Commonwealth countries. Observing the influx of 'coloured immigrants' from the New Commonwealth, the government, however, ended the freedom of entry of Commonwealth citizens who were neither born in the UK nor held a UK passport, with the passage of the Commonwealth Immigrants Act 1962. The Immigration Act 1971 further reserved the right of abode to only the 'patrials', that is those born to Britain-born parent. As nominally universal provisions, the Acts in effect deprived non-whites from the New Commonwealth of the right of abode and subjected them to the same immigration control as aliens, because they were less likely than whites from the 'old dominions' to have British descent (Paul, 1997). In the contemporary immigration control system, race or nationality is still salient in the sorting mechanism. For example, EU citizens can freely reside and work in another member state, whereas non-EU citizens are subject to rigorous pre-entry clearance and after-entry surveillance, particularly if coming for the purpose of employment and settlement.

In the post-modern, consumer society, class has gained growing importance in identifying the undesirable aliens (Bauman, 1998; Weber & Bowling, 2008). Only a chosen few from developing countries, including the highly-skilled and the rich, whose expertise and/or consumption power are believed to benefit the economy of the destination countries, may be granted the privilege to live and work in developed countries. By contrast, the unskilled and the poor, or the 'flawed consumers' as Weber and Bowling (2008) termed, are deemed to be a burden to the economy and thus unwanted, despite the persistent needs of cheap labour in certain sectors (Anderson & Ruhs, 2010). In the UK, before the points-based system launched in 2008, the low skilled migration schemes were implemented occasionally, allowing a limited number

of temporary workers in to fill the labour shortage in specific areas, such as seasonal agriculture. The points-based system ruled out the work route for low-skilled workers from outside the EU. In this system, the Tier 3 visa, which was designed to recruit temporary unskilled workers, was never issued and was terminated in 2013. The requirements for obtaining other types of visa are beyond the reach of the disadvantaged. To obtain a Tier 2 skilled worker visa, for example, Chinese nationals need to hold a job offer from a UK-based licensed sponsor (employer) with an appropriate salary (usually at least £30,000 a year), to meet English language requirements and to provide financial evidence to show their ability to support themselves. As a result, Chinese migrant workers, who mostly work in the catering industry and, to a lesser degree, food processing, construction and the garment industry, will rarely meet the criteria for being granted work visas (Pharoah et al., 2009; Kagan et al., 2011). Following the end of the Brexit transition period, the British government will end the freedom of movement enjoyed by EU nationals and expand the points-based system to manage EU immigration, under which no work visa will be issued to low-skilled workers from either inside or outside of the EU (BBC, 2020). In summary, the disadvantaged from poorer countries have been increasingly excluded from accessing the privilege of entry and work in the UK.

PATHWAYS TO BECOMING IRREGULAR MIGRANTS

While Chinese nationals have been increasingly free to emigrate since the late 1980s, they have faced heightening eligibility for work in the UK. Many Chinese people, who wish to seek employment in the UK but are not 'eligible' to do so, turn to alternative ways to fulfil their desires. The alternative ways can be (ostensibly) legitimate but they also include fraudulent entry (entry with false documents) and clandestine entry. Although the clandestine entry of undocumented migrants by hiding in lorries or boats receives the prominent media coverage, only a small portion of Chinese irregular migrants come to the UK by that method and it has become rarer in recent years (Pieke & Xiang, 2009; Kagan et al., 2011; Bloch & McKay, 2016). Most Chinese nationals come

with genuine visas, mostly visitor visas (including tourist, family visitor and business visitor visas), and, to a lesser extent, student visas and even work visas. The major pathway to becoming an irregular migrant is overstaying or breaking the conditions of one's visa. In what follows, I will first describe generally how all the research participants departed from China and entered the UK and then use two cases studies to detail the irregular journeys and draw a comparison between a journey in the 1990s and that in the 2010s.

Leaving China and entering the UK

Despite previous research findings that some pioneer Chinese migrants left China clandestinely without passports (Chin, 1999), all the participants in this study left China with genuine Chinese passports, which some obtained with the help of brokers as a part of the package services and most obtained by themselves. The approach to finding brokers was not a secret in the communities of origin, where migrants could easily locate brokers through the referral of relatives and friends (Silverstone, 2011). Besides, the local Chinese authorities are normally aware of the existence of the illegal migration brokage industry and 'would not crack down on the snakeheads unless there is a dramatic – and embarrassing – international incident' resulting in deaths (Chin & Godson, 2006, p.13). With the necessary documentation prepared, the migrants first departed from their hometowns to assembly cities in China, usually the capital cities of their provinces of origin or Beijing, from which they boarded planes and, to a lesser extent, vehicles to leave China. All the participants travelled via transit points, including Hong Kong, Japan, Russia, Turkey, and EU countries such as France. The transit process could be simply a stopover at a connecting airport and transferring to a plane to the UK. However, it could also be a torturous process, in which migrants were transported by a combination of plane, lorry and boat and walked on foot across several borders over several months.

However a migrant leaves China and transfers en route, entering the UK is the final and

key stage in the journey. The entry routes used by the research participants include:

- entering clandestinely without being detected by the border force;
- entering with false travel documentation, which included counterfeit documents (copies of genuine documents), forged documents (genuine documents that have been altered in some way, for example substituting a photograph), and impersonation (genuine documents presented by look-alike people);
- entering by claiming asylum upon arrival;
- entering with limited leave to remain (e.g. six-month visitor visa).

Among the research participants, three people entered England clandestinely by lorry. Two people entered the UK by using fake passports, whereas three destroyed the forged passports and claimed asylum upon arrival. Six people used genuine visitor visas and became irregular migrants because of overstaying and working without work permits. The following two cases studies illustrate the details of movement.

Case 1: Li Kang, male, aged 37, being smuggled into the UK

Born in the 1980s Kang was the youngest son in a family of four children. His father, a 'clever' and 'hardworking' businessman, afforded the family 'a beautiful two-floor house' and 'a quite well-off life'. The well-off life, however, ended when Kang was nine. Being ambitious to 'make a fortune', his father borrowed a large amount of money to invest in a brick factory. The factory closed the following year as a result of the implementation of an environmental policy, which was intended to control overexploitation and the resultant environmental degradation but led to a slump in brick price. Consequently, his father accrued a debt of 300,000 yuan (approx. £30,000) at a monthly interest rate of 2%. His father sold cement to pay the interest (approx. £7,000 annually), but was unable to reduce the debt itself. To solve the financial problem, Kang's father sent his two sons (Kang's brothers) to the UK in 1997 and 1998 respectively. With the remittances from Kang's two brothers, the family was able to recover. In 1999 when Kang was 16, it was his time to decide whether to go abroad or

not.

> Kang: My dad said it's up to you to decide if you would like to go or not… And I said why not. There's nothing wrong with making money. If I could move to the UK, which would cost me about 200,000 yuan, I could make 200,000 within the first few years to pay the debt and make another 200,000 in the next few years. Then, I could have 200,000 and go home when I was just around 20. You know, in 1998 or 1999, if you could have 200,000 yuan, you were definitely rich. So, I was like: 'Yeah, I'll make it'.

For Kang and many young people in his community of origin in Fujian, going abroad was something that 'I believed I should do'.

> Kang: The idea of going abroad was embedded in my mind since I was small…
> In the 1990s, a lot of people from my hometown went to Japan and came home with much money. My aunt's husband was in Japan, so her family was quite well-off. When I was six or seven, they even had a camera and a motorbike, which were very fancy in the countryside... I always felt like I was inferior to the well-off relatives.

Kang's feeling of being 'inferior to the well-off relatives' was 'a sense of relative deprivation', which, as Liang & Ye (2011, p.213) argue, causes 'Fujianese peasants to make desperate attempts to migrate' (see chapter 1). Kang's father contacted 'a person' who had 'committed crime in China and thus wanted to escape abroad'. That person provided Kang with a fake passport and a tourist visa to Istanbul, Turkey, via which Kang would transfer to England. Before departure, that person promised that 'there would be no smuggling but travelling by plane'. Nevertheless, after staying in Istanbul for a fortnight, Kang and other 20 Chinese people had to cross from Turkey to Greece on foot, probably because the snakeheads failed to obtain appropriate passports that would allow them to board a plane.

Escorted by local Turkish men, the group of Chinese and another seven people of unknown nationalities hiked through the mountains across the border for five days.

> Kang: It took about 24 hours of walking but five days in total in the mountains. I remember that we hid in the grassland for a couple of nights. Maybe they were waiting for assistance, for someone to come and collect us. It was January. It was snowy in Istanbul and was freezing cold in the mountains. I wore three pairs of trousers but was still frozen… The coldness was endurable and good in a way because there were no snakes or insects in the cold weather. Being sick was literally a disaster. If you were too sick to walk and no one helped you, you would be in danger… I was sort of uncomfortable, but okay with walking. A woman, however, got a temperature and was too weak to walk. Fortunately, the escort, as our co-villager and a gang member, said we should not abandon her and asked two men to hold her to walk… He knew that it would damage his reputation if one or two people were missing. Besides, a gang member was bound to his promise. So, fortunately, she got help and was given food to eat and later she was able to walk on her own. If no one had helped her, if we had all left her behind – there were 30 people and, of course, people prioritized their own safety – she would definitely have died.

Kang's testimony, on the one hand, attests the risky nature of clandestine migration and the vulnerabilities of smuggled migrants. On the other, it challenges the image of snakeheads as ruthless predators and confirms the 'solidarity' and 'reciprocity' in the relationship between smugglers and migrants (Achilli, 2018).

After crossing the border into Greece, Kang and others travelled to Athens by train. In Athens, they were accommodated in a safe house and the Athens-based snakehead provided Japanese or South Korean passports according to each person's looks and

taught them simple English to answer questions that might be asked in border passport checks. Kang was given a Japanese passport and told to pretend to be a Japanese backpacker travelling about Europe. With the fake passport, Kang departed to Italy by boat but was detained by the Italian border officers at the port of entry.

Kang: It took us about 24 hours by boat. The border check was not strict when we left Greece. We got on board and no one checked our passports. However, when we arrived in Italy and got off the boat, some police checked our passports and suspected mine was fake. The police detained me in a small room, gave me food to eat and then sent me back to Greece.

A few days later Kang made his second attempt and managed to enter Italy clandestinely without being detected by the border force.

Kang: If you failed to enter, then you tried once again; if you failed again, then you made a third try. Kept trying until you made it – that's how everyone came… The second time, I managed to enter without coming across the police. It was at night. We were on a cargo ship. After the ship docked, the lorries were driven off the ship and went through a gate. We got off the ship and followed the lorries to enter.

After a temporary stay in Italy, Kang went to France, where a snakehead gave him another Japanese passport with a substituted photo. Finally Kang boarded a train to his last stop – England. As instructed by the snakehead, Kang destroyed the fake passport on the train. Upon his arrival at the port of entry in England, Kang claimed asylum. As I will discuss in chapter 7, claiming asylum is a common strategy used by Chinese migrants in order to be allowed entry (see also Kagan et al., 2011).

Kang: We got off the train and waited aside until other people went through the

border check. Then we went to the checkpoints and said I wanted to claim asylum. I was asked my name and my date of birth and I said my real name and real date of birth, unlike many other people who gave fake names and dates of birth. There were lots of people who have the same name or were born on the same date as me. So, what was the point of lying? I believed it was all right to give my own name and date of birth. I was really childish. So, I told them my real date of birth, and I was actually 16 years old then.

Kang entered the dreamt country after lodging asylum claim. One year after arrival, he was granted exceptional leave to remain as a (then) unaccompanied child. Making a fraudulent claim was by no means an easy decision to make.

Kang: You know it's morally wrong to lie, but you had no choice. It cost my family 200,000 yuan to send me here. Now you could finally make money in the UK. Could you really decide to give up?... If I told the government that 'I came here to make money. I'm not a refugee, but just want a legal status so that I can work. I can do any work, however tough it might be'. If I said so, the British government might prefer to accept it, although I would have been illegal.

As Kang himself realised, being young, poor and low-skilled, he could not satisfy the high criteria that Britain imposed for desirable workers. The service provided by snakeheads was his only choice despite the high financial, physical and psychological costs.

Case 2: Wang Fen, female, aged 45, entering legally and overstaying

Born in the 1970s, Fen was the second child in a family of four children. Fen's father was a village head and her family was relatively 'good'. After she graduated from middle school at 17, Fen became a teacher in a nursery school before working in a bank, where she met her husband.

Fen: My parents weren't happy with him [my husband] because of his family. His dad died and, as the oldest son, he had to support the whole family, his brother and sister, grandparents and his mum. My mum and dad tried to persuade me not to marry him, but I was like everything would be fine as long as he was a good man. However, after getting married, I realised that it was really hard to support a whole family. We had to pay for his brother and sister's education and to look after his grandparents. His mum wasn't even able to help.

Shortly after they married, the bank branch – where Fen and her husband worked – was closed, so they both lost their jobs. The family's financial problems worsened despite every effort Fen made to earn money.

Fen: I farmed and sold vegetables and other agricultural products every week on the open market, but the earnings were too little to make a living. We ran up debts each year. Then I started a nursery school, hoping to make some money. But there were only about ten children and I charged each ten yuan [approx. £1] a month. I ran the school for three years but could hardly make money, merely 100 up to 200 yuan a month.

Owing to the financial stress, Fen made her first international move to Japan in 2005 through the 'Technical Intern Training Program', a *de facto* guest worker program established by the Japanese government in 1993 to recruit temporary foreign workers, including mainly Chinese (40%), Vietnamese (34%) and Filipinos (9.8%), to fill the labour shortage in low-skilled and low-paid sectors under the nominal objective of providing training in technical skills and knowledge to interns from developing countries (IHRB, 2017, p.7). Fen learnt about the information on the programme through one of her co-villagers who had been an 'intern' in Japan.

Fen: One of our co-villagers worked in Japan for three years and made a lot of money. She built a house and bought a car. She was able to go to Japan because her uncle worked at the Office of Foreign Trade and Economic Cooperation [OFTEC] and he was responsible for recruiting the so-called technical interns to Japan. His nephew, niece and some other relatives went to Japan to work and all made a lot of money. So, I went to him and asked if I might be eligible to apply, and he said 'yes, you can try'. So, I studied some simple Japanese and passed the interview. Then I went to Japan as a technical intern, actually a laundry worker, working in a laundry factory.

Fen worked in Japan for a year and earned about 50,000 yuan (approx. £5,000). With the remittances, the family reduced some debts but was still far away from affording a good life. The experience of working in Japan sowed the seed of her future migration to the UK. As her son was growing up and the family would need more money to pay for his college and then marriage, Fen again planned to work abroad.

Fen: Through the referral of that person [the man worked at the OFTEC], I met a middleman. I first wanted to go to the US because I heard that you could make a lot of money there. However, the requirements [for a US visa] were quite high and I didn't get a visa. The middleman said 'there's an opportunity of going to the UK. Maybe you can try it'. I gave it a try and got the visa.

In contrast to Kang's arduous journey, Fen's trip to England was rather safe and straightforward. With genuine passports and valid visitor visas, Fen and a co-villager travelled by plane with a stop in Russia, without a snakehead escorting her on the way.

Fen: I asked other Chinese people for help, like showing me the way, taking me to the gates. I transferred in Russia and followed some Chinese students to get on board. On the plane I needed to fill in a form [boarding card], I asked the

person next to me to help. When I arrived in the UK and came to the checkpoint,

I also asked a Chinese student behind me to interpret for me.

Upon their arrival in London, Fen and her friend were collected by a receiver and lived in his house for three days. Living in the receiver's house, Fen felt 'unsafe' because 'the snakehead was a man and we're women'.

Fen: I fell asleep quickly on the first day of arrival because I was so tired. My friend, however, was alarmed and heard what the snakehead said when chatting with his housemates – other two men were living in the house. They said 'The two women could be your girlfriends. Have a drink and come on in!' My friend was too scared to sleep. She told me what they said the day after, and I was scared, too. I asked the snakehead to find me a job as soon as possible. Three days later, he found me a job as a live-in nanny and then I moved out to the employer's house.

Fen, for the first time in the interview, referred to her migration brokers as a 'snakehead', compared to the term 'middleman' that she used for the broker in China who helped her obtain the visa. The change of term first indicates Fen's fear of being housed by a strange man in a foreign country with a precarious legal status, a common feeling shared by four female participants in this study, although none of them was abused by the snakeheads. Second, the different terms indicate the change of migration brokerage from the snakehead-dominated to the middleman-dominated business environment, as discussed in the following section. The middleman in China performed the key task of helping Fen to obtain a genuine visitor visa, while the snakehead was involved only after she entered the UK and finished his job in three days.

Discussion: changes of pathways of becoming irregular migrants

In contrast to the arduous entry routes involving clandestine travel, document forgery

and asylum claim used by Kang and many other earlier Chinese migrants in the 1990s, recent Chinese migrants, such as Fen, came to the UK in a safe, simple and ostensibly legal way. The change of entry methods is first because since the late 2000s the British government has granted an increasing number of entry clearance visas to Chinese passport holders (Table 3). In 1998 the number of UK entry clearance visas issued to Chinese nationals was only 11,000, accounting for 0.8% of the total visas granted, whereas the number rose thirteen-fold to nearly 148,000 in 2008 and to 730,000 in 2018, representing 25% of the total number of visas granted (Home Office, 2001; 2019b). The refusal rate of visa applications made by Chinese nationals decreased from 20% in 1998 to 11% in 2008 and 2% in 2018 (ibid.). For many of the earlier Chinese migrants, using fake documents with the facilitation of snakeheads was almost the only option. With the increasing chances of obtaining genuine visas of some kind, with or without the help of middlemen, fewer Chinese people opt for using fake documents and even fewer for clandestine entry. The major pathway to becoming an irregular migrant is overstaying and/or working in breach of the visa conditions.

Table 3 UK entry clearance visas granted to Chinese nationals, 1998 to 2018[8]
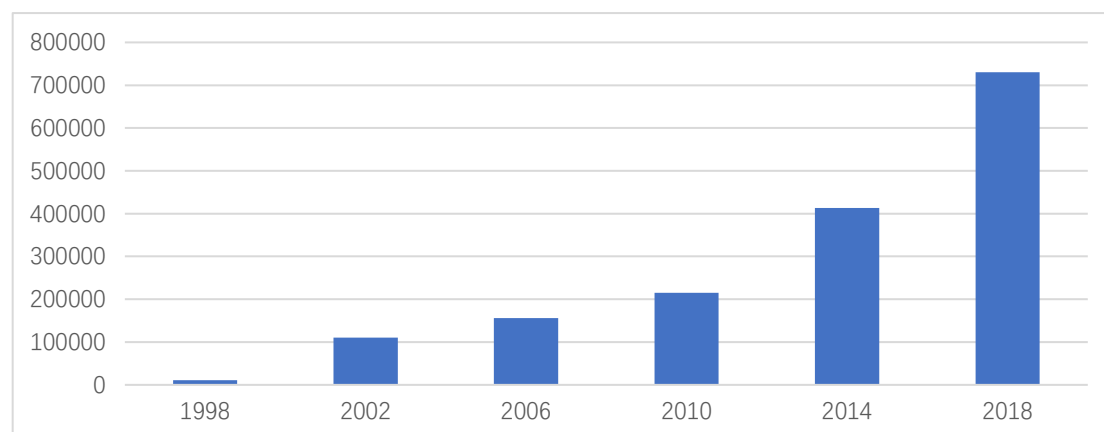
Source: Home Office, 2001, 2003, 2019b

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[8] The data from 2006 onwards show the country of nationality of the visa applicant, whereas data in 1998 and 2002 show the country where a visa application was made, which was not necessarily the country of nationality of the applicant (Home Office, 2003, p.106). However, I use the numbers in 1998 and 2002 as an approximate calculation of the number of applications made by Chinese nationals to make the year-on-year comparison.

Second, areas of origin may impact how Chinese migrants can enter the UK. It has been identified that Fujianese are more likely to resort to clandestine entry and document forgery than Chinese from other provinces (Pieke et al., 2004). The four people in my study sample who were smuggled to the UK by lorry all came from Fujian. The 58 victims of the 2000 Dover tragedy were also mostly Fujianese. This may be simply because Fujianese are overrepresented in irregular Chinese migration, but it is also arguable that the stricter migration control by both the British and Chinese governments over the Fujianese further hinders their access to safer routes of movement. Zhang (2008) reveals that visa applications made by holders of Fujian-issued passports may invite stricter scrutiny by the US consulates. Liu (2007) reports that the Chinese authorities required excessive documentation in support of their passport applications on the residents of Fuqing and Changle, two areas in Fujian that were notorious for human smuggling. Two of the Fujianese participants of this study were refused passports by the local authorities, and they had to pay snakeheads to obtain ones, as a part of the package services.

Third, individual characteristics, such as age, gender, and occupation, may impact the choice of entry routes available to a potential migrant. Rural, non-professional individuals are less able to obtain visas and therefore more likely to resort to human smuggling services, whereas urban residents with professional jobs find it easier to obtain visas. For example, Pieke and Xiang (2009) find that many Dongbeinese (north-eastern Chinese), who were largely urban residents and employees of state-owned enterprises, were more likely to be granted visas by British consulates. One of the research participants was a university lecturer from urban North China, and her background enabled her to obtain a visitor visa without even turning to a broker.

FROM SNAKEHEADS TO MIDDLEMEN

The change of pathways of irregular migration involves a change in the migration brokerage industry. In providing irregular migration services, snakeheads, who

transport undocumented migrants and/or forge travel documents, tend to be replaced by middlemen, who help clients to obtain genuine documents. As argued earlier in this chapter, since the 2000s the British government has restricted unskilled labour immigration from outside the EU while encouraging the entry of those assumed to benefit Britain, including 'genuine' tourists, highly skilled workers, the global talent and students. Accordingly, migration brokers manufacture biographical evidence (e.g. financial affidavits, qualification certificates and invitation letters) and turn 'illegal, unskilled and unwanted' individuals into 'legal, skilled and useful' migrants or visitors (Pieke & Xiang, 2009, p.29). The irregular migration brokerage industry tends to change from snakehead-dominated to the middleman-dominated business environment. Pieke and Xiang (2009) reveal how the transnational chains of middlemen 'manufactured' a skilled migrant to obtain a work visa: a UK-based agency procures a job offer from a licenced UK-based employer, pays a lawyer to prepare documentation for submission to the Home Office and the British consulate in China; a China-based agency recruits potential migrants seeking to work in a high-wage country, provides clients with necessary documents, such as bank statements and professional certificates, which are genuine documents issued by licensed institutions in China. Through this method, an agency in Northeast China sent more than 50 people to the UK with work visas in 2004 and 2005.

Based on the interview data I collected from recent Chinese migrants and drawing on the ethnographic data of migration agents collected by Xiang in Northeast China (Pieke & Xiang, 2009; Xiang & Lindquist, 2014), I summarise four characteristics of migration middlemen and their services to make a comparison with those of snakeheads and human smuggling (see chapter 1).

1. *Backgrounds of middlemen*. Middlemen are often employees of state-owned enterprises associated with government agencies, in contrast to snakeheads who usually 'did not hold salaried jobs in state-run entities or established corporations'

(Zhang, 2008, p.27). The rise of middleman services, which rely on connections with licensed institutions in China and destination countries to produce documents, means that traditional snakeheads are less able to play a leading role in the current irregular migration routes or can only be 'grassroots "legs" of higher-level middlemen' (Xiang & Lindquist, 2014, p.20).

2. *Organisations of middlemen*. Compared to the smuggling organisations that are usually temporary alliances of individuals, middlemen may be better organised. At the top of the intermediary business, there are a limited number of state-owned labour recruitment agencies, which are licensed by the relevant authorities in China and destination countries to send Chinese migrants to work abroad. The state-owned agencies usually outsource the recruitment work to privately-owned agencies, which further subcontract individual grassroots agents to recruit potential clients (Pieke & Xiang, 2009; Xiang & Lindquist, 2014). In addition to migration agencies, there are other non-migration entities involved, such as established companies issuing employer's letters and educational institutes issuing qualification certificates.

3. *Division of labour*. Some functions of snakeheads barely figure in intermediary services. Escorts, safe house guards and transporters, who play important roles in smuggling operations, are often not needed, because clients with genuine passports and visas to the destination can travel alone by plane. Receivers at the destination, who collect and confine migrants to ensure that they pay the final instalment, become less necessary because migrants pay this instalment once the foreign consulates issue visas. Upon arrival, many newcomers are now collected by their relatives and friends rather than snakeheads. Many pioneer Chinese migrants have settled in the UK, which means they have properties, vehicles, regularised status and established social networks, so they can collect their newly-arrived relatives and friends, provide them with temporary accommodation and

help them with finding employment. For example, one of the participants in this study, who was smuggled to the UK in the 1990s and has obtained permanent residency in the UK, once collected a friend, who had newly arrived in the UK from the same town of origin, as 'just to do him a favour' (Li Kang).

4. *Financing of intermediary services*. Intermediary fees tend to be lower than smuggling fees, probably because intermediary services tend to be less hazardous than smuggling operations. In the study sample, the recent migrants coming in the 2010s paid from £5,000 to £10,000, whereas the earlier migrants paid from £20,000 up to £35,000. Intermediary fees may vary, depending on what types of visa clients require, and, unsurprisingly, the price of a work visa is higher than a visitor visa (Pieke & Xiang, 2009).

The change of migration brokers' role from snakeheads to middlemen is a result of the changes in the pathway of irregular migration, as discussed earlier. In turn, the change of the brokerage industry influences the migratory experiences of irregular migrants. The journeys tend to be safer, and migrants are less likely to face the risks of physical abuse by brokers. In this study sample, recent migrants all used their own Chinese passports and genuine visitor visas and travelled on their own to the UK by plane, rather than being transported or escorted by snakeheads.

Moreover, the change of brokerage industries further blurs the boundary between the assumed desirable and undesirable migrants, thereby challenging the government's capacity to split the former from the latter. Many of those who later become irregular migrants initially enter and remain with authorisation. Rather than being deterred from entry, the 'undesirable' may be equipped by middlemen to be the desirable. The system often fails to recognise who should be encouraged and who prevented. The post-Brexit immigration policy that rules out visas for low-skilled workers from both inside and outside EU further raised debate over what counts as skills and who should

be considered as skilled workers (BBC, 2020). Those who have years of relevant working experiences may be determined by the system as low-skilled if without qualifications, and those whose skills are needed in certain sectors (e.g. seasonal agriculture, social care, construction and hospitality industry) may be considered as unwanted.

CONCLUSION

This chapter has discussed the roles of states of origin and destination, migrant individuals and their families and communities, and migration brokers (snakeheads and middlemen) in shaping irregular migration from China to the UK. First, it argues that the state of destination plays a predominant role in constructing pathways into illegal migration. The state determines who is unwanted migrants and then illegalises their mobility. As Bosworth and Guild (2008, p.711) noticed, those who are most likely to be illegalised are 'the poorer', 'the less-skilled', and 'the darker-skinned'.

Aspiring to better their lives by moving to desired countries, those individuals may defy the unfavourable policy environment and turn to irregular channels provided by migration brokers to realise their ambitions. The channels include clandestine entry and fraudulent entry, but the more commonly used method is the entry with genuine visas. In summary, irregular migration is generated from the mismatch between large numbers of individuals seeking better lives by moving to desired destinations and the increasingly prohibitive approach deployed by destination countries to managing immigration. Migration brokers including smugglers and middlemen facilitate the movement.

The leading role of the state in shaping irregular migration, however, is often disguised under the dominant discourse that denounces smugglers and 'illegal' migrants. Those who died in the hazardous journeys to destinations are presented as victims of (tragic, horrific, shocking etc.) incidents caused by the vicious smugglers, rather than as

victims of discriminating pre-entry clearance and the increased border militarisation (Dobie, 2019). Those who succeed in entering destination countries through irregular channels, in contrast, are depicted as 'illegal' migrants and become a legitimate target of demonisation and criminalisation. As the following chapters will illustrate, despite successful entry into the destination country, the impact of immigration control persists and permeates every aspect of the lives of the irregular residents and workers, through making their working a criminal offence, trapping some in semi-illegal situations and stigmatising some as bogus asylum seekers.

Chapter 5

From victims to offenders: Making the working of irregular migrants a criminal offence

INTRODUCTION

Despite the persistent demand for cheap labour in high-income countries, low-skilled migrants are often cast as unwanted and their working is increasingly criminalised in the host states (Anderson & Ruhs, 2010). As chapter 4 explained, UK's points-based immigration system ruled out work visas for low-skilled workers from outside the EU in 2008 and following the end of UK-EU free movement, EU low-skilled workers will also be prohibited from entering the UK for employment purpose. In line with the entry restrictions, the UK has introduced a growing number of immigration offences to punish those working without entitlement to do so (Aliverti, 2016). Although irregular migrants can already be held criminally liable for illegal entry, document fraud and other immigration offences, a new criminal offence of 'illegal working' was introduced with the passage of the Immigration Act 2016 (hereafter 2016 Act), under which migrants who work at a time when they are disqualified from working because of their immigration status may face imprisonment up to six months and/or an unlimited fine. In tackling illegal working, the British government claims to be protecting British workers and legal migrants from unfair competition brought by 'illegal' workers, while at the same time safeguarding the most vulnerable migrants from being exploited by rogue employers (Home Office, 2016a). However, this provision, like many other provisions the Immigration Acts 2014 and 2016, appears to have achieved the reverse (Düvell et al., 2018; Fudge, 2018). Revealing the lived work experiences of irregular Chinese migrants in the UK, this study explores how the policies aimed at preventing illegal working force migrants work into the underground economy and increase their susceptibility to exploitation.

Tackling illegal working while committing itself to protecting 'genuine' victims of

trafficking and exploitation, the British government implemented the Modern Slavery Act 2015 (hereafter 2015 Act) to eradicate various forms of slavery in the 21st-century Britain, including human trafficking, domestic servitude, forced or compulsory labour, forced prostitution and forced criminal activities. Under the 2015 Act, those who are trafficked into the UK and forced to work illegally often by organised crime groups – an image of 'ideal victim' (Christie, 1986) that many vulnerable workers fail to fit – are, in theory, exempt from the charge of committing the illegal working crime. This chapter argues that the idealisation of victims of exploitation, coupled with the criminalisation of irregular migrant workers, changes the image of those working under exploitative conditions from vulnerable workers to manipulative offenders, thereby justifying the denial of protection to 'illegal' workers and the imposition of tough penalties on them.

This chapter first outlines British immigration legislation on the prevention of illegal working and illustrates how criminalised immigration control leads to the demonisation of irregular migrants. Then the focus turns to the modern slavery discourse that creates an image of ideal victims of forced labour but ignores the more commonplace manifestations of exploitation. The second section elaborates on the experiences of Chinese migrants engaged in illegal working. I present five case studies of research participants who worked in the Chinese catering industry, construction sector, domestic service and DVD-selling respectively. Despite suffering low wages, excessive work hours, arbitrary payment reduction, and workplace verbal abuse, these irregular migrants barely fit the image of ideal victims given their complicity in their illegal movement and employment arrangements. Finally, I conclude this chapter by pointing out that the pandering to nationalism leads to more conservative policy on labour immigration despite the persistent and growing demand for cheap labour in Britain and many other post-industrial countries.

SPLITTING IDEAL VICTIMS FROM 'ILLEGAL' WORKERS

Criminalising irregular workers

In the UK, illegal working was not made a specific offence in its own right until the enactment of the 2016 Act. Although the Immigration Act 1971 (hereafter 1971 Act) already stipulates that a person with limited leave to enter/remain in the UK shall be subject to the conditions restricting his employment, the 2016 Act amended the 1971 Act by inserting Section 24B and introduced the offence of illegal working. The provision empowered immigration enforcement to seize and confiscate migrants' earnings as the proceeds of crime and subject the convicted to a civil penalty and/or imprisonment. Making the working of irregular workers a criminal offence fuels the criminalisation of irregular migrants and justifiably precludes them from accessing protections even if having their labour and human rights violated by employers (Bales, 2017; Fudge, 2018).

Before that, the law on the employment of irregular migrants targeted employers. Section 8 of the Asylum and Immigration Act 1996 (hereafter 1996 Act) stipulates that an employer shall be guilty of an offence if s/he employs an irregular migrant and may be liable to a maximum fine of £5,000 and criminal proceedings. Replacing section 8, the Immigration, Asylum and Nationality Act 2006 (hereafter 2006 Act) introduced a new offence of knowingly employing an 'illegal' worker. The 2016 Act made it easier to prosecute employers by expanding the mens rea to include having 'reasonable cause to believe that the employee' is an 'illegal' worker and also increased the maximum custodial sentence from two to five years. Table 4 lists the major immigration legislation on the prevention of illegal working.

Table 4 Immigration legislation on the prevention of illegal working

Legislation	Offence	Sanction
Immigration Act 1971	Working illegally (inserted by the 2016 Act)	• Imprisonment for up to 51 weeks

		• A fine
Asylum and Immigration Act 1996	Employing an irregular migrant (replaced by the 2006 Act)	A fine of up to £5,000
Immigration, Asylum and Nationality Act 2006	Employing an irregular migrant	A fine of up to £10,000 per irregular worker
	Knowingly employing an illegal worker	• Imprisonment for up to two years • Unlimited fine
Immigration Act 2016	Knowingly or having reasonable cause to believe that they are employing an illegal worker	• Imprisonment for up to five years • Unlimited fine
	Working illegally	• Imprisonment for up to 51 weeks in England and to 6 months in Scotland and Northern Ireland • A fine

Empowered by the new legislation, the enforcement against 'illegal' working is also increasingly strict as evidenced by the skyrocketing civil penalties issued against employers hiring irregular migrants. Between 2008, when the civil penalties regime introduced by the 2006 Act came into force, and 2019, more than 300 million fines were issued to employers, although the fines collected may reduce due to employers' successful appeals or avoiding payment (Home Office, 2013; 2020c). Table 5 calculates the value of fines issued against employers each year from 2008 to 2019. The fines rose sharply from 2014, largely due to the doubling of the maximum fine to £20,000 for each irregular worker from 16 May 2014, whilst the sharp drop in 2018 was 'a direct

result' of the Windrush scandal that paused the civil penalties process (ICIBI, 2019, p.65). Furthermore, according to the ICIBI (2019), restaurants and takeaways were the major target sites of the enforcement visits and Chinese nationals, together with Bangladeshis, Indians and Pakistanis, made up the majority of the arrested workers. According to Home Office (2014), the authorities conducted 15,599 enforcement visits on Chinese restaurant and takeaway from 2009 to 2013, resulting in 2,433 Chinese nationals being arrested.

Table 5 Civil penalties issued against employers hiring illegal workers, 2008-2019

Year	Value of fines issued (£)
2008	16,700,000
2009	23,200,000
2010	17,100,000
2011	11,400,000
2012	10,725,000
2013	9,685,790
2014	26,252,500
2015	41,118,750
2016	49,625,000
2017	39,500,000
2018	20,925,000
2019	34,400,000
Total	**300,632,040**

Source: Home Office (2013) for 2008 to 2013; Home Office (2017) for 2014 and 2015; Home Office (2020c) for 2016 to 2019

Alongside the civil penalties, criminal proceedings are a less implemented yet powerful enforcement mechanism against illegal working. Compared to the numerous civil penalties issued, criminal prosecutions against either employers or irregular workers

remain rare with convictions even rarer. Since the offence of knowingly employing came into force in 2008 until 2017, 68 people were proceeded against under this provision and 17 were convicted in magistrates' courts (Home Office, 2019b). No one was prosecuted for the offence of illegal working under Section 24B of the 1971 Act until the end of 2017 (ibid.). As Aliverti (2012) observes, removing immigration offenders, rather than bringing criminal proceedings against them, is the Home Office's preferable method, not only because criminal proceedings are costly but also the primary goal of immigration control is the expulsion of unwanted migrants. According to the Home Office (2016b, p.22), its 'policy is to seek to remove illegal workers from the UK as quickly as possible and this will remain the normal course of action in preference to prosecution for the new section 24B offence of working illegally'.

Even though criminal proceedings have been only occasionally been pursued, the expansion of criminal offences into immigration law has profound symbolic, rhetorical and practical implications (Aliverti, 2012). Symbolically, by creating new crimes in immigration law and imposing harsher punishment, the government sends a message that the immigration problem is under control, or at least, they can 'be seen as doing something' to bring it under control (ibid., p.421). At the rhetorical level, Aliverti argues that the use of criminal law, which should be reserved for the most serious wrongdoings, to punish immigration offenders leads to the demonisation of migrants. Although most of the immigration offences are minor and victimless, those violating immigration rules may be depicted not only as manipulative abusers but dangerous criminals. This demonisation further facilitates the everyday practice of enforcement officers and justifies the use of apprehension, confiscation, detention and deportation against migrants.

Idealising victims of modern slavery

The Modern Slavery Act 2015, as 'the first national legislation to use the term 'modern slavery' and to explicitly target 'slavery' as opposed to 'human trafficking', 'forced

labour' or other terms' (Broad & Turnbull, 2018, p.120), promotes the governmental responses to and the public awareness of the issue of trafficking and exploitation and aims to improve the coordination between the statutory and non-statutory organisations, thereby contributing to an increase in legal proceedings against perpetrators and the identification and protection of victims (Craig, 2017).

Nevertheless, as Craig (2015) argues, the core of the 2015 Act focuses more on trafficking for sexual exploitation than the wider phenomenon of labour exploitation that can occur with or without trafficking occurring.. Furthermore, there is an idealisation of victims of trafficking and exploitation in the modern slavery discourse (Hoyle et al., 2011; Gadd & Broad, 2018). Being a victim, as Hoyle et al. (2011) argue, is not only a matter of fact based on the experiences of those victimised, but also a socio-legal status determined by those with authority to grant or reject such status. Based on Christie's (1986) seminal concept of ideal victim, I describe how an ideal victim of modern slavery may look like. According to Christie (1986, pp.18-19), an ideal victim is not necessarily those who are most often or severely victimised, but those who 'most readily are given the completed and legitimate status of being a victim', and s/he typically has the following five attributes.

1. 'The victim is weak – [s]ick, old, or very young'. Women, children and people with mental illness or drug dependence are considered as most susceptible to modern slavery.
2. 'The victim was carrying out a respectable project'. For example, a poor woman is lured into domestic servitude by a false promise of a good job because she struggles to provide for her family.
3. '[The victim] was where she could not possibly be blamed for being'. People who are forcibly trafficked into the UK are ideal victims in contrast to those who consent to their voyages.
4. 'The offender was big and bad'. Modern slaver masters are often assumed to be

organised crime groups.

5. 'The offender was unknown and in no personal relationship to [the victim]'. An ideal victim of sex trafficking would be a woman who is exploited by a gangster, a stranger to her rather than a boyfriend she feels in love with.

These attributes feature in the political and media discourses of victims of modern slavery. The victims are typically represented as naïve people from poorer countries who are forced or deceived into the UK and trapped in forced labour. The offenders – evil traffickers and slave masters – are often associated with organised crime groups and are condemned for using physical and psychological violence and economic abuse to control and exploit vulnerable individuals (Gadd & Broad, 2018). For example, in the government's response to modern slavery, the then Home Secretary Theresa May describes the horror of 'this hidden crime' in the UK:

> Young girls are raped, beaten, passed from abuser to abuser and sexually exploited for profit. Vulnerable men are tricked into long hours of hard labour before being locked away in cold sheds or rundown caravans... Women are forced into prostitution, and children systematically exploited. Domestic workers are imprisoned and made to work all hours of the day and night for little or no pay.
>
> (HM Government, 2014, p.5)

Certainly, there are extreme cases of slavery as exemplified in the government's and anti-slavery charities' reports (e.g. Cooper et al., 2017). However, most exploitation often does not entail this idealised victimhood or such extreme circumstances. Empirical research reveals that few vulnerable workers consider themselves as helpless victims and most insist on their agency to various degrees. Many enter exploitative work because they have no legitimate alternative, not because they are threatened with violence. According to Hiah and Staring's (2016, p.97) research in the

Chinese catering industry in the Netherlands, rather than viewing themselves as victims versus perpetrators, Chinese migrant workers and their co-ethnic employers are mutually dependent on each other: 'employees depend on their employers for (informal) work, but restaurant owners also depend on the cooperation of their undocumented employees so they can keep their business running and economically advantageous'. This 'mutual dependency', however, is not a harmonious labour relation based on reciprocity and shared ethnicity and culture but more a consequence of the Dutch government's tightened control over the employment of non-EU nationals, under which the undocumented have to be 'willing' to work harder and earn less. Similarly, Ceccagno et al. (2010, p.136) found that in Chinese ethnic niches in Italy, employees submit themselves to exploitation, not because employers use coercion, but because, when their precarious status rules out other possibilities for upward social mobility, tolerating exploitation and being self-exploited become a 'mutually beneficial' means, through which the workers can strive for longer-term economic improvement. Whereas the anti-trafficking policy discourse highlights the 'horror stories' of women being trafficked for sexual exploitation, Chin and Finckenauer (2012) explain that that few Chinese women working as sex workers outside of China are deceived or coerced into the sex industry (see also Pieke, 2010). Among their study sample of 149 Chinese migrant sex workers in Asia and the US, most women realised before they migrated that they would be working as sex workers at the destination countries, and the remainder entered the sex industry after arrival not because of deception, coercion or debt bondage, but because sex work was 'the most viable option' to make money (p.51).

Outside the sphere of Chinese migration and employment, Jones et al. (2006, p.147) similarly reveal that although there is a lack of 'the newsworthy drama of drowned cockle-pickers or suffocated corpses in lorry containers' in the South Asian garment factories and restaurants in the UK, these industries witness undocumented migrants enduring long and unsocial working hours, being paid substandard wages, being laid

off during slack periods and working overtime unpaid during peak periods. Challenging the dominant representation in political rhetoric and news media that Eastern European women are trafficked into Western Europe and forced into prostitution by criminal groups, Andrijasevic (2007, p.95) argues that 'women are rarely kidnapped or coerced into migrating but that they rely on trafficking networks to realise their migration projects', which otherwise would be unachievable under the EU migration regime. The women's 'consent' to movement and/or prostitution, however, disqualifies them from being recognised as victims, even though they are subject to confinement and economic exploitation. Focusing on the most extreme situations, modern slavery discourse ignores the less sensational but more commonplace labour and human rights violation.

The disjuncture between idealised victimhood and the lived experiences of those working under exploitative conditions contributes to a disparity between the potential victims referred to the National Referral Mechanism (NRM) – the framework for referring and supporting modern slavery victims – and those ultimately determined as victims (known as receiving a 'positive conclusive grounds' decision). Between 2013 and 2018, out of the about 23,000 potential victims referred to the NRM, a third (7617) received a positive conclusive grounds decision, of whom only a small portion are non-British and even smaller non-EU nationals (NCA, 2019). In 2019, 60% (416/693) of the positive conclusive grounds decisions were given to UK nationals (NCA, 2020). Chinese nationals, one of the top five nationalities of potential victim referred to the NRM, are one of the least common nationalities of positively concluded cases (ibid.).

In summary, the immigration control and the modern slavery discourse create binary categories of irregular migrant workers: 'the vulnerable' who 'are trafficked here and forced to work illegally' and the 'illegal migrants' who 'choose to work here illegally', as May described in the third reading of the Immigration Bill 2015/2016 (UK Parliament, 2015). Splitting the ideal victims from the 'illegal' workers enables the government to

not only deny legal safeguards to the latter but also to arrest, detain and ultimately remove them. This dichotomy, however, does not reflect 'a continuum of exploitation' – various forms and degrees of labour and human rights violation deviating from decent work and amounting to forced labour – that is more commonly experienced by vulnerable workers (Skrivankova, 2010). More importantly, the claim that working illegally is a choice freely made by some unscrupulous migrants disguises the function of immigration control that precludes some people from working legally. As the following case studies of Chinese migrants illustrated, many people do not choose illegal working from a range of options but enter exploitative work with limited alternatives under the threat of destitution, detention and deportation.

IRREGULAR CHINESE MIGRATION AND LABOUR EXPLOITATION

Case 1: Zhou Lan, male, aged 50, from employee to employer in the catering industry

Most irregular migrants do not engage in illegal activities. Rather they typically work in legitimate employment that is low-paid, physically demanding and lacking in job security and career advancement. The major job market for Chinese migrants is the restaurants and takeaways owned by co-ethnic entrepreneurs, who originate from Hong Kong, mainland China and Southeast Asia (Pharoah et al., 2009). In the catering industry, kitchen porter is an entry-level job that most newcomers take up, whose duties include cleaning, washing dishes, peeling potatoes and other menial tasks. Within a few months, some had moved up a rung to become kitchen assistants, who are considered semi-skilled and thus are better-paid. Building up work experience and networks, some irregular Chinese migrants are promoted to assistant cooks. Some may become waiters/waitresses, and waitering is considered better than doing menial jobs in greasy and crowded kitchens. Changing jobs and workplaces is the main method used by Chinese migrants to improve their working conditions (Kagan et al., 2011; Wu & Liu, 2014). The participants of this study changed workplaces regularly and in doing so, they usually had a slight pay increase. However, the tightened policy and enforcement against illegal working makes job mobility more difficult. When irregular

migrants, as the following cases show, are afraid to change workplaces under the greater threat of unemployment or worse, of detention and deportation, they become more susceptible to degrading working conditions.

Providing a vital source of livelihood for Chinese migrant workers, the ethnic catering niche also traps many people in exploitative labour, which is characterised by low wage, long work hours, unpaid overtime and workplace bullying. Depending on their skills and experience, the participants who were working in the catering industry at the time of interview earned between £280 and £450 per week. Most participants were satisfied with their pay as they had few expenses with accommodation provided by employers and saw themselves as better paid than they would be for the same jobs in China. However, it is important to note that long and unsocial working hours, i.e. ten to thirteen hours a day for six days a week, are very common in the Chinese catering industry, rendering the hourly wage below the National Minimum Wage (nearly £8 in 2018). Furthermore, incomes are highly unstable. Irregular workers are usually laid off during slack periods and experience periods of unemployment. Apart from the undesirable work conditions, many participants complained bitterly about verbal abuse by employers, which they found worse than the tough jobs per se. The following case study of Zhou Lan illustrates the working experiences in the Chinese catering industry.

Upon his arrival in London in 2003, Lan found his first job as a kitchen porter in a Chinese restaurant with the 'help' of the Fujianese association for a fee of £200. Toiling away more than twelve hours a day for six days a week, Lan was paid £180 a week and lodged in a cramped, 'pigsty-like' room with another five Chinese migrants. Being used to be a person 'who ordered others to work', Lan found it 'most humiliating' when being verbally abused by the employers. 'There was one time I hurt my hand while cutting meat', Lan recalled, 'The boss cursed at me in Cantonese, using very bad words. At that moment I really felt like I was a slave'. Lan moved to another restaurant but

simply found no difference.

> Lan: My second job was washing dishes. That was really tough, keeping washing till you couldn't even stand up. The boss was cruel and didn't allow a break. I started work at 10am or 11, but usually got up at 8am. It took an hour and more to go to the Chinatown by bus and you didn't want to be cursed or to have your wage deducted for being late… I finished at midnight and it was almost 2am when I came home and went to bed. Still, I could hardly have a good sleep while someone was talking or coming home very late. It was not a private room but shared with more than ten people with bunk beds. Someone did daytime jobs, but others did night shifts. So, I couldn't sleep well but had to get up at early morning next day.

Lan changed different workplaces around the UK until he started his own takeaway three years later in partnership with a chef whose work permit enabled them to open the business. Moving to be an employer himself, Lan, however, complained about the lack of 'work ethic' among his employees. By work ethic, he meant the capability to bear tough tasks, excessive working hours, verbal abuse and other forms of hardship he experienced as an employee.

> Lan: I'm good to my employees. For example, the boss didn't allow me to eat prawns or seafood, but my employees can eat whatever they like. I rarely sack employees, unless they do their job so badly. However, I do find that some workers now do not have good work ethics as we did… We did whatever the boss said. If the boss wasn't happy about what we did, we kept going until he was happy. We never took a break because the bosses always had work for you to do. But, the workers now play on their mobile phones whenever the business is not busy.

Lan's complaint echoed the views of some other participants who had moved to be business owners, suggesting their bias towards hard-working and compliant workers. Rather than being sympathetic to their compatriots who are experiencing the same disadvantaged situations as they did, the employers seemed even harsher, as the following two participants revealed.

Lu Min: The Hong Kongese bosses oppressed the southerners, the Fujianese. Now the Fujianese become bosses and oppressed newcomers from the North like me… They are even crueller because we are weaker. It's now very difficult for the statusless to find a job, so they know they can bully me and I can't fight back.

Wang Fen: The Fujianese went abroad earlier and many now become bosses. They are sometimes really rude to people working for them, cursing you in very dirty languages, looking down on you, humiliating you. Whatever they went through, they think you should go through, too.

This is not to suggest that the Fujianese bosses were simply cold-blooded. Rather I argue that their change of status from workers to labour users instead of their personal (im)morality places them in a position to profit from the precarious immigration status endured by other workers. In other words, the vulnerability of migrant workers to exploitation 'is not simply at the whim of individual employers but structurally produced by the interaction of employment and immigration legislation' (Anderson, 2010, p.311). The tougher the immigration control is, the 'weaker' migrant workers are, and thus the 'crueller' the bosses become.

Case 2: Lu Min, male, aged 43, to be a 'good' worker in the construction industry
In recent years, many irregular Chinese migrants have sought employment outside the catering industry to avert the high risk of being arrested in the intensive raids on

restaurants and takeaways (ICIBI, 2019). Moreover, the growth of Chinese settled in the UK generates greater demand for co-ethnic workers to provide a variety of services, including food but also hairdressing, logistics, refurbishment and domestic service. In this study, two participants worked on construction sites and two were domestic workers. Their employers were settled and relatively well-off Chinese migrants. The participants' precarious immigration status was both an advantage that tempted some employers to hire them for the cheap and amenable labour and a disadvantage that rendered them more vulnerable to payment deductions and other exploitative practices. The case of Lu Min is drawn upon to illustrate the working experiences of construction workers.

With the help of a co-villager, Min found his first job in a construction team upon his arrival in London in 2015. Min had a vivid memory of his first day at work:

Min: My task was removing construction waste from the underground. No tools, no one helped me, I moved tens of kilos to upstairs every time. The job was tough and dirty, unlike what I imagined about working in a high-income country... Working for such long hours, I was paid £65 a day.

Unable to endure the physically-demanding building work and the high living costs in London, Min moved away and explored job opportunities in takeaways. Without a legitimate status or relevant work experience, he could not secure a job.

Min: Almost all the jobs require experience and sometimes a work permit is required... I finally got an opportunity in Liverpool. I told the boss that I was a green hand, and he agreed to give me a chance. But, the chef and other senior colleagues weren't happy about me and maybe they told the boss that I wasn't qualified. So, I was sacked after two weeks.

Min's keenness to secure a job was taken advantage by an employer, who used Min to do refurbish his house for low pay and dismissed him after he finished refurbishment.

> Min: The second boss knew that I did construction work, so he asked me to help with the refurbishment of his house. I agreed and was responsible for repairing drains and sewers. The job was tough and dirty and the payment was very low. He asked me to do it because he knew that he would pay much more if he hired someone else. I didn't complain as I wanted to get along with the boss to keep the kitchen job. But, he sacked me one week after I finished the refurbishment. He said 'you've been here for three weeks, but you still don't how to do the kitchen job'. And I said 'that's because I did the refurbishment of your house for a week'.

Unable to secure a job anywhere else, Min returned to the construction site in London but became unemployed when that project finished. He again moved around and explored job opportunities wherever and whatever they were. At the time of the interview, Min had been working in a takeaway for nearly six months – the longest career he ever secured. Despite the lower pay and unfair work conditions, Min was 'grateful to the boss for giving [him] the job'.

> Min: Otherwise, I would be unemployed... I'm paid £60 a day, but my neighbour gets £90 for doing the same job simply because she has a status. And she has holiday pay and leaves. I have nothing... Holidays actually make me anxious. Once there's a holiday and there would be no business, the boss would give me a 'holiday'. That means I would have no income for weeks and even a couple of months.

The fear of unemployment and destitution limited Min's capability to change

workplaces or to bargain for fair work conditions. He had to become a 'good' worker who employers would like; that is, being grateful – accept pay deduction for a job opportunity, being hard-working – work long and unsocial hours, and being flexible – be laid off during slack periods and work extra hours unpaid during peak periods. From this point, the tougher enforcement against illegal working, rather than reserving jobs for British workers, produces a cheap, docile and laborious migrant workforce that many employers prefer to use (Anderson, 2010).

Case 3: Wei Ting, female, aged 42, from a university lecturer to a domestic worker

Construction work is less available to women. Instead, some women engage in domestic service as an alternative to a kitchen job (Gao & Poisson, 2010). A domestic job is often a trade-off between security and economy. The risk of being arrested is low for domestic workers, whereas the wage is lower than doing a kitchen job. Furthermore, those working alone in a domestic sphere may suffer acute social isolation, which may limit their ability and willingness to exit exploitative labour (Lewis & Waite, 2015). The following two case studies of Wei Ting and Wang Fen exemplify the experiences of Chinese domestic helpers working for co-ethnic employers.

Wei Ting, a university lecturer in China, came to the UK in 2018 with a family visitor visa and brought her child to join her ex-husband. After her visitor visa expired and her application for a family visa rejected, Ting became an 'illegal' resident. She, however, did not try to find a job until her money ran out for covering the high living costs in London and school fees for her child.

> Ting: I didn't dare to work after my visa expired because it was illegal to do so. Breaking the law was very difficult for me, as I used to be a legal citizen. But, when I had only £20 in my pocket, I had no choice but to seek a job, any job, in order to make a living.

Seeking a job was not easy for Ting. The other participants usually found their first jobs

upon arrival with the help of relatives in the UK or by paying the snakeheads or labour agents to find them jobs. Without such help, Ting looked for employment by going into Chinese-owned shops and asking if there was a job vacancy, which proved futile.

> Ting: I visited all the Chinese restaurants in Chinatown and any other kinds of Chinese-owned shops and had the door shammed in my faces hundreds of times. Finally, a boss kindly told me that 'no one would hire you in this way. What if you report to the authority?'... Then I turned to online job sites and found two useful websites... Now I also joined some group chats on WeChat [a social media], where people share the information of job opportunities. It's a safer way to look for jobs.

Looking for jobs online has gained popularity among Chinese migrants with the widespread use of smartphones that enable people to access easily to the internet. The business owners in this study also revealed that they now mostly looked for employees by advertising on the websites (where I advertised for research participants). The online job sites enable workers to explore job opportunities themselves and to contact potential employers directly, thereby reducing the chance for snakeheads and labour agencies to profit from inexperienced job seekers.

Despite being a university lecturer in China, Ting could only find jobs in low-skilled sectors within the Chinese ethnic niche. Apart from language barriers and a lack of recognition of qualifications, Ting's lack of legal immigration status was the major barrier restricting her job choices. Her first job was as a kitchen porter, but after realising the high risk of being arrested in Chinese restaurants, she stopped working in the catering industry and started to do domestic service. Ting's employers were all Chinese who had settled in the UK and who needed domestic help with looking after children and doing household chores. Ting revealed that some employers deliberately hire irregular workers because they were 'cheap' and 'tractable'.

Ting: A documented worker may be paid £10 per hour, but I'm paid £5 and even lower when I was a green hand… Although I usually work from 8am to 8pm, I'm only paid for ten hours because the employers said 'it's impossible to have you working for the twelve hours. You definitely take breaks at some point'… The employers don't pay overtime, either. For example, one of my employers ran a hair salon and she often rang me a few minutes before I was supposed to get off work and said 'I'll be home late today'. Then I had to stay to look after the kid until she was home, often at 10pm and even later. She never paid for the extra hours, not even an apology or a thank you.

Apart from pay deduction, Ting found that domestic work was more stressful than kitchen work. Working alone in a private sphere with no colleagues, a domestic helper may be more susceptible to exploitation.

Ting: The domestic job has worn me out, not physically but psychologically. Working in a kitchen, you have colleagues and you are working as a team. The bosses rarely picked on me because I did very well with my job… But, as a domestic worker, I often get picked on, however perfectly I do… Few employers treat domestic workers with respect. They view a nanny simply as a servant and hardly appreciate the value of my working… Besides, I'm statusless, so the employers feel like superior to me. One of my employers was particularly mean. She had CCTV installed in her house, so she could keep me under surveillance while she was away from home. There was one time she saw on the CCTV that I was having a sandwich. She rang me and shouted at me: 'I pay you to work, not to eat!' And I said 'I've been working for a whole day. I'm too hungry. Besides, I was eating the food I bought, not yours'. She said 'the food is yours, but your time is mine. If you do anything but work, you're wasting my time and my money'.

More fortunate than many other participants, Ting was granted discretionary leave to remain and the right to work a few months after the interview. With her qualification as a university lecturer, she found a job as a teacher of a Chinese language school. Ting rang me excitedly:

Ting: I can be a teacher again. I love teaching students and I'm good at it. The head of the school said I was the best candidate she ever interviewed… The pay is better and stable… Most importantly, I can work decently and legally.

In this study, some participants exited exploitative labour relations after having their status regularised. Securing legitimate immigration status and entitlement to work, they were able to bargain for proper working conditions, to open their own businesses, or to find decent jobs (cf. Ceccagno et al., 2010).

Case 4: Wang Fen, female, aged 45, working as a live-in nanny

Women working as live-in domestic helpers may be subjected to severe exploitation, sexual harassment and abuse. In her journalistic book *Chinese Whispers*, Pai (2008) documents irregular Chinese domestic workers being sexually harassed and abused by employers. Gao and Poisson (2010.p.67) reveal the extremely excessive working hours (21 hours a day), substandard wages (€400 to €500 a month), and poor accommodation (underfeeding and sleeping on mattresses on the floor) experienced by undocumented Chinese domestic helpers working for their compatriots in France. As the case study of Wang Fen will illustrate, those who live in the employers' houses are on 24-hour duty, which de facto confines the workers within the domestic sphere and reduces their wages to a minimal level. Although they may leave when working conditions become unbearable, the acute social isolation and the fear of being caught by immigration enforcement if working in public places (e.g. restaurants) significantly limits the willingness and ability of irregular domestic workers to exit the exploitative employment (Lewis & Waite, 2015).

Upon her arrival in London in 2014, Fen was collected by a snakehead (see chapter 4). The 'unsafe feeling' of living in the snakehead's house made Fen keen to find 'whatever job available' and to move out to 'wherever safer'. Paying the snakehead an additional fee of £300, Fen was soon given a live-in domestic job, as her past experience of running a nursery school in China seemed appealing to the Chinese employers looking for a nanny. The domestic job, however, proved to be extremely exhausting and low paid – weekly wage of £280 for nearly 24 hours a day, seven days a week.

> Fen: I looked after three children, two pupils and the youngest kid was only a few months old… I got up before 7am to make breakfast and after the children went to school and the employers went to work, I kept doing other domestic chores, like doing the laundry, cleaning and looking after the infant. The employers thought that I took rest when the baby was asleep. But actually looking after an infant was a 24-hour job. I never had a good sleep at night and always kept an eye out for the baby… Being a nanny was less physically tough than doing a kitchen job, but it exhausted me. I had no off at all. The pay was low. I will never do that job.

Besides, Fen also worked as a part-time kitchen porter, without extra payment, at the employer's takeaway shop.

> Fen: At weekends and holidays I took the children to the employer's takeaway shop, where I looked after the children and also did some kitchen work, like cutting vegetables, washing dishes and cleaning.

During the nine months of working, Fen rarely went anywhere else than her employer's house or takeaway shop because of the exhausting childminding and also the language barriers and acute isolation she experienced as a newcomer in the

foreign country.

> Fen: I didn't know how to catch a bus. I didn't understand English, and neither did anyone guide me. I didn't go anyway except staying in the house or taking by the employers to their takeaway.

Experiencing even harsher conditions, Fen, however, seemed less critical about the exploitation than the case of Ting. She tended to consider the domestic job as the way to leave the snakehead behind and survive the first difficult few months in the UK.

> Fen: They (the employers) sometimes told me off, and I never talked back. I simply kept doing work till they were satisfied and did whatever work they asked me to. The work was tough, but anyway I need to thank them for giving me the first job.

The case study of Fen shows that despite suffering severe exploitation, some migrants may not self-identity as 'victims' due to the lack of agency or awareness. Those individuals tend to compare their working experiences in the UK with that in China, rather than that of British workers, and may be less critical about labour exploitation if they worked under harsher conditions before migration. Nevertheless, it does not mean that they are not being exploited. Instead the case highlights the additional complexities lived experience of exploitation entails; complexities that supersede the dichotomies of forced/free labour and illegal/legal working assumes in much immigration policy.

Case 5: Meng Lei, female, aged 36, selling DVDs as an alternative to kitchen jobs
In contrast to a widely held view that correlates crime with (illegal) immigration, only two people interviewed had engaged in illicit activities, i.e. selling counterfeit DVDs and transporting cannabis. This might be attributable to the small-size, non-random

sample, but it may be more likely that only a minority of irregular Chinese migrants are involved in the illicit economy as other research studies attested (Pharoah et al., 2009; Pieke, 2010; Kagan et al., 2011). Even work in the illicit economy often entails the 'mundane but financially profitable activities', such as selling counterfeit DVDs and smuggled cigarettes (Silverstone & Whittle, 2016, p.70). The participants were mainly attracted by the better income and the greater freedom of making a livelihood in the illicit economy, compared to the common jobs in the catering industry or other ethnic niches. The following case study, Meng Lei exemplifies the working experiences of Chinese migrants selling pirated DVDs.

Coming from Fujian and having a few relatives and co-villagers engaged in this business, Meng Lei had no difficulty in finding a DVD-selling job upon her arrival in London in 2006.

> Lei: A lot of Chinese, particularly people from [a county of Fujian province], were selling DVDs at that time. One of my relatives was doing this and he helped me to get the job. It was very simple. We bought DVDs from a wholesaler and sold to mostly whites. There were different kinds of DVDs, kung fu movies, cartoons, the latest blockbusters and something [pornography]. Some people did street vending, but I had target sites, mainly hair salons and grocery stores. The shop owners all knew me and I got good relationships with them. So, I mainly sold DVDs in those shops and if I wasn't there, they would call me when someone wanted to buy DVDs.

Although Lei refused to disclose how much she earned by selling DVDs, she admitted that 'it was much more profitable than working in a restaurant'. According to another participant, the buying price from a wholesaler was around twenty pence per DVD and the selling price was between two and five pounds. Although it was not stable, a vendor could earn a few hundred pounds on a good business day. By selling DVDs Lei

managed to repay her debts within one year, in contrast to the common three years. Apart from the higher income, the greater freedom of the DVD-selling job was acknowledged as an advantage over a kitchen job: 'you could decide when and how you work. No one would discipline you'.

The major risk of this trade is being caught by the police. Lei, however, found that 'the British cops didn't really care about DVD selling'.

> Lei: Once I met an undercover cop and I didn't know he was a cop. He asked me 'are you selling DVDs', and I said 'yes, do you need some?'. He said 'show me', and I showed him. Then he showed me his police badge and said he was a cop. I was like 'OK, all right. I'm sorry'. Then I just went away, just went away. He didn't arrest me or anything but just let me go.

Lei exited DVD selling in 2012 when she had her status regularised and brought her children to the UK. The desire to live a family life outweighed the ambition to make more money, leading to her withdrawal from the risky DVD-selling job.

> Lei: In the first few years, I didn't think that I would settle in the UK. I just wanted to make money within a few years and then go back to China. But, after I got status, I started to consider living a life here, like bringing my children here. So, I quitted the DVD-selling job and started to run a takeaway. You didn't want to involve yourself in a risky job with your children here.

Apart from DVD-selling, sex work is also taken, particularly female migrants, as an alternative to low-paid and exploitative employment, such as kitchen jobs or domestic services (Pai, 2008; Gao & Poisson, 2010; Pieke, 2010; Chin & Finckenauer, 2012). Whereas cannabis cultivation/transportation may be an alternative to kitchen and construction jobs available to men, women are more likely to engage in sex work as

the most viable option to make money fast. Chin and Finckenauer (2012) argue that gender inequality and patriarchy in China limit women's job options and contribute to their involvement in the sex trade. In their study on female Chinese migrants who work in the sex industry, the authors reveal that being forced to terminate schooling at a young age by sexist fathers renders poorly educated women from rural China extremely disadvantaged in the already unequal Chinese labour market. This prompts some to enter the sex industry overseas as an alternative to exploitation in the low-paying manufacturing, catering, garment and retail industries in China.

Few people view DVD-selling, sex work or other illegal employment as a long-term prospect, but mostly engaged in these jobs with the ambition to make money fast when no better livelihood available (Pieke, 2010). Regularisation broadens job options and allows for a family reunion, thereby leading to the withdrawal from the illicit economy.

Discussion: from the exploited to illegal workers

Few of the participants of this study fitted the image of ideal victims of human trafficking and forced labour. None of them reported that they were forcibly trafficked into the UK or coerced into labour. Rather they had a considerable degree of freedom to decide their movement and to change jobs and workplaces. Neither did other empirical studies about Chinese migrant workers in the UK find the widespread trafficking of Chinese migrants against their will or the use of blatant coercion to force people into work (Pieke, 2010; Wu et al., 2010; Kagan et al., 2011).

The less sensational yet no less desperate plight faced by irregular Chinese migrants is the lack of alternatives to the low-paid and exploitative jobs. Moving forth and back within the catering industry, construction sector, domestic service and other marginalised segments, irregular migrants can hardly access decent work regardless of their skills and qualifications. In recent years particularly, the tougher enforcement

against illegal working exacerbated the threat of unemployment, detention and deportation, under which the workers became more desperate to make money when they were able to do so and therefore more amenable to exploitative work conditions. The regularisation of immigration status, by contrast, allowed some participants access to upward socioeconomic mobility by enabling them to become business owners, to find decent work and some to exit the illicit activities.

Labour exploitation is not only associated with irregular immigration status, however. 'Migrant projects' that encompass 'familial obligations', 'gendered social position' and 'social expectations' may also keep some migrants in exploitative work even if they have their status regularised (Lewis & Waite, 2015, pp.63-64). The pressure to repay debts incurred in migration, the obligation to send remittances home and the ambition to achieve economic improvement make people submit themselves to exploitative work (Ceccagno et al., 2010). Holding a migrant project detaches the irregular workers further from the image of ideal victims and renders them be more readily demonised as offenders and fraudsters. Consequently, they are assumed to 'choose to work here illegally' and therefore deserve nothing but tough punishment, however severe and widespread the exploitation they suffer.

CONCLUSION

The demand for cheap labour is persistent and even growing in high-income countries, and the UK has a long history of regulating immigration from poorer countries to meet this demand (Anderson & Ruhs, 2010). Pandering to the rampant nationalism and xenophobia, the British government, however, has been closing down the entry route for foreign workers, particularly low-skilled workers who are deemed not beneficial to the economy. Hence, many people navigate the costly and often dangerous routes of movement outside the law, among whom those losing their lives in their journeys to a dreamed better life are presented as pitiful victims, whereas those succeeding in reaching the destination are categorised as 'illegal' immigrants. This chapter has

continued to argue how, after arrival in the destinations, these individuals are demonised as offenders and fraudsters by the host state, to which they provide a range of essential goods and services at affordable prices.

This chapter has also discussed the impact of modern slavery discourse on irregular workers. In their self-declared 'leading the global fight' against modern slavery, the British government creates an image of ideal victims of human trafficking and forced labour (Gadd & Broad, 2018). The idealised victimhood splits innocent victims from illegal workers, thereby justifying tougher immigration control on the latter. In accusing unscrupulous employers of exploiting vulnerable migrant workers and migrants of being complicit in their own exploitation, the British government obscures the major cause of labour exploitation: the immigration control regime that disqualifies large numbers of people from work legally and precludes them from accessing labour rights protection. Few people choose to work illegally. They are forced to work illegally by not slaver masters but the control regime.

Chapter 6

Semi-illegality: Living a precarious life in liberal democracies

INTRODUCTION

Immigration law defines illegal migration, not by delineating its parameters but by comparing it to the benchmark for legal migration (Kubal, 2013). The principle that any migration that is not legal can be illegal results in a black-and-white division of legality and illegality. This division, however, does not reflect the intricate and ambiguous reality, where the status of many migrants is neither fully legal nor fully illegal but straddles both (Menjívar, 2006; Goldring et al., 2009; Ruhs & Anderson, 2010; Kubal, 2013). For example, Ruhs and Anderson (2010, p.196) identify semi-compliance of many Eastern European migrants in the UK, 'who are legally resident but working in violation of the employment restrictions attached to their immigration status'. In researching Chinese irregular migrants in the UK, I also identify an in-between status – semi-illegality – by which I designate as the continued residence of migrants who are subject to removal/deportation. Rather than absconding from the authorities, the 'semi-illegal' migrants lead a life under governmental surveillance. Some are detained in the removal centres indefinitely, some live in public houses that are regularly inspected by the immigration officials, and some present in person to the immigration agency every month or week.

Semi-illegality can be a result of the government's inability to remove migrants for pragmatic reasons, such as the lack of travel documentation and the high costs of executing removals. In essence, however, it stems from two built-in paradoxes in the UK and many other western states: liberal and humanitarian paradoxes. The liberal paradox, as elaborated by Hollifield (2004), conceptualises a contradiction between liberalism that pushes states to pursue liberal policies on international mobility of capital, goods, services and labour and nationalism that pushes states to pursue restrictive policies, particularly on the mobility of labour. Inspired by Hollifield's

concept of liberal paradox, I construct a notion of humanitarian paradox to denote a contradiction between human rights norms that obligate states to grant fundamental human rights to everyone regardless of his/her immigration status and the political needs that require states to be tough on immigration in order to reassert their capabilities of upholding border security and protecting national identity. The British government, therefore, does not simply turn a blind eye to but plays a constitutive role in constructing semi-illegality, in which people's existence is erasable, human rights violable and labour exploitable.

This chapter starts with a discussion of Hollifield's literature of liberal paradox, and upon which I borrow to conceptualise the notion of humanitarian paradox. Then I argue that semi-illegality is a result of the operation of these two paradoxes. Rather than a loophole in migration policies or an anomaly in liberal states, semi-illegality is arguably inherent in the contemporary understandings of liberal democracy. Relying on the empirical study of Chinese migrants and two case studies particularly, I illustrate how migrants fall into the semi-illegal status and what their lived experiences are in this legal limbo.

SEMI-ILLEGALITY IN LIBERAL DEMOCRACIES

Liberal paradox

The Liberal paradox, as Hollifield (2004, p.886) identifies, is a contradiction between 'international economic forces pushing states towards greater openness' and 'the international state system and powerful (domestic) political forces pushing states towards greater closure'. Hollifield argues that Adam Smith's advocacy of laissez-faire economics (minimum government intervention in an economy) and free trade (unrestricted imports and exports) as the best ways to improve national wealth and power has been proved true, with Britain's colonial expansion in the Victorian era and America's rise to world power in the post-war era both grounded in economic liberalism. Despite periodical rises of protectionism, a liberal economic position has

prevailed in Western countries since the end of WWII, and since the end of the Cold War, this position has expanded into the former Eastern Bloc and less developed countries. Today most states are members of the World Trade Organization and signatories to one or more regional trading agreements, aimed at boosting greater mobility of capital, goods, services and technology all over the world. The rapidly globalised economy generates a demand for migrant labour, including not only highly-skilled workers but also unskilled, cheap and flexible labourers to fill the shortage in certain economic sectors.

On the other hand, Hollifield (2004, p.887) argues that 'the source of power and authority in international relations continues to revolve around the nation-state'. The concept of nation-states is primarily associated with the Westphalia sovereign state system, a system of states that are based on 'territoriality' (where a state has exclusive control over a given geographic territory), 'autonomy' (where a state has exclusive control over its domestic affairs with no intervention by external powers) and 'mutual recognition' of such territoriality and autonomy (where sovereign entities recognise that each other has an equal right to sovereignty) (Krasner, 2001, p.18). With decolonisation after WWII, the assertion of sovereignty by a state involves not only territorial control but also 'a claim to represent the will of the nation – a community of peoples with shared descent, history, culture and language', leading to the global victory of the nation-state (Habermas, 1996, p.126). However, globalisation challenges the sovereignty of a nation-state in the forms of de-territorialised mobility of goods, services, capital, technology, culture, religion and people. Movement of people particularly challenges the right and capability of the nation-state to maintain its sovereignty as the influx of foreigners seems to change the ethnic composition and erode the national identity. Therefore, immigration control that differentiates insiders (citizens) from outsiders (non-citizens) has become a central policy plank of many western countries when their capabilities of preserving sovereignty become shaky in the face of globalisation (Dauvergne, 2004).

Under the liberal paradox, western countries witness increasingly restrictive discourses on international immigration on the one hand, while almost always permitting more immigration than governments claim the countries need on the other (Pieke & Xiang, 2009). For example, in the 2010 election, the Conservative party pledged to 'take net migration back to the levels of the 1990s – tens of thousands a year, not hundreds of thousands', but, since it took office in 2010 till 2018, annual net migration was never lower than hundreds of thousands, with the lowest number being 176,000 in 2012, rebounding to 315,000 in 2014 (ONS, 2019). The disparity between a restrictive control rhetoric and an increasing immigration reality generates an admission gap, through which irregular migrants enter the country not only through 'the back door' but also, if not mainly, through 'the ostensibly carefully managed front door' (Pieke & Xiang, 2009, p.41). Those 'more-than-enough' immigrants, even if they come with entry permits and work permits, are liable to fall into the in-between status and be subject to removal. For example, visitor visa holders come as fully legal travellers, but once they take up paid jobs, they become semi-compliant, and if they further overstay their visas, they become fully 'illegal'. The line between legality and semi-legality can be even finer. An oft-cited example is, if a student visa holder working twenty-three hours a week, three hours beyond that permitted in the UK, the student would be perfectly legal in the first twenty hours but become an 'illegal' worker in the extra three hours (Ruhs & Anderson, 2010). Apart from 'immigration offenders', failed asylum seekers may be also subjected to removal.

Nevertheless, only a minority of the removable migrants end up departing from the UK (despite an upward trend), with the majority continuing to stay, thereby generating a 'deportation gap' – a disparity between the number of migrants eligible for removal and the number of migrants actually being removed (Gibney, 2008, p.149). In 2018, for example, of 25,487 immigration detainees, 44% ended up being removed and 55% were released, not to mention numerous removable migrants who are never captured by the authorities (Home Office, 2019a). The deportation gap can result from practical

difficulties in executing removal. For example, some detainees, once released, may 'disappear'; it is time-consuming and resource-intensive for the authorities to re-trace them and doing so may conflict with the economic interest in terms of the need for irregular, cheap and disposable labour (Gibney, 2008). The lack of cooperation from countries of origin may also frustrate removal. Yet, the deportation gap is rooted in the humanitarian paradox, under which the state not only tolerates but also fuels the presence of 'non-removed removable' immigrants by confining them to semi-illegality.

Humanitarian paradox

Closely related to the liberal paradox, a humanitarian paradox is a contradiction between the universal human rights norms that oblige the government to protect rights inherent to all human beings, including those with no right to remain in the country, and the persistent state sovereignty and the growing anti-immigration sentiment that places non-citizens, particularly irregular migrants, at the periphery of the human rights system. In the aftermath of WWII and the horrors of the Holocaust, the international community endeavoured to establish a supranational human rights framework to prevent governments from abusing people's rights as had occurred during the war. In 1948, the General Assembly of the UN proclaimed the Universal Declaration of Human Rights (UDHR), setting out 'fundamental human rights to be universally protected' – meaning the rights that everyone everywhere in the world is entitled to, simply by virtue of being human. Although the UDHR is not legally binding, it provides the foundation of subsequent international and domestic human rights laws, including the European Convention on Human Rights (ECHR). The ECHR legally obliges the member states of the Council of Europe (CoE) to protect the Convention rights that apply to everyone within their territories, whether they are citizens, foreigners, refugees, or stateless persons. In the UK, the Human Rights Act 1998 incorporated the Convention rights into domestic British law, allowing people in its territory to assert their rights in domestic courts, irrespective of nationality.

In contrast to a rights-based view in the liberal democracies, there is a growing anti-immigration sentiment that marginalises migrants, especially irregular migrants, from the protection afforded by the human rights system. The marginalisation stems from the fact that the nation-state plays a leading role in realising human rights and therefore citizenship of the nation-state is central to the right to have human rights, despite claims that human rights are universal (Goodwin-Gill, 1989; Rodríguez & Rubio-Marín, 2011). As Benhabib (2004, p.11) pointed out, the international human rights framework is grounded in the sovereignty of each state since the UDHR and many international conventions are binding on signatory states alone and can be disregarded by non-signatory states and sometimes even by signatory states. Having a membership, preferably citizenship, of a sovereign state, determines the extent to which individuals can exercise their rights. Due to their lack of full membership, immigrants' entitlement to human rights protection is compromised.

The right to life, often referred to as an absolute right, becomes relative when considering the deaths of migrants and asylum seekers in attempting to reach destination countries. Although the UDHR stipulates that 'everyone has the right to work', this article has not been included in any legally binding human rights conventions; instead most destination countries maintain a perennial tough stance towards 'illegal' working, subjecting employers and irregular employees to fines and even imprisonment. The ECHR grants the right to marry to people of marriageable age, but immigrants who want to marry yet have no indefinite leave to remain will be automatically referred to the Home Office for it to investigate the genuineness of the marriage. Despite the prohibition of arbitrary arrest and detention set out in UDHR and ECHR, the US and Western Europe have witnessed an expansion of detention and deportation of foreigners (Bloch & Schuster, 2005; Gibney, 2008; De Giorgi, 2010; Bosworth, 2014; Menjívar et al., 2018). Whereas the UDHR specifies that 'everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary

social services', the hostile environment policy aims to make life as difficult as possible for irregular migrants, denying them access to healthcare and to rented accommodation and preventing them from opening bank accounts and obtaining driving licences. The ECHR declares that everyone shall have an effective remedy for human rights violations, yet the so-called 'deport first, appeal later' policy *de facto* deprives convicted foreign criminals of this right by deporting them before they have had a chance to appeal breaches of their human rights.
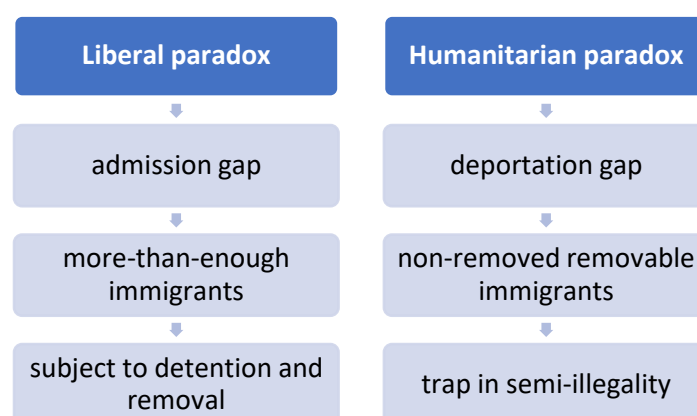
Table 6 Humanitarian paradox

Human rights	Immigration controls
Right to life	Deaths of migrants and asylum seekers
Right to liberty and security	Detention and removal
Right to respect for private and family life	Police raids on homes and family separation
Right to marry and to start a family	Sham marriage investigation
Right to work	Illegal working penalties
Right to an adequate standard of living	Hostile environment policy
Right to an effective remedy	Deport first, appeal later

Semi-illegality

Figure 2 illustrates the producing of semi-illegality under the paradoxes. Under the liberal paradox, the government employs restrictive discourse on immigration on the one hand and permits more immigration than it claims on the other, thereby generating an admission gap, through which 'more-than-enough' people flow into the country and are liable to removal. Under the humanitarian paradox, the government is restrained from arbitrary expulsion of irregular migrants on the one hand and is reluctant to be lax in its treatment of them on the other, thereby generating a deportation gap, in which 'non-removed removable' immigrants exist. I utilise the

concept of semi-illegality to describe the resident status of those immigrants. Ambiguity is the defining feature of semi-illegal status. The status rules out the right to remain and to work and restricts access to public services, while it may provide a legal and moral basis for suspending removal and even for regularisation. Precarity is the defining feature of the lives of migrants trapped in this status. They are often non-removable in practice but always face an imminent threat of removal; their human rights are protected by law but are often violated by law enforcement; they may be given social security but are accused of abusing welfare; some of them may finally be regularised while others may be deported after years of struggling.

Figure 2 Semi-illegality as a result of liberal and humanitarian paradoxes

Liberal paradox	Humanitarian paradox
admission gap	deportation gap
more-than-enough immigrants	non-removed removable immigrants
subject to detention and removal	trap in semi-illegality

Semi-illegality is more than a result of a loophole in law or a weakness in law enforcement – a perspective suggesting the need for stricter policy and enforcement. Rather, it is intrinsic to migration control regimes in Western democracies, which are grounded in economic liberalism and humanitarianism while being increasingly impacted by nationalism and xenophobia. Being lenient on immigration, the nation-state risks undermining its sovereignty. Dehumanising irregular migrants, the liberal democratic state risks undermining its legitimacy. Conveniently, tolerating the residence of the migrants while trapping them in semi-illegal status, the state enables itself to be seen tough on immigration and to adhere to its commitment to international human rights norms. At the same time, the national economic demands

of cheap labour are met by the constant supply of people in limbo (Pieke & Xiang, 2009).

LIVING A SEMI-ILLEGAL LIFE: WHICH COMES FIRST? REGULATION OR DEPORTATION

I use two case studies, Du Yu and Chen Wen, to illustrate how people fall into semi-illegality and to reveal their lives under both the slim hope of regularisation and the persistent threat of deportation. Du Yu came clandestinely to the UK in 2008. Working hard to repay the smuggling fees, Yu did not consider regularising her immigration status until 2012 when she was pregnant with her first child. Being undocumented, Yu was not able to access healthcare. In order to be admitted to the hospital, Yu claimed asylum when she was eight-month pregnant. Her asylum claim was rejected by the Home Office, and her appeal failed, too. After this, Yu and her children lived a semi-illegal life for six years, during which the British government provided them with housing while threatening them with removal. The second case, Chen Wen, came to the UK in 1997 by using a fake passport (see chapter 3), and ten years later, Chen was issued with a deportation order after serving his sentences in prison for driving without a licence. Yet the Home Office failed to deport him due to the lack of documentation required for returning him to China. He then was trapped in semi-illegality for more than ten years, during which he was detained on four occasions and for a total period of five years.

Case 1: Du Yu, female, aged 38, hanging by a thread of the ECHR Article 8

When I asked Yu to tell me about her life story, she started with the bitter memory of being forced to drop out of middle school by her sexist dad.

> Yu: I was born in a very rural area in [a county of Fujian province]. My mum and dad were peasants. I have an older sister and a younger brother… My sister left school after primary level because my dad said 'Girls don't need much education. It's useless for girls to go to school. After all, daughters are married

out'. So, my sister didn't go to middle school, although she actually wanted to go to school very much… I didn't finish middle school either because my dad didn't allow me… When my sister and I were just seven or younger, we had to help my mum and dad with housework and farming, like cooking, carrying water home, cultivating peanuts and harvesting rice… When we got older, we did part-time jobs in the factories in the town to make some pocket money, for example, packing biscuits in a biscuit factory.

Leaving school at sixteen, Yu became a waitress in a small restaurant before she worked at a garment factory, where she worked twelve hours a day and earned 300 yuan (£30) a month. When Yu was twenty, her family urged her to marry, 'just like my sister and many other girls in rural areas – they get married and have children in their early twenties'. Yu, however, did not want to follow this route and dreamed of going abroad.

Yu: I wanted to go to Japan when I was about eighteen. Many of my relatives were in Japan. My mum and dad didn't want me to go abroad. They wanted to fund my brother to go. My dad was like 'girls don't need to go abroad to suffer'. I knew working abroad would be difficult, but I believed it was also an opportunity. So, I applied for a passport myself and didn't tell them until I got it. My mum and dad saw that I was determined to go abroad, and then they borrowed money for me to come to the UK.

Through referral by a friend, Yu contacted a local snakehead. In 2008 she left home for Beijing, from where she went to Russia by train. After staying in a safe house with dozens of people for one week, Yu started the trip to France by 'squeezing with other five people' in the boots of vehicles and then went to England by lorry.

Yu: There's a small space behind the driver's seat, and that's where I and the

other four people hid… After probably eight or nine hours, the driver stopped somewhere in the countryside. We got out of the lorry and ran away. We ran for a while and finally saw some houses. I went to a house to borrow a telephone. It was very kind of that person to let me use his telephone. I rang my uncle and told him that I'd arrived. The person also helped me to get a cab to a train station. A friend of my uncle met me there and bought me a ticket to London… My uncle collected me at the train station.

Yu worked in Chinese restaurants, starting as a kitchen porter and becoming a waitress. Three years later, Yu met her husband, who was also an undocumented Chinese migrant, and then she was pregnant with their first child. Being undocumented, Yu was not able to access antenatal care or to give birth in a hospital. The only strategy was to claim asylum when she was eight months pregnant – a desperate strategy deployed by undocumented migrants in order to access healthcare for critical conditions (see chapter 7). Although being admitted into the hospital to give birth, Yu's asylum claim was rejected by the Home Office and she failed in the appeal too. Both Yu and her child were liable to be removed from the UK. The Home Office sent her numerous 'removal letters' and the officials came to her home to 'persuade' her to leave voluntarily. In order to postpone the removal, Yu had the second pregnancy.

Yu: My second child is only one year younger than his sister. The Home Office kept harassing me, and my friend said I should get pregnant again as soon as possible. I had no choice; otherwise, I wouldn't have tried to get pregnant when my first child was just a few months old. It was really a difficult time when I was pregnant while looking after my daughter.

Being pregnant, however, did not immunise Yu and her children against the threat of removal. When Yu was about three months pregnant with her second child, the Home Office attempted to expel her and her daughter.

Yu: I was required to visit the immigration reporting centre once every two weeks… One day when I came into the centre, I was asked where my daughter was. I usually left my daughter with her dad when I went to the centre… He kept asking me and I had to tell him. Then a man sent me home and he told me 'Pack your suitcase. We have booked you a flight'.

On the other hand, being pregnant protected Yu from forced removal. As Gibney (2008, p.153) pointed out, officials in a liberal democratic state are highly cautious in using 'public displays of force', particularly on women and children, because 'human rights norms are central to their self-understanding (if not always their practice)', and also because the use of force may result in injury and death and thus in moral and political controversy. While three immigration officials escorted Yu and her daughter to the airport, they failed to make her board the plane due to her protest.

Yu: When we arrived at the airport, I refused to get off the coach. I was pregnant then, so they didn't use force against me. Whatever they said, I just didn't get off the coach. Finally, they sent me home.

The second attempt at enforced removal occurred when Yu's daughter was five years old.

Yu: I submitted further evidence to the Home Office because I had my third child. However, the Home Office turned my application down again. The reason was that my children were not yet seven years old and it would be fine for them to leave the UK. They then forced me to leave again. They came to my house twice, once in the early morning and once in the evening, but I wasn't at home. The third time they got me in my house and forced me to get in the car to London. I contacted my solicitor and fortunately, he managed to stop the removal. I was

put in a hotel in London for a couple of days and was sent back home.

In Yu's case, motherhood played a key role in her determination to stay in the UK, as demonstrated by the conversation between Yu and an immigration officer who was responsible for her removal from the UK.

> Yu: One of them [immigration officers] was a Singaporean and he spoke a bit Mandarin. He asked me 'why do you not go back to China? Why do you have to stay in the UK?' Then I said 'why do you stay in the UK? I have been here for so many years; my family are here; my children were born here. Why can't I stay here? The reason why I stay here is the same as yours, for a better life, for my children. As a parent I want my children to get the best education. British schooling is absolutely better than that in China. Just look at the rich Chinese, they all send their children to British schools. Since my children were born here, of course I try everything to stay here so that they can get good schooling here.

Yu's testimonies echoed the voices of many other female participants in this study, who were determined to move to and stay in the UK despite all the difficulties to provide better life for their children.

The hope for Yu and her children to resist the threat of removal was built on Article 8 of the ECHR, which states that:

1) Everyone has the right to respect for his private and family life, his home and his correspondence.
2) There shall be no interference by a public authority with the exercise of this right (with certain exceptions in the public interest)

Article 8 is incorporated in the UK's immigration rules through the family life rule,

which indicates that an undocumented migrant may be granted leave to remain if he/she has a genuine and subsisting parental relationship with a child (under eighteen) who has lived continuously in the UK for at least seven years and if it would not be reasonable to expect the child to leave the UK as this would be contrary to the best interest of the child. Where a child has no leave to remain – which is the case for most of these 'qualifying' seven-year-old children – the child would also be granted the same leave as the parent. When Yu's first child turned seven, she would apply for discretionary leave under the family life rule, and if successful, Yu and her children would be granted thirty months' leave, which could be extended. Upon completion of ten years of continuous lawful stay, they would be eligible for indefinite leave to remain.

The seven years, however, were spent under the imminent threat of deportation. Yu was alarmed whenever she saw a letter from the Home Office; when she went to the immigration reporting centre as required and hoped that her compliance would weigh in favour of her case, she could be caught and given thirty minutes to pack her belongings and leave; while she was sleeping at 6am, immigration officials might come to her house and put her on a flight leaving the UK; while her children were playing with their dad, she would worry that police could raid her home and arrest him; while looking forward to her child's seventh birthday, she would also be anxious about which would come first – regularisation or deportation.

Case 2: Chen Wen, male, aged 56, being statusless and stateless

Unlike Yu, whose motherhood might protect her from detention, Wen had been detained four times in removal centres and once he was held for forty-three consecutive months. In 2002, five years after he came into the UK (see chapter 3), Wen was arrested for using a false passport and was incarcerated for six months. While being held in custody, Wen claimed asylum as an 'expediency' to avoid being removed immediately (see chapter 7). Probably unsurprisingly, the Home Office rejected his claim. After serving the sentence, Wen managed to remain in the UK without being

exposed to the authorities. He worked as a delivery driver until 2007 when he was arrested for unlicensed and uninsured driving.

> Wen: I didn't have a British driving licence or vehicle insurance because I didn't have status. It was okay before 2007. When I noticed a police car, I simply drove away to other roads. The cops wouldn't bother to chase you down. In 2007, however, some advanced computer equipment was installed in the police cars that can automatically scan number plates and show any uninsured vehicles and unlicensed drivers. I was caught in 2007 for the first time, but I didn't know about that equipment. I still believed it would be okay as long as I was cautious, so I continued driving. I was caught at least five times and held for a few months each time.

Because of his criminal record, Wen was issued with a deportation order, which 'excluded any possibility for me to stay in the UK'. After Wen served his sentences for unlicensed driving, he was detained in a removal centre pending deportation. The immigration agency, however, failed to execute the deportation order because Wen did not have a Chinese passport and the Chinese government refused to re-document him.

> Wen: I was taken to see the police officials from China. They took a photo of me and checked if it matched any photo in their system. I had left China in 1997 before the second-generation national ID cards came into being, so they couldn't find my photo in the system. They said they couldn't confirm my nationality so they couldn't issue me with a travel document... I was asked to see two different groups of Chinese police officials but got the same answer.

The Home Office was fettered by human rights norms that bar it from expelling a person with nowhere for him to go. However, it was also reluctant to be seen as a soft-

touch for an undocumented migrant and particularly a foreign 'criminal'. Detention then became the strategy for the Home Office to keep both 'kindness' and 'toughness'. Wen was held for three years and seven months in removal centres.

> Wen: I had been detained in ten different removal centres. The Home Office paid security service companies to run those centres. Three of them were even closed because of poor management. Food and necessities, such as a toothbrush, toothpaste, and socks, were provided for free, but as you might expect, those items were of poor quality so that the companies could maximise profits. You could buy things in the groceries, but there were not many choices. The best food was canned meat.

After his release, Wen's solicitor sued the Home Office for unlawfully detaining him. The High Court declared the period Wen was detained in the removal centres unlawful and ordered the Home Office to compensate him £12,500, half of which was taken by the solicitor. Nevertheless, the immigration agency detained him three more times in the following three years, in which he was held for seven months, four months and four weeks respectively. The long and repeated detention of Wen could hardly be seen as simply a preparatory step for enforcing deportation, but instead, it was 'punitive' 'deterrent', 'incapacitative' and 'retributive' (Weber & Bowling, 2008, pp.368-369). Detention may also prevent detainees from integrating into society and may ultimately undermine the legal and moral grounds for their continued residence in the UK (Gibney, 2008). When immigrants are involved in the communities where they live through, for example, making friends with neighbours, becoming a church member and attending local schools, 'a moral basis for remaining' emerges, independent of their immigration status; removal becomes difficult when the removable individual is not simply staying in the country but is an active member of the community (ibid., p.150). Being held in custody repeatedly and for long periods, Wen had no chance to become a member of a broader community or to maintain social ties. In his own words, he had 'no home',

'no family', 'no friends' and 'no money', and, therefore, no moral basis for resistance to detention and deportation.

Wen's hope of regularisation was based on the 1954 UN Convention relating to the Status of Stateless Persons (1954 Convention), which the UK signed up to and incorporated into UK law in Immigration Rules part 14. A stateless person, as the 1954 Convention defined, is 'a person who is not considered as a national of any State under the operation of its law'. If recognised by the Secretary of State as a stateless person, that person may apply for leave to remain if he/she:

1. has taken reasonable steps to facilitate admission to their country of former habitual residence or any other country but has been unable to secure the right of admission; and

2. has sought and failed to obtain or re-establish their nationality with the appropriate authorities of the relevant country.

At the time of the interview, Wen was waiting for the decision on his application to stay in the UK as a stateless person. About six months later, the Home Office rejected his application. Wen appealed to the High Court and won. The court withdrew the deportation order against Wen and ordered the Home Office to reconsider its decision and to compensate him for unlawfully detaining him. Wen was eventually granted thirty months' leave to remain after being undocumented for twenty-two years and was given a compensation of £50,000 for nearly five years' detention.

CONCLUSION

Whereas the political rhetoric of immigration control is often firmly tough (e.g. 'zero tolerance', 'war against illegal immigration', 'making the life as difficult as possible for illegal immigrants'), the making and implementation of immigration policy may serve diverse and even conflicting interests and have multiple objectives (Czaika & de Haas,

2013). Hence, in contrast to the black-and-white division of migrants into legal and illegal in rhetoric, large numbers of migrants hold status that is neither perfectly legal nor fully illegal in reality, such as semi-compliance (Ruhs & Anderson, 2010), quasi-legal residence (Goldring et al., 2009), liminal legality (Menjívar, 2006), and semi-illegality as this chapter has elaborated. Semi-illegality reveals the continuous stay of people subject to removal for many years under the imminent threat of deportation. As the two case studies above evidenced, the continued stay of 'removable' migrants is acknowledged by the British government – that is why their status is semi-illegal rather than fully. Nevertheless, they are also declared by the government to 'have no right to stay' here – that is why illegality is the decisive feature of their status.

Superficially, semi-illegality can be the result of the British government's inability to enforce removal due to the lack of cooperation from the countries of origin, as the case of Chen Wen illustrated, or due to international and domestic human rights laws that may suspend, though not preclude, arbitrary expulsion, as the case of Du Yu exemplified. Fundamentally, it is a product of the immigration control systems of the liberal democratic states, which are grounded in economic liberalism and humanitarianism while being increasingly impacted by nationalism and xenophobia. Whereas the liberalist and humanitarian imperatives prompt the state to greater labour mobility and universal human rights protection, nationalism and xenophobia drive the state to restrictive and punitive immigration controls, leading to prohibitionist (labour) migration policies, a proliferation of immigration offences, a growing resort to detention and deportation, and the restriction of social entitlements accessible to migrants, and even a denial of very basic rights to the most disadvantaged migrants (Bosworth & Guild, 2008; De Giorgi, 2010; Aliverti, 2016).

Within such paradoxes, immigration control functions less as a 'fixed barrier' that prevents non-citizens from reaching a state's territory, but more as a 'flexible gateway' that is 'periodically lifted to let in a useful army of service labor', often including the

poor, the low-skilled, and the non-whites – the 'unwanted' immigrants whom the governments claim to keep out (De Giorgi, 2010, p.151). As chapter 1 has expounded, there is a persistent need of the UK's economy for cheap and flexible labour. Allowing the entry of 'the unwanted', the British government can cater to the economic need. For that purpose, it is the persistent and imminent threat of deportation, or in de Genova's (2002) term, the 'deportability' of migrants (the possibility of being removed from the countries of residence), more than the actual enforced removal, that helps to form a docile population who submit themselves to exploitative labour in preferable to expulsion (De Giorgi, 2010). Tolerating the residence of 'the removable', the liberal democratic states also show their commitment to human rights norms. Pandering to the rampant nationalism and xenophobia on the other hand, they maintain a tough stance against (illegal) immigration by denying 'semi-illegal' migrants access to basic rights, repeatedly and indefinitely detaining them, and perpetuating the threat of deportation.

Chapter 7

'Bogus' asylum seekers: From membership-based entitlement towards a human rights-based framework

INTRODUCTION

Chinese nationals, despite figuring in the top ten of nationalities claiming asylum in the UK, are also among the least likely to be granted asylum. The high refusal rate is used in anti-immigration discourse as evidence of a high degree of misuse of the asylum system. In the 1998 White Paper *Fairer, faster and firmer,* the British government claims that:

> There is no doubt that the asylum system is being abused by those seeking to migrate for *purely economic reasons*. Many claims are *simply a tissue of lies*. Some of these are made on advice from unscrupulous 'advisers' simply as a means of evading control or prolonging a stay in the UK *without good reasons*.
>
> (Home Office, 1998, para. 1.14, emphasis added)

The alleged dichotomy between genuine refugees and bogus asylum seekers, however, arguably obscures the real-life experiences of refugees, who tend to be multi-motivated individuals seeking both protection from conflicts and economic opportunities in a safe country (Düvell & Jordan, 2003; Marshall, 2011; Zimmermann, 2011). The contemporary asylum-migration nexus puts in question the reasoning behind the 1951 Refugee Convention (1951 Convention) definition of refugees, which forms the basis of refugee legislation in many signatory states including the UK. According to the 1951 Convention, a refugee is a person who:

> owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is

outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

This definition, which gives prominence to certain grounds (e.g. political persecution) over other socioeconomic issues (e.g. destitution due to conflict or natural disasters), is criticised for the failure to recognise the needs of mixed-motived asylum seekers (Marshall, 2011; Zimmermann, 2011).

In this study, twelve out of the fifteen research participants claimed asylum. None of them were granted refugee status. Hence, this chapter aims to identify who Chinese asylum seekers are, why they claim asylum and the outcomes of their claims. In response to the question of whether they are bogus asylum seekers or genuine refugees, the answer would tend towards the former as the participants made admissions such as: 'I made up a story of being persecuted; I came here simply for making a living' (Zhou Lan). Nevertheless, this chapter argues that the dichotomy of bogus and genuine refugees is oversimplified, failing to reflect the blurring of forced and economic migration and the complexity of the individuals' migration and asylum seeking. In the cases I have studied, making an asylum claim was usually neither for 'social benefits available in richer countries' nor 'for purely economic reasons', as the Home Office claimed in the 1998 White Paper. Rather, it was the last strategy of survival deployed by migrants who were increasingly marginalised socially and economically by the immigration control system.

This study found that Chinese migrants claimed asylum in three circumstances: being refused entry at the port, being detained for removal, and being rejected for crucial healthcare. In revealing the moral dilemma faced by Chinese migrants in deciding whether to claim asylum, I argue that they are motived to deceive the British government about their experiences of persecution because this is the only way to alleviate their plights, which were aggravated by economic factors in China and then

accentuated by tightened immigration control in the UK, effectively trapping them in lives on the margins of society in the West. In the last section, this chapter discusses the rationale behind the immigration control system that excludes irregular migrants from human rights protection and welfare entitlements. It considers the human rights-based framework as an alternative to the UK's current membership-based framework in determining whether an immigrant irrespective of status may be entitled to certain basic rights.

UK REFUGEE POLICY AND STATISTICS

Asylum application procedure

To provide a context for the research findings, this section illustrates the process of asylum application in the UK (Figure 3).

Figure 3 The basic process of asylum application and appeal
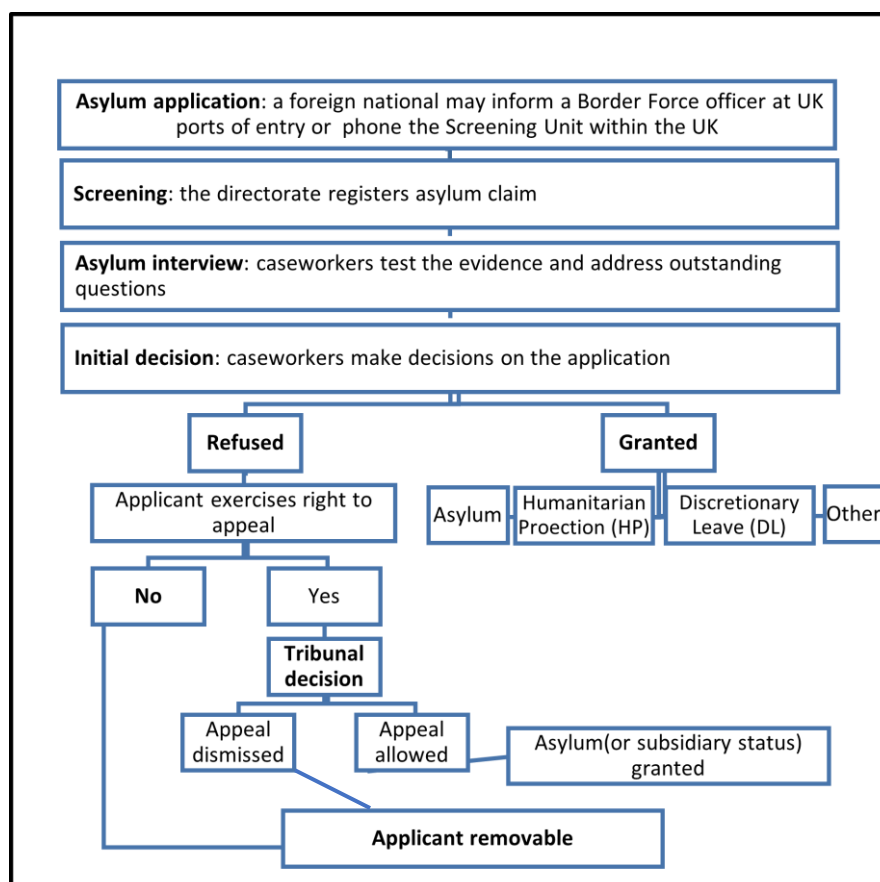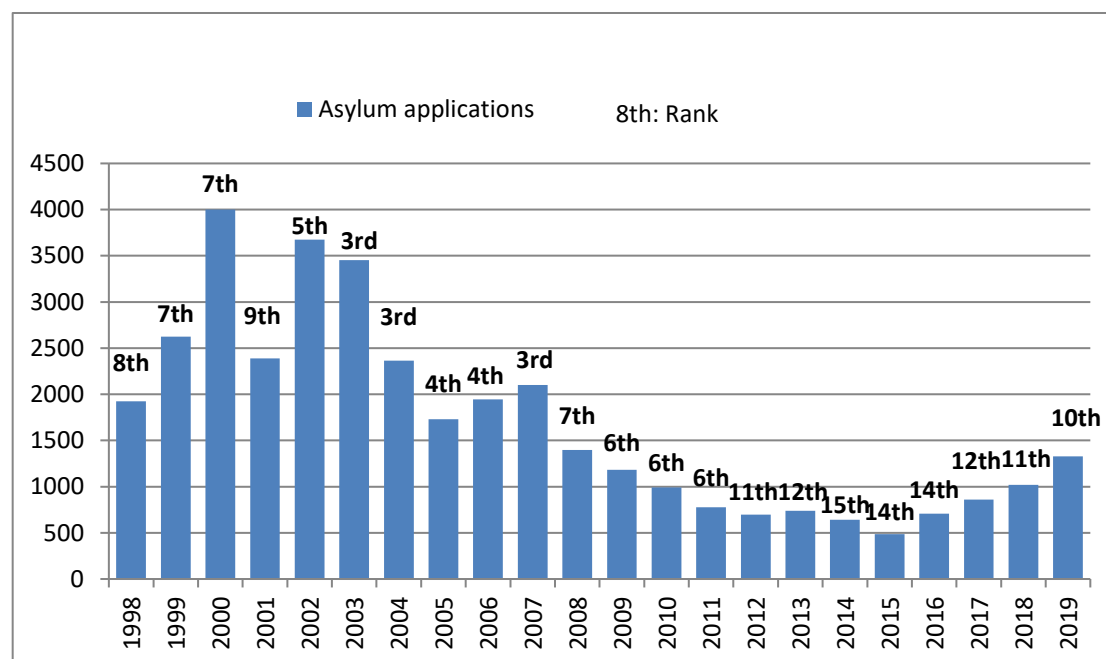

Source: Home Office (2019)

Briefly, a foreign national may make an application for asylum and, under the principle of non-refoulement, the British government shall not remove the applicant pending a final decision on his/her application. The asylum application process ends either when the Home Office decides to grant the applicant asylum (or subsidiary status) or the applicant becomes removable. The subsidiary status, in the chapter, refers to other forms of leave to remain that can be granted to an asylum applicant, including Exceptional Leave to Remain (ELR), Humanitarian Protection (HP) and Discretionary Leave (DL), which replaced ELR from April 2003. HP is granted to applicants who do not qualify for refugee status under the 1951 Convention but may be at risk of serious harm arising from the death penalty, unlawful killing and torture, inhuman or degrading treatment or punishment if they return to their countries of origin. ELR or DL is not a protection status but a leave outside the immigration rules given at the discretion of the Home Secretary when the applicant is not considered to need protection but is nonetheless able to demonstrate compelling reasons for not being removed. The reasons are often related to the ECHR. For example, ECHR Article 8 provides the right to respect for one's private and family life, his home and his correspondence. These are grounds on which a person with family life or long residence in the UK could be granted DL. In practice, people with HP and DL/ELR normally have the same work rights and access to benefits as refugees, but they do not have immediate Indefinite Leave to Remain, entitlement to a Home Office Travel Document, or immediate family reunion rights (Rice & Vadher, 2010).

Chinese asylum seekers in the UK

China is one of the major countries of nationality of asylum applicants in the UK. Between 1998 and 2011, China was one of the top ten countries of origin of asylum seekers, with the number of Chinese applicants peaking at 4,000 in 2000 (Home Office, 2005; 2019b). Since 2008, however, the figure has reduced and has stood around 1,000 per year in recent years. Figure 4 shows the number of asylum applications

made by Chinese nationals and its ranking in each year (the statistics exclude dependents unless otherwise specified).

Figure 4 Asylum applications received from Chinese nationals, excluding dependents, 1998-2019
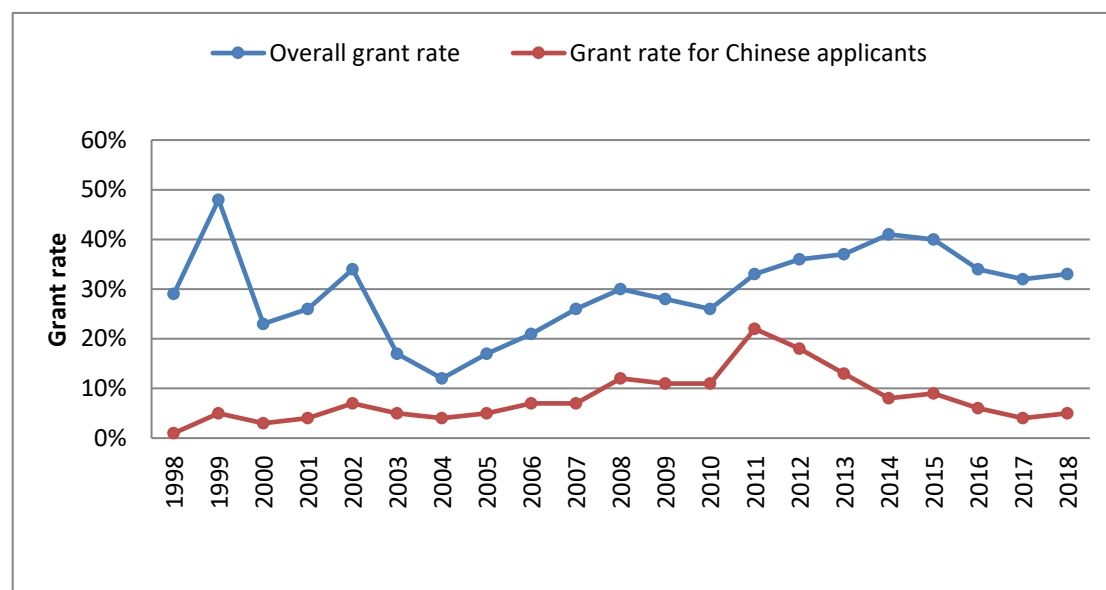

Source: Home Office (2005) for 1998 to 2000; Home Office (2019b) for 2001 to 2018; Home Office (2020a) for 2019

The likelihood of Chinese applicants obtaining asylum or subsidiary status is very low. Between 1998 and 2018, only 6% of Chinese asylum claimants in the UK received positive decisions during the initial process, whereas 30% of the applicants of all nationalities succeeded (Figure 5). In the subsequent appeal process, less than 13% of Chinese claimants succeeded, compared to the overall success rate of 29% (Figure 6). In 2018, only 18 out of 348[9] Chinese applicants succeeded in the initial decision stage, making the grant rate for Chinese nationals the second lowest among the top fifteen nationalities of asylum seekers, although 43 applicants had the initial decisions overturned on appeal in that year (Table 6).

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[9] The number of decisions made does not normally equal the number of applications received in a given year. In 2018, for example, the Home Office received 1,019 asylum applications from Chinese nationals and made 348 initial decisions.

Figure 5 Grant rate for asylum claimants of all nationalities and of Chinese nationality based on initial decisions, excluding dependents, 1998-2018

Source: Home Office (2005) for 1998 to 2000; Home Office (2019b) for 2001 to 2018

Figure 6 Percentage of appeals allowed for asylum claimants of all nationalities and of Chinese nationality, 2007-2018

Source: Home Office (2019b)

174
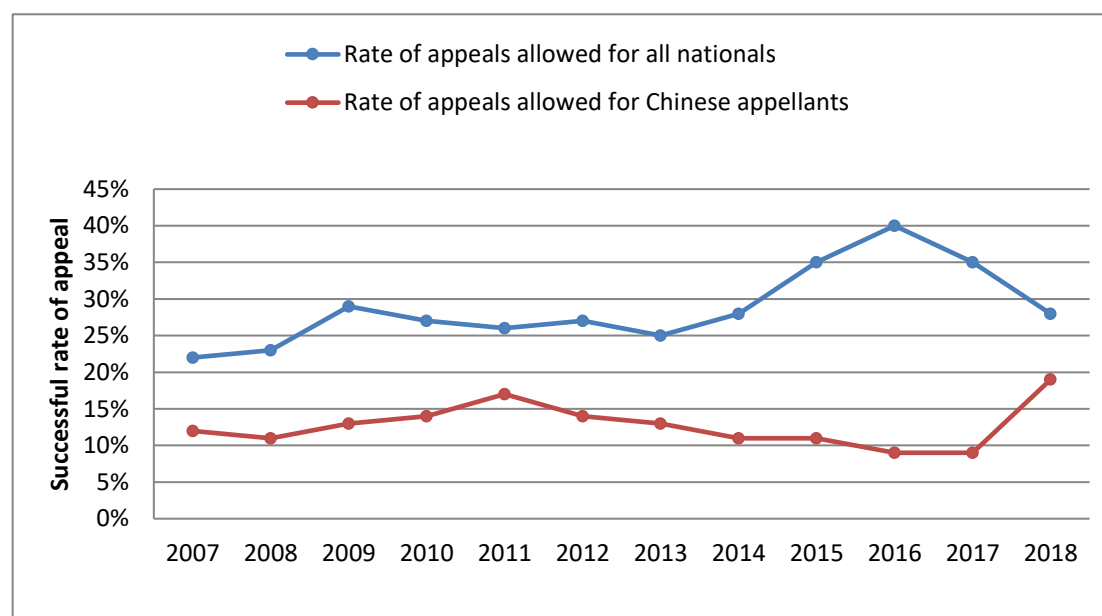
Table 7 Top fifteen countries of origin of asylum applicants in the UK, 2018

Rank	Country	Number of main applicants	Share of the total	Grant rate at the initial decision stage
1	Iran	3327	11%	43%
2	Iraq	2697	9%	22%
3	Eritrea	2158	7%	64%
4	Pakistan	2022	7%	18%
5	Albania	2001	7%	8%
6	Sudan	1613	5%	44%
7	Afghanistan	1349	5%	44%
8	India	1300	4%	3%
9	Bangladesh	1294	4%	7%
10	Vietnam	1204	4%	42%
11	**China**	**1019**	**3%**	**5%**
12	Nigeria	826	3%	19%
13	Syria*	720	2%	86%
14	Turkey	522	2%	38%
15	Sri Lanka	497	2%	9%

Source: Home Office (2019b)

*The figures do not include people resettled in the UK through the Vulnerable Persons Resettlement Scheme (VPRS).

Legacy programme: 'a backdoor amnesty'?

As Figure 5 shows, the grant rate for Chinese applicants increased between 2007 and 2011. The increase may be largely due to the Legacy programme, which the then Home Secretary John Reid announced in 2007 to clear a backlog of an estimated number of 45,000 unresolved asylum applications by July 2011. A legacy case refers to an application for asylum that was made before 5th March 2007 and had not yet been concluded by that date (ICIBI, 2012). Those who had exhausted their appeal rights and had not yet been removed from the UK could also be considered under the

Legacy framework. As chapter 6 has revealed, many of those subject to removal are non-removable in practice because their origin states refuse to receive them and also because of the humanitarian paradox inherent in the UK. Two of the research participants, who had been living a semi-illegal life for years, were granted regularisation under the Legacy programme.

Although some media referred to it as a 'backdoor amnesty' and many asylum applicants understand it as such (The Telegraph, 2007), the Legacy programme is not in fact an amnesty. Being considered as a Legacy case does not guarantee applicants a positive outcome: the case may be concluded either by granting leave or by removing the applicant. The criteria by which Home Office decision makers assessed and decided Legacy cases remain undisclosed (ICIBI, 2012). According to Gordon et al. (2009), Legacy cases involving dependents were more likely to be regularised. The two participants, who were granted status under the Legacy programme, believed that having children born in the UK was the main grounds for their regularisation.

CLAIMING ASYLUM AS A SURVIVAL STRATEGY

Twelve out of the fifteen participants interviewed had claimed asylum in the UK and none had obtained refugee status. One claimant was denied asylum but was granted ELR as a (then) unaccompanied child. At the time of the interviews, seven participants had been refused asylum or subsidiary status and had exhausted their right to appeal, although none of them had been removed from the UK.

The participants claimed asylum on the grounds that they were persecuted by the Chinese authorities for religious beliefs; breach of the one-child policy; practising Falun Gong[10]; or politically opposing the Chinese government. These participants, however, admitted that they concocted stories of persecution to provide valid bases for asylum claims. The stories can be classified in two categories. In the first category,

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[10] Falun Gong is a quasi-religion that prospered in China during the 1990s, which has been outlawed by the Chinese government since 1999. The Chinese government reportedly persecuted its practitioners.

participants indeed belonged to particular social groups (e.g. Christians), but they were not persecuted for their membership ('I'm a Christian, but I wasn't persecuted for this') (Du Yu). In the second category, participants did not do what they claimed to have done (e.g. oppose the Chinese government), and neither did they experience persecution ('I said I was arrested by the police because I protested against the government and then fled abroad, but the story was fabricated') (Zhou Lan). Others in this category claimed that the Chinese local authorities had expropriated their farmland, leaving them destitute, and they had experienced conflicts with extended families. A participant who was pregnant when making her claim stated that she needed to access maternity care. Although they 'basically told the truth', their claims (i.e. land expropriation, familial conflicts and pregnancy) did not constitute permissible reasons for receiving refuge in terms of the 1951 Convention. One person claimed on the grounds that he was a victim of human trafficking and forced labour, grounds that should have generated an application to the NRM and enabled him to receive protection. However, after being released from the detention centre, he 'disappeared' and never knew the decision on his claim, as explained later in this chapter.

Although the Chinese migrants in the study sample deceived the British government about their experiences of persecution, their asylum seeking was not a blatant abuse of the British welfare system. Claiming benefits was the last thing they wanted to do after entry as they endeavoured to avoid any exposure to the authorities. Instead, claiming asylum was a strategy of survival under the tough immigration control. Chinese migrants claimed asylum for three purposes: entering the UK, suspending removal from the UK, and accessing healthcare for critical conditions.

First, claiming asylum was a method of entering the UK, and typically the last step of arduous journeys from China. As chapter 4 has illustrated, poor, low-skilled Chinese nationals are excluded from the legal channels of entry in the UK for the purpose of

employment. Resorting to human smuggling becomes the only way for 'the unwanted' to travel to their destination. After going through a hazardous journey, as instructed by snakeheads, they destroy their passports before they land in the UK and claim asylum upon their arrival. After being screened by the border force officials, they are allowed into the country and disappear into the Chinese community. Three participants entered the UK by claiming asylum, and the case of Li Kang (see chapter 4) illustrates the process.

Li Kang, then aged 16, came to the UK, dreaming of making money to repay his family's debt and also of making something of himself. The journey cost his family 200,000 *yuan* (roughly £20,000), adding to the existing debt. It took him six months of travel via four countries by plane, foot, boat and train to finally arrive in the UK (see chapter 4). On the train to England, the snakehead told him to destroy the fake passport he had used to travel and claim asylum upon his arrival. He did so and was detained. A solicitor bailed him out and suggested a story of being persecuted as a Falun Gong practitioner to tell in the asylum interview.

> Kang: The solicitor fabricated stories about our experiences and told us to tell the stories in a hearing six months later... My story was that I was persecuted for being a practitioner of Falun Gong... To be honest, I didn't understand what a refugee was. When I was in China, I heard that the police wouldn't arrest [you] if you had refugee papers. I thought it was simply an ID. I didn't realise what a refugee meant until then; [it means] a citizen who was persecuted by his government and couldn't stay in his country.

Kang felt guilty about lying, but the chance of entry was too precious to lose. His family had spent large amounts of money and he risked his safety and even his life to come.

Kang: You know it's morally wrong, but you had no choice in that situation. It cost my family 200,000 yuan to send me here. Now you could finally make money in the UK. Could you really decide to give up?

Second, claiming asylum was a strategy to suspend removal when irregular migrants were detained. Three participants claimed asylum when they were detained in order to avoid being removed immediately. The testimonies of Chen Wen (see chapter 3 and 6) illustrated why he lodged an asylum application and also exposed the lack of legal aid while doing so.

Wen: On the same day [I was detained] I claimed asylum. Honestly, it was expediency. I didn't expect I would get an asylum – I knew it was almost impossible. I simply hoped to defer the deportation. Otherwise I would have been deported immediately… I was given an application form, but I couldn't read or write in English at all. So I asked a Vietnamese inmate, who can speak a little Cantonese and a little English, to fill the form… I said I claimed asylum because I did subversive activities in China – of course it's sort of made up – but, you know, to claim asylum you had to say like that. The Vietnamese, however, added another point – I look for a better life in the UK. The second point probably made me failed because it sounds like I was not for asylum but a better life, for money… Also, I'm afraid his English was not good. I don't know how accurately he wrote about me; actually I don't even know what exactly he wrote.

Third, irregular migrants claimed asylum in order to access crucial healthcare, which was otherwise inaccessible to them. Two female participants (An Xin and Du Yu) lodged application for asylum in their late pregnancy to access antenatal care and give birth in the hospital, as the testimonies of Du Yu (see chapter 6) illustrated.

Yu: A lot of women who got pregnant and had no document claimed asylum when we were in the late stages of pregnancy. And to claim asylum, we normally made up stories. I claimed that I was persecuted for being a Christian. That was a half-truth. I am a Christian, but I wasn't persecuted. Then you waited for the decision on your claim, and meanwhile you were allowed to the hospital to give birth and you might also apply for housing. If your claim was rejected, which was the most usual outcome, you had to go to court. If you were rejected again, then you had no right to stay in the UK and the British government had the right to remove you from the country.

Another participant, Wang Fen (see chapter 4) did so when she was diagnosed with cancer. Fen came to the UK on a tourist visa, for which she paid the middleman about £10,000. As the first person leaving her village for the UK, Fen was an adventurous and ambitious woman, making a determined attempt to make money to repay the family's debt and provide her child with a better life. She worked as a live-in domestic worker and then a kitchen porter for three years until she was diagnosed with cancer. Fen, as an overstayer remaining in Britain unlawfully, was not entitled to use the National Health Service (NHS) in England, and neither could she afford the expensive cancer treatment in China if she returned home. Claiming asylum became the only way to survive, through which she could receive free treatment.

Fen: I first went to a private hospital as I have no status, no access to NHS. I paid £1500 for diagnosis and would be charged £7500 for treatment. How could I get that much money? I couldn't afford the private treatment; neither could I go to an NHS hospital. So, I decided to give up, waiting for death. Next month, however, it was too painful to stand it, so my friend sent me to the Emergency… There I met the Home Office officials. They said the Emergency saved my life out of humanitarian reasons, but I couldn't get chemotherapy or an operation without status. So, I thought maybe I could report to the immigration agency

to take a chance, and they also said 'yeah, you should report and then you could

get a card, which might allow you to get further treatment'. So, I went to make

an asylum application.

As exemplified by Fen's case, the migrants' asylum seeking was not a proactive

pursuit of benefit entitlement but a reactive strategy to address unexpected and

desperate difficulties. Neither was it cynical abuse of the asylum system, but often

a decision made in the dilemma of choosing between survival and morality.

Furthermore, Chinese migrants usually had very limited knowledge of the UK's asylum

policy and practice due to the language barriers. The lack of such knowledge made

them vulnerable to the people seeking to take advantage of their ignorance and

desperation, as the story of Han Zhen illustrated.

Before the interview, Han Zhen firmly confirmed that he had been granted refugee

status without lodging an appeal, which surprised me given the fact that only 18

Chinese nationals were granted refugee status based on initial decisions in 2018.

During the interview, I asked him to show me his 'refugee card' and found that it was

actually an Application Registration Card (ARC), which the Home Office issued to

asylum claimants after the screening. The enclosed letter clearly stated that the ARC

only indicated that he had made an application for asylum and did not grant him leave

to remain in the UK. Zhen hired a solicitor for a fee of £2500, which he borrowed from

a friend, but the solicitor obviously did not provide qualified legal services. Zhen sent

the photos of the card and the letter to his solicitor, who simply replied 'that's okay'.

Being unable to read the English letter or understand the complicated asylum process,

Zhen could only believe his solicitor that 'everything's okay'. He did not even know

what the judgment on his case was because he believed he had already been issued a

'refugee card' with two years' residence permit and did not pay attention to receiving

the decision letter.

Similarly, Wang Fen believed her ARC was a 'refugee card' because her card resembled her friend's, who (perhaps) had been granted refugee status. She also misunderstood the two years' validity period of the card as two years leave to remain because the date was the only information on the card beside her name she could read.

HUMAN RIGHTS-BASED FRAMEWORK

As illustrated above, Chinese migrants tend not to claim asylum unless they are excluded from access to critical resources, other than those who claimed asylum upon arrival in order to be admitted in the UK. The rationale behind the exclusion of irregular migrants rests on the premise that a formal membership of the nation-state (preferably citizenship) is the sole source of rights. After criticising membership-based policy and practice, this section considers the potential of a human rights-based framework to extend the degree to which an irregular migrant may be entitled to certain rights, including healthcare, legal aids, and procedural fairness.

Da Lomba (2010) identifies that the exclusion of irregular migrants from accessing social services is based on three assumptions. First, a person's unlawful residence necessarily means that he/she is not contributing to the host community, thereby justifying their exclusion from the distribution of resources. Second, conferring certain rights on irregular migrants may add to pull factors that attract more unauthorised immigration. Third, the exclusion of irregular migrants can alleviate the burdens on the already overstretched welfare system, whose limited resources should be reserved first for citizens and then for legal migrants. In order to challenge the rationale behind the exclusive discourses and practices, I first repeat that there is a persistent demand for immigration labour in destination countries, as chapter 1 and 5 have explicated. Irregular migration is not simply a result of spontaneous movement by individuals who seek a better life in rich countries, but a consequence of the economic demand for a cheap, flexible workforce in those

countries. Although not directly paying Income Tax or National Insurance (which they are disqualified from doing by virtue of their immigration status), irregular migrants contribute to the British economy by providing a variety of products and services and working in the low-paid sectors, such as cloth manufacture, hospitality, food processing, and construction (Anderson & Ruhs, 2010).

The second assumption, that people may be attracted by the benevolence of destination countries towards asylum seekers and migrants, implies that potential migrants have proper knowledge of the welfare systems in destination countries. Nevertheless, as the testimonies of Li Kang and Han Zhen illustrated, people may have little and often misleading knowledge of their destination countries due to language barriers, inaccurate hearsay and inappropriate suggestions. Gilbert and Koser (2006) also reveal that asylum seekers have very limited knowledge of asylum policies and practices in destination countries before arrival. Therefore, it is problematic to assume that the availability of welfare benefits stimulates greater irregular immigration.

Third, rather than 'swamping' the welfare system as the tabloids claimed (e.g. *Daily Mail*, n.d.), migrants are less likely to use public services and welfare benefits (Steventon & Bardsley, 2011; Saunders et al., 2021). Irregular migrants have particular reasons for not doing so. Pharoah et al. (2009) survey 177 regular and irregular Chinese migrants in London and reveal that two people used public housing services and seven people claimed benefits. The common reasons for not using public services include no entitlement, the lack of information, language barriers, and no need (as migrants tend to be young, healthy and have no dependent children) (ibid.). For irregular migrants, the fear of being caught while presenting themselves to the public institutions severely hinder their access to public services, which may cause a deterioration of living conditions (Da Lomba, 2010). Denying irregular migrants access to fundamental rights, however, may

make those in desperate situations resort to strategies that are more resource-intensive in order to alleviate their difficulties. As the aforementioned case of Wang Fen illustrated, while being denied treatment to cancer, she had to claim asylum as the only way to access the healthcare she needed. Denying irregular migrants access to healthcare may also jeopardise public health (Da Lomba, 2010). For example, Pernitez-Agan et al. (2020) indicate that during the Covid-19 pandemic, irregular migrants may hide potential symptoms rather than seeking healthcare for fear of being exposed to immigration agencies and also to avoid being stigmatised as carriers of the virus.

As opposed to exclusionary policies against irregular migrants, scholars have called for a human rights-based framework as an alternative to the membership-based framework in determining whether an immigrant should be entitled to certain rights and services (Bogusz et al., 2004; Dembour & Kelly, 2011). Historically, membership tends to be the sole source of rights. In the post-war era, the conceptual source of human rights norms has been substantially disentangled from citizenship and linked with personhood, thereby providing a legal basis for a more inclusive national policy regarding migrants, irrespective of their status (Da Lomba, 2010). As chapter 6 illustrated, some of the Chinese migrants who were rejected for asylum and exhausted their appeal rights were protected by the ECHR and the 1954 Convention from being deported arbitrarily. Notably, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 (1990 Convention) is the most advanced instrument to date concerning the rights of *all* migrants (Bosniak, 1991).

Unlike many other human rights instruments, in which irregular migrants are either only implicitly included or explicitly excluded, the 1990 Convention recognises the particular predicaments that irregular migrants may encounter and specifies a higher level of fundamental rights that all migrants should be entitled to. In the

preamble, it declares that 'the human problems involved in migration are even more serious in the case of irregular migration' and that 'workers who are non-documented or in an irregular situation are frequently employed under less favourable conditions of work than other workers'. Part III of the 1990 Convention, therefore, establishes human rights that all migrant workers and their families, including those without residence or employment permits, shall be entitled to. It not only extends the rights already set out in the existing international instruments to migrants, such as the right to leave and enter one's country of origin (UDHR), the prohibition of torture, slavery and forced labour (ECHR), but also specifies a number of protections concerning particularly irregular migrants, such as the right to equality with nationals of the State concerned before the courts and tribunals (Article 18) and the right to procedural fairness before expulsion (Article 22). The fundamental limitation of the 1990 Convention, however, is its concession to the principle of sovereignty (Bosniak, 1991). Article 79 explicates that 'nothing in the present Convention shall affect the right of each State Party to establish the criteria governing admission of migrant workers and members of their families'. Despite its commitment to the principle of sovereignty, no destination countries in Western Europe or North America, including the UK, have signed it so far.

CONCLUSION

In revealing the situations under which the Chinese migrants decided to claim asylum and their experiences after being rejected, this chapter has challenged the justification for splitting refugees into categories of 'bogus' and 'genuine', which ignores the complicated socio-legal context in the origin and host countries that shapes the individuals' migration and asylum seeking. The widespread conception that the welfare benefits in the UK act as an incentive for economic migrants to abuse the asylum system contrasts with the fact that the economic migrants come here for employment purposes and usually work hard in tough and low-paid jobs. For those undocumented migrant workers, claiming benefits and thereby exposing themselves

to the authorities is the last thing they want to do. Their priority is making money quickly to repay debts, and returning home quickly with money and honour. However, under the ever-tightening restrictions on the employment of irregular migrants, it is difficult for irregular migrants to find and secure jobs or to bargain for fair payment (see chapter 5). Worse still, some may be detained for staying illegally and be subject to removal, and some may be denied access to healthcare while having life-threatening illnesses or being in late pregnancy. Claiming asylum, therefore, is the only way to alleviate the plights faced by those who are subject to exclusionary and punitive controls, however temporary the asylum may be and whatever knock-on effects it may produce. These survival strategies are described in political and media discourses in terms of economic migrants in disguise abusing the asylum system to access welfare benefits. As the 'bogusness' of those people becomes 'common knowledge' (Lynn & Lea, 2003, p.433), exclusionary and punitive immigration controls become not only necessary and but also justifiable.

Furthermore, the exclusion of irregular migrants from basic social services and fundamental rights because of their immigration status erodes the base of human rights norms, which bestow universal rights by virtue of personhood rather than membership. The erosion may have far-reaching and detrimental implications, not only for migrants but also for citizens. Hence, this chapter considers personhood rather than membership as the correct basis of the legal framework concerning irregular migrants. Although the human rights framework is still a long way from rendering citizenship irrelevant to social entitlements, and although the extent to which people may exercise their rights still depends largely on their membership of the host state, international human rights instruments have great potential to inform inclusive immigration systems.

Conclusion

Globalisation, sovereignty, and the criminalisation of immigrants

RECAPITULATION OF THIS THESIS

Before drawing the threads of this thesis together, I would like to recapitulate the research questions of this study as follows.

1. Why do Chinese people leave China for the UK despite the lack of legal immigration status and the costs and risks associated with the journey?

2. Why does irregular Chinese migration persist in the 21st century when China has witnessed rapid economic growth and the UK has tightened immigration control?

3. How do irregular Chinese migrants travel to the UK? What are the roles played by the so-called 'snakeheads' in facilitating that irregular travel? How do trafficking in persons, smuggling of migrants, and document fraud feature in the irregular movement?

4. How are irregular Chinese migrants involved in illegal economic activities in the UK as offenders and/or victims?

5. How do the UK's and China's social, economic and especially migration policies impact on the migrants' movement and employment and their settlement in the destination country or their return to the country of origin?

Responding to the first two questions, chapter 3 argued that people's migration and settlement are driven by multiple motives: possibly money but reasons of love, loss, loneliness and estrangement also come into play. Migration decisions can be influenced by early life experiences that far precede the movement, rather than just

being driven by the needs immediately before the journey is embarked upon. To summarise, the determining factors for migration exist beyond and outside of economics, and migration exists as a part of an individual's life course rather than a discrete act. Hence, people may still endeavour to come and stay in the desired destinations despite the tightening of migrant controls and the decline of economic incentives. Prohibitionist policies can be ineffective because they assume that irregular migrants are simply attracted by economic incentives in western countries, and that limiting the incentives can therefore stop, or at least significantly reduce, irregular migration.

Chapter 4 addressed the third question. The major irregular migratory method used by Chinese people has changed from clandestine or fraudulent entry to entering with genuine documents and then overstaying. Accordingly, snakeheads, who arrange false documents and organise the clandestine transportation of migrants, tend to be replaced by middlemen, who help clients obtain genuine visas by manufacturing biographical evidence to fit the requirements of destination countries. In this chapter, I argued that irregular migration is generated by the mismatch between the massive number of individuals seeking to move to desired destinations and the increasingly restrictive approach deployed by destination countries to manage immigration. Challenging the political and media discourse that simply blames ruthless smugglers for the sufferings and even deaths occurring in journeys, I contended that the migration control system determines who is unwanted based on race and class, and that reducing access to legitimate migratory routes for the unwanted makes some people resort to the extra-legal, riskier pathways to becoming irregular migrants.

The fourth question has been investigated in chapter 5, which documented the working experiences of irregular Chinese migrants in the UK. In contrast to the discourse that correlates crime with irregular immigration, this chapter identified that most irregular Chinese migrants do not engage in illegal economic activities, but are

concentrated in informal, low-paid and often exploitative employment regardless of their working skills and experience. Where they engage in the illicit economy, they tend to be involved in 'mundane but financially profitable activities', such as selling counterfeit DVDs and smuggled cigarettes (Silverstone & Whittle, 2016, p.70). Again, this chapter queried the political discourse that ascribes exploitation by unscrupulous employers to 'illegal' workers themselves. Instead, it highlighted the role of migration control in perpetuating exploitative labour relations by denying irregular workers access to basic labour rights and imposing on them the threat of destitution, detention and deportation.

This thesis as a whole, and particularly chapters 6 and 7, provided answers to the last question. Chapter 6 identified the impact of the UK's and China's policies on the settlement of Chinese migrants. It revealed that many Chinese migrants lead a semi-illegal life indefinitely, during which they are declared by the British government to 'have no right to stay', but they continued to stay for years, both because of China's refusal to receive them and Britain's economic needs for cheap labour, as well as the human rights norms that restrict arbitrary expulsion. Chapter 7 analysed the impact of economic marginalisation in China and the tightened immigration control in the UK on exacerbating the difficult situations of the people under study. It revealed the plights which led Chinese migrants to claim asylum as the only way to temporarily alleviate their difficulties. In this chapter, I argued that applications for refuge made by so-called 'bogus' asylum seekers do not represent a proactive pursuit of welfare benefits, but rather a reactive strategy to mitigate exceptional hardship; not a cynical abuse of the asylum system, but rather a difficult decision made in the dilemma of choosing between survival and moral principles.

Overall, this thesis contended that the UK's immigration control system plays a leading role in shaping the phenomenon of irregular Chinese migration and the concomitant issues of human smuggling, labour exploitation and the involvement of irregular

Chinese migrants in crimes as both victims and offenders. In highlighting the role of immigration controls, I go beyond the notion that illegality is produced by migration law simply because it defines what illegal migration is. Rather, I argue that the migration control system is inherently paradoxical, which periodically allows some 'unwanted' migrants in to reserve a cheap, flexible workforce for the post-industrial society, and meanwhile maintains them in institutionalised precarious status and subjects them to increasingly punitive measures to assert symbolically the sovereignty of the nation-state, thereby producing the illegality of migrants' status. From this perspective, illegal migrants/migration are, in fact, an '*illegalized* global underclass' (Aas, 2011, p.337).

While highlighting the role of states in shaping irregular migration, I acknowledge that states are never 'a monolithic entity' whose activities always serve a sole or a set of consistent objectives and who acts in a uniform, transparent manner (Ruhs & Anderson, 2008, p.6). Instead, states consist of various governmental departments, trade unions, and civil society groups etc. with varying interests, responsibilities and capacities in making and implementing policies (ibid.). Thus, their policies generally, not only those that are migration-related, can be inconsistent and internally contradictory. As I have argued in chapter 6, despite paying lip service to stricter control, governments may periodically let in immigration that they officially claim is unwanted in order to meet economic needs; or vice versa, despite a growing economic need for immigrant labour, they may introduce restrictive policies and tighten enforcement in order to pander to the rampant nationalism and xenophobia. The varying, potentially conflicting and often self-interested motives are, however, all disguised under the name of national interest. In an effort to address the research questions, I have attempted to challenge the myths and stereotypes of irregular Chinese migrants, to contest the potent anti-immigration discourse in politics and the media, and to question the rationale behind the restrictive, exclusionary and punitive immigration control regime.

This thesis also acknowledged the role of individual migrants' agency and their communities' collective efforts in shaping the movement, employment and settlement of irregular Chinese migrants in the UK. From this perspective, irregular migration is also 'a form of resistance' by the underprivileged population seeking to secure their access to better lives against unfavourable institutional frameworks established by states (Zhang et al., 2018, p.10). The efforts of migrants and their communities to secure mobility often pose questions to governments' capacity to control irregular migration. Despite the British government's increasingly 'zero-tolerance' stance against irregular immigration, the factors leading to movement are well beyond the reach of national policies, or even supranational bodies like the EU. As the orthodox migration theory has long contended, international migration is driven by structural factors, such as global economic inequalities, the need for immigration labour in the segmented labour markets in destination countries, and armed conflicts in countries of origin (Massey et al., 1993). Once it reaches a critical threshold, migration tends to be self-sustaining, irrespective of the original driving factors, and to be perpetuated by, for example, migration networks (interpersonal ties that connect origin and destination communities) and migration infrastructure (migration brokers, immigrant labour users, and immigrants' rights advocacy groups) (ibid.). This threshold was reached many decades ago by Chinese migration to the UK. Also, as chapter 3 has illustrated, migration decisions can be influenced by early life experiences that far precede the movement, and are constructed within the intricate and complicated relationships between migrants and their families as well as the broader communities and societies of origin. Governments often have difficulties in determining these factors. Therefore, most developed countries have witnessed growing immigration, despite their progressively restrictive policies. Where the immigration restrictions appear to be effective, they may work in changing how people migrate, such as switching from legitimate to irregular routes, rather than reducing the overall immigration or stopping illegal entry (Düvell et al., 2018).

IMMIGRATION CONTROL: THE LAST BASTION OF SOVEREIGNTY IN THE FACE OF GLOBALISATION

Despite doubts about the rationale and effectiveness of immigration controls, developed countries have witnessed unprecedented growth of immigration controls since the late 1970s (Baldwin-Edwards, 2008). In recent years, the less developed countries have also witnessed increasing immigration controls, and as being less bound by the human rights norms, their immigration policies tend to be even harsher (Castles et al., 2014). Despite their failure to reduce (irregular) migration, the global expansion of migration controls is based on their success in symbolically reasserting sovereign power and normatively reinforcing national identity.

Paradoxically, the global expansion of migration controls functions as a reassurance of sovereignty at a time when it is undermined by the globalised economy (Dauvergne, 2004; Pickering & Weber, 2006; Aliverti, 2020). Originating from the Peace of Westphalia in 1648, the principle of sovereignty still underlines modern international relations, in which a sovereign state has exclusive powers over affairs within its territory without external interference (Krasner, 2001). Nevertheless, in contemporary neo-liberal economies, the inflow of capital and products has been 'increasingly immune to the territorial dimension of state sovereignty', and states 'increasingly abdicated to [sic.] their regulatory powers in the name of economic de-regulation and labor flexibility' (De Giorgi, 2010, p.151; see also Bauman, 1998). The international human rights framework also challenges the sovereign state's absolute power to govern domestic affairs without external constraints. While losing control elsewhere, states have increasingly seized control over the movement of people as the last bastion of sovereignty. From this perspective, migration control is deployed by states as a simplified political solution to the complex challenges posed by globalisation (Bosworth & Guild, 2008).

Furthermore, migration control does not simply play a 'reactive' role in the face of

globalising forces, but also plays a 'productive' role in raising 'the questions of who belong to the polity' and a constructive role in shaping the national identity (Aas 2011, pp.332-333; see also Bosworth & Guild, 2008). Through an outline of the UK's immigration history and law in chapter 4, I have demonstrated that public hostility to and official restriction of immigration are not a contemporary phenomenon but repeats periodically when a new group of immigrants comes to the country with their actual or perceived threats to the nation. The arrival and settlement of Black and Asian Commonwealth citizens in post-war Britain as the CUKCs made it difficult for white Britons to define their identity through citizenship. Responding to the national identity 'crisis', the post-war immigration policies re-defined 'Britishness' on the basis of patriality, or British descent (Sales, 2007). The UK's accession to the EU 'left many Britons in an uneasy state of "not belonging"' (Cohen, 1994, p.53), and now we have seen that the sense of 'not-belonging' contributed to the Britons' vote to leave the EU in the 2016 referendum (Goodwin & Milazzo, 2017). Aliverti (2020, p.75) argues that the success of the Leave campaign in the referendum relied on the prospect of revitalising 'a prouder, less complicated, and whiter Britain', which is 'allegedly relinquished through EU membership'. To summarise, migration control serves as a central plank of governments to assert declining sovereign power and to clarify blurry national identity.

Globalisation and the expansion of migration controls form the backdrop against which I unfolded the stories of the fifteen men and women in this thesis. Whereas globalisation improved their aspiration and capacity to move to the UK, immigration controls made these Chinese people resort to irregular routes of movement, confined them in informal employment, denied them access to basic social services, and posed the threat of detention and deportation. Being undocumented for fifteen years and thus unable to travel to China, Zhou Lan, the tough fifty-year-old man, had red eyes because of not being able to see his mother alive for the last time (chapter 2). After leaving her then thirteen-month-old child for ten years, Xu Mei finally regularised her

status and reunited with her child, who, however, had become too estranged from her to call her mum (chapter 3). Chen Wen, who moved to the UK to rebuild his life after career failure and relationship breakdown, ended up as a stateless person after remaining undocumented for twenty-two years (chapters 3 & 6). Through an arduous journey that took five months via four countries by air, foot, water and train, Li Kang, then sixteen years old, faced the dilemma of either returning to home empty-handed and saddled with huge debts and the stigma of failure, or telling the story of persecution as suggested by the solicitor to be allowed into the UK (chapter 4). Wei Ting, a university lecturer in China, had to make a living by working as a kitchen porter, domestic worker, leaflet distributor, and poultry butcher after overstaying her visa (chapter 5). Under the threat of unemployment and immigration enforcement, Lu Min learned to be a 'good' worker who accepted pay deduction for a job opportunity, worked long and unsocial hours, and was prepared to be laid off during slack periods (chapter 5). Du Yu, with her three children born in the UK, led a precarious life, in which she could be caught at home in the early morning and escorted onto a flight leaving the country (chapter 6). Wang Fen, who came to the UK with the ambition to improve the lives of her family, gave up and waited for death after being diagnosed with cancer and being denied treatment as an undocumented migrant (chapters 4 & 7). The illegalised, or in their own terms, statusless individuals were the living embodiment of the target of the restrictive, exclusionary and punitive migration control regimes.

CONTRIBUTIONS OF THIS PHD STUDY

Finally, I would like to clarify the empirical and conceptual contributions of this thesis to knowledge and also consider the implications of this study for the people who were the subjects of my research and for the British society broadly. First, this thesis contributes to the knowledge by providing primary, rich data collected from in-depth interviews with irregular Chinese migrants and fieldwork in the Chinese community, a community often inaccessible to researchers. Based on the empirical findings, I also contribute to the development of important theoretical concepts. In their extensively

cited article, Bosworth and Guild (2008, p.706) note that:

> most scholarship, as with this article, is based on readings of law, policy and the
> media. Impeded by the rapid pace with which most foreigners are processed,
> as well as put off no doubt by linguistic barriers, few scholars have gathered the
> subjective experiences of the most vulnerable migrants.

Fortunately, we now have seen a growing body of scholarship that includes the voices of the most vulnerable migrants. Bosworth herself has been a major contributor to this field by revealing the lives of those being detained in the UK's removal centres and questioning the purpose and rationale of immigration detention (Bosworth, 2014). By surveying and interviewing Eastern European workers in the UK, Ruhs and Anderson (2010) reveal the working experiences of those who legally reside in the country yet work in breach of the conditions attached their immigration status. In looking into the social and working lives of irregular migrants in London, Bloch and McKay (2017) criticise state policies that create hardships experienced by those individuals. Crawley and Skleparis (2018) criticise the dichotomy of refugees and migrants by including the voices of those who crossed the Mediterranean to Greece during the European 'refugee crisis'. Focusing on the experiences of migrants in encountering with authorities in their everyday life, Fox et al. (2020) illustrate that throughout Europe the growing political and media hostilities towards young migrant men perpetuate their state of insecurity even if they are legal residents in the host countries – just to name a few.

Nevertheless, irregular Chinese migrants are largely overlooked in the body of scholarship, and where they are included (e.g. Bloch & Mckay, 2017), their experiences are either mentioned 'by the way' or taken at face value. The explicit linguistic barriers, the implicit yet more profound cultural barriers, and the perception of the Chinese community as silent and self-sufficient contribute to the peripheral position of

irregular Chinese migrants in the scholarship. Moreover, as policy and public concerns about this group of people have abated since it reached a peak following the 2004 Morecambe Bay tragedy, academic attention has also turned away from the phenomenon, although Chinese nationals are still one of the major categorises of immigration detainees, asylum applicants, and potential victims of modern slavery in the UK. The official use of BAME – black, Asian and minority ethnic – as a collective term to describe those heterogeneous groups is not helpful to identity the diverse situations of each group, even less helpful than the previous, already broad terms of 'Black, Asian, Chinese, Other'. The studies that focus on irregular Chinese migration, however, often isolate themselves from broader empirical discoveries and theoretical developments, as I have noted in chapter 1.

Through the intensive fieldwork I carried out in the Chinese community over nearly two years and with the rich and nuanced interview data collected by using the FANIM, I contribute to the knowledge by documenting vividly the life stories of the statusless Chinese migrants and by critically analysing their narratives within the context of the important notions of biography, crimmigration, nationalism and sovereignty. Empirically, this study revealed the diverse migratory and working experiences of Chinese people. Whereas the existing research concentrated on the earlier irregular migrants who arrived in the UK in the 1990s and the early 2000s, this thesis also revealed that some Chinese people continued to come to the UK extra-legally in the 2010s, and identified the different pathways to migration. It also discovered that many of the earlier migrants remained statusless with no right to stay in the UK, and stateless with no right to return to China. Furthermore, this study sample included not only the poorer and the less-skilled individuals but also those who had professional occupations and led better-off lives in China (e.g. Deng Lin who was a university lecturer in China). By revealing their working experiences in the UK, this thesis demonstrated the potent role of immigration controls in restricting irregular migrants' access to adequate jobs and working conditions irrespective of their skills and

qualifications. Conceptually, I deployed and developed the biographical approach to understanding why people migrate, thereby advancing migration theory beyond the parameters of economic rationality or forced displacement. In revealing the grey area of semi-illegality, I developed the notion of humanitarian paradox, which can be a useful concept for understanding the underlying forces behind immigration controls.

Beyond the sphere of scholarship, this study also helps to make the voices of statusless Chinese migrants heard. Being legally restricted, socially excluded and economically marginalised in the host societies, these people, along with large numbers of other irregular migrants, could hardly contest the potent political discourse and media representations in which they are often depicted as offenders and fraudsters who steal jobs from domestic workers, increase crime rates, and abuse the welfare system, rather than industrious workers who provide the host societies with various products and services at affordable prices. Again, linguistic and cultural barriers and the underrepresentation of the entire Chinese community in Britain contribute further to the voicelessness of the statusless group. As I demonstrated in chapter 2, many of these migrants are waiting for an opportunity to tell their life stories. Through their narratives, I have shown that some Chinese people literally invested their lives in the journeys, investments they justified because of how they imagined the UK to be. In the belief that 'hard work pays off', they toiled in the Chinese takeaways, the domestic sphere and the construction sites, in which the local workers are often less willing to labour. Where they claimed asylum, this was not to claim welfare benefits but to access healthcare for critical conditions. Being rejected by both the UK and China, some were detained in removal centres for years. In documenting the life histories of the fifteen men and women, this thesis provides an opportunity for the voiceless to be heard by the wider British and Chinese societies.

Furthermore, this study of irregular migration, along with others, matters not only to the illegalised 'others', but also to 'us' – legal migrants, ethnic minorities, naturalised

citizens, the second generation of immigrants, and the citizenry as a whole. As Bosworth and Guild (2008, p.715) pointed out:

> in so far as citizenship becomes increasingly fundamental to the safeguarding of meaningful rights, even as human rights culture extends and mainstreams, we are *all* at risk whenever it is brought into question or made contingent.

A striking instance of the risk is the 2018 Windrush scandal, in which many of the Windrush generation, who contributed enormously to the post-war reconstruction of the UK and whose right of abode in the UK was confirmed by the 1971 Immigration Act, were denied the right to work and access to social services and some were detained and deported, due to their failure to produce papers that certified their British citizenship. As I have demonstrated in this thesis and in chapter 6 particularly, the extent to which people can exercise their statutory rights has been increasingly determined by the membership they possess in the state. The possibility to acquire a secure membership – legal immigration status, permanent residency, and preferably citizenship – increasingly depends on people's race and class. While an EU national may be granted permanent residency by registering before the mid-2021, a non-EU national is usually required to have been legally living in the UK for ten consecutive years. Whereas a refugee needs to wait five years to be eligible for permanent residency, an investor visa holder can become eligible after two years.

This precarious situation results not only in irregular migrants being marginalised in the human rights framework but also in all non-citizens being compromised in their access to meaningful rights. It may further undermine entitlement for all citizens, not only because British citizenship (whether through birth, registration or naturalisation) can be revoked, but also because making human rights entitlement increasingly conditional on citizenship (which is itself increasingly conditional on race and class) erodes the basis of human rights norms, at the core of which is the belief that everyone

is entitled to certain fundamental rights by virtue of being human. Hence, by exposing the criminalisation of irregular migrants, this thesis not only questioned the ethics of the exclusion of others but also examined its repercussions for all of us.

Appendices

Appendix 1 Advertisement for Participants

Chinese migrant workers in the UK: Irregular migration and underground economy[11]

School of Law[12], University of Manchester

I am a PhD student at the University of Manchester. I would like to invite you to take part in my research study on Chinese migrant workers in the UK.

What is the purpose of the research?

The overall purpose of the research is to understand the experiences of Chinese migrants who have currently or historically worked in irregular conditions in the UK due to lack of a secure immigration status.

Who is eligible?

You are welcome to participate if you

- are between eighteen and seventy years old;
- come from China;
- did/do not have a secure immigration status in the UK;
- have worked in irregular conditions.

What will I be invited to do?

You will be interviewed by the researcher about your migration and work experiences in a private space.

Will my information be kept confidential?

Yes, your personal information will be kept strictly confidential, and what you say in interviews will only be reported in anonymised form.

If you are interested in participating or have any question about this study, please contact:

Email: siyu.luo@postgrad.manchester.ac.uk

Tel: 07394728626

Wechat: +447394728626

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[11] The thesis title was changed at the stage of writing up.
[12] The School of Law was merged with the School of Social Sciences after the appendices were distributed.

Appendix 2 Participant Information Sheet

Chinese migrant workers in the UK: Irregular migration and underground economy

My name is Siyu Luo and I am a PhD student at the University of Manchester. I would like to invite you to take part in my research study on Chinese migrant workers in the UK. This Participant Information Sheet provides information about my project. Please read it carefully and discuss it with others if you wish. Ask me if there is anything that is not clear or if you would like more information. You will have at least two weeks to decide whether or not to take part.

What is the purpose of the research?

The overall purpose of the research is to understand the experiences of Chinese migrants historically or currently working in irregular conditions in the UK. Each will be asked about their decisions to migrate, what happened during their journeys and upon their arrival, how they found work or other sources of income including in the underground economy, and what those work and life experiences were like.

Why have I been invited to take part?

You have been invited because the researcher is seeking to interview Chinese migrants who have currently or historically worked in irregular conditions due to lack of a secure immigration status. If you are unsure whether or not you are suitable for the research please ask the researcher.

Do I have to take part?

No, it is entirely up to you to decide whether or not to take part. If you do agree to participate, then you will be asked to confirm your consent on a recorder, but you will not have to give your name or other identifying details, like your address. If you change your mind, you are free to withdraw your consent without giving a reason. If you do this, the answers you have given will not be used in the research and all records of

your participation will be destroyed. However, you may not withdraw once the interview data have appeared in the thesis.

What would I be asked to do if I agree to take part?

You would be interviewed by the researcher. The interview will be conducted face-to-face in Mandarin in a safe and private place, e.g. an office room in the University. With your consent the researcher will record your answers using a digital voice recorder. The recording will help the researcher focus on listening and ensure your answers are recoded accurately. Your name will not be recorded. The interview will take at least one hour, but could go on longer if you wish. The researcher will invite you to a second interview, but it's up to you to decide whether or not to take part.

Will the information I provided be kept confidential?

Yes, your personal information will be kept strictly confidential, and what you say in interviews will only be reported in anonymised form. This means the researcher will give you and anyone you mention fake names and remove your home and work address. The researcher will need to record your gender, age (but not date of birth), job, and place of origin (province). The audio recordings will be deleted once the researcher has transcribed the interviews. The researcher will share some of the anonymised transcripts with the three supervisors who are academics of the University of Manchester. Hard paper and electronic data will be stored in a locked cabinet and a password protected computer respectively accessed only by the researcher.

However, there are some limits to confidentiality. If you said that you, or someone else, are currently at significant risk of harm, the researcher would have to share this information appropriately. The researcher will tell you before doing so, if possible. If you disclose current or planned involvement in terrorist attacks or crimes against children, the researcher would be obligated to report this to the authorities. You will not be asked specific questions about these matters.

What will happen to the data collected?

The researcher will transcribe audio-recorded interviews. Your name and other identifiable information will be removed in transcripts. The researcher will translate the transcripts into English and share the anonymous data with the research supervisors. The results of the research will be reported in the researcher's PhD thesis to be submitted to the University in late 2020. The researcher will also seek to present research findings at academic conferences and publish in academic journals. Some of what you say may be directly quoted in the publications and presentations, but you will not be identifiable from the quotations.

Will I be paid for participating?

To thank you for your time and compensate you for any inconvenience I will offer you £15 in total. You will not be asked to refund the compensation even if you withdraw your participation or do not to attend a second interview.

What are the possible risks of participating?

You may have to recall some unpleasant and even traumatic experiences. You are free to have a break at any stage of the interview if you feel uncomfortable, and you can refuse to answer any questions that distress you.

What are the possible benefits of participating?

This research will provide a good opportunity for you to tell your story and for others to learn from it. The researcher will listen without judgment or interruption. The research findings will also help to increase understanding of Chinese migrants and the challenges they face in the UK.

Who is sponsoring the research?

The researcher is funded by the School of Law, University of Manchester.

Who has reviewed the research project?

The University of Manchester Research Ethics Committee has reviewed and approved this project.

What if something goes wrong?

If you feel upset after being interviewed or would like further help, please tell the researcher, who will provide information about available services.

Who can I contact to make a complaint?

If you feel unhappy with the conduct of the research, you can speak with the researcher, who will try to address your concerns. If the researcher cannot address them, you can contact the researcher's supervisor, Prof. David Gadd, by emailing: david.gadd@manchester.ac.uk or by telephoning 0161 2755621. If you remain unhappy and wish to make a formal complaint, please contact the Research Governance and Integrity Manager, Research Office, Christie Building, University of Manchester, Oxford Road, Manchester, M13 9PL, by emailing: research.complaints@manchester.ac.uk or by telephoning 0161 275 2674 or 275 2046. If you need help to write or speak in English, the researcher will be happy to help.

What are the contact details of the researcher and the supervisor?

You can contact the researcher by telephone, Wechat or Email:

Tel: 07394728626

Wechat: +447394728626

Email: siyu.luo@postgrad.manchester.ac.uk

You can contact the primary supervisor, David Gadd, by Email or telephone:

Email: david.gadd@manchester.ac.uk

Telephone: 0161 275562

Appendix 3 Consent Form

Consent Form

If you are happy to participate please complete and sign the consent form below.

Please tick.

I confirm that I have read the attached participant information sheet on the above project and have had the opportunity to consider the information and ask questions and had these answered satisfactorily.	
I understand that my participation in the study is voluntary and that I am free to withdraw at any time without giving a reason and without detriment to any services or support offered.	
I understand that all information I provide will remain confidential unless I disclose significant risk of harming myself or someone else, current or planned involvement in terrorist attacks, or crimes against children.	
I understand that the interviews will be audio-recorded.	
I agree to the use of anonymous quotations in the thesis and other publications of the research findings.	
I agree that any data collected may be passed as anonymous data to research supervisors.	

I agree to take part in the above project.

Name of participant   Date   Signature

Name of researcher   Date   Signature

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