

THE SYMBOLIC ECONOMY OF TRANS-BORDER GOVERNANCE: A CASE STUDY OF SUBJECTIVE EXCLUSION AND MIGRANT WOMEN FROM MEXICO

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Using the case example of women from Mexico who migrate north for work, this article offers an analysis of the symbolic economy that directs the trans-border regulation of (im)migration, gender, and transnational livelihoods. I seek to trace specific symbolic mechanisms of subjective exclusion through which the nation-state and domestic market merge to reach across "sovereign" borders to secure a transnational workforce marked by subordination, dispossession, and illegitimacy. This symbolic power, exercised in laws, policies, and practices, functions to feminize, criminalize, and commodify migration. Extending previous and ongoing research, and incorporating literature addressing gender in migratory flows, I investigate the peculiar and contrived legal place of women migrating north as low-skilled temporary workers, undocumented workers, or as citizens. I argue that women who migrate, especially those who migrate unaccompanied by a male relative, are necessarily positioned at the outset on the margins of all national and international laws that might protect them. The objective of this article is to prime research questions of citizenship, choice, and social identity, and to point toward policy and regulatory recommendations that will more effectively address all forms of social exclusion for the millions of people engaged in transnational livelihoods.

1. Introduction

Almost 25 years ago in Buenos Aires, Argentina, Consuelo del Prado addressed a conference on women and liberation theology with these words:

The woman of the public sector of Latin America is a woman who suffers, is both oppressed and marginalised. She lives in a world that is foreign to her. The land is taken from her; she is deprived of education and language, of her traditional clothing and of her children, of her husband and the homes of the community. The deaths that she must deal with in her lifetime are

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numerous: the death of hunger, of sickness, of repression, of traditions, and innermost femininity.¹

Maria,² a young woman who lives in Mexico close to the Central American border, works tirelessly to protect and advocate for the migrant women who pass by her restaurant every day. Her passionate words in a recent letter reveal that today – contrary to the promises of global capitalism, free trade, development strategies, and feminist movements – little has changed for Latin American women.

I have paused for a moment and want to write something about a reality – the reality of many women who were born into marginalisation and poverty – a situation that is beyond my comprehension – women who are raped, robbed, mistreated and beaten, who live without hope in life, since their very reality has treated them thoughtlessly, branding them as if they wore a monetary mark on their forehead, which has caused them to cease feeling anything, and to abandon whatever dreams they may have.

Using the case example of women from who migrate north from (and through) Mexico for work, this article examines symbolic mechanisms through which the regulation of (im)migration reaches beyond "sovereign" borders to address local labour market objectives – processes that specifically define migration and ascribe particular meaning to migrant women and men. This gendered analysis emphasizes that the movement of "labour" is neither autonomous nor self-propelled. It is driven across borders – certain borders, and in certain directions – by economic, social, and political interests that are realized through formal and informal State practices. Examination of the symbolic economy of trans-border governance reveals that the regulation of economic migration from the South to the North is most accurately understood as the international trade of labour that has been made cheap, de-skilled, politically and economically unregulated, insecure, and pliable.³ I aim to demonstrate that such trans-border governance is achieved and justified through the symbolic work of constructing and classifying identities in public discourse, laws, policies, and practices. More specifically, analytical attention will be given to tracing procedures through which domestic markets and nation-states converge to reconfigure classificatory schemes that are designed specifically for individuals and groups who are kept outside national market-state boundaries. These are mechanisms of social

¹ C. del Prado, "I sense God in another way", in Maryknoll Tamez (ed.), *Through her Eyes: Women's Theology from Latin America*, New York, Orbis Books, 1989, 22.

² Personal communication, April 2009. This is a fictitious name used to identify a real person.

³ R. Delgado-Wise, "The reshaping of Mexican labor exports under NAFTA: Paradoxes and challenges", *International Migration Review*, 41(3), 2007. My reference to Canada and the United States as the North or Northern countries is not intended to essentialize or racialize complex and diverse social realities. To the contrary, I wish to draw attention to the expanding North-South divide in North America that tends to obscure differences between the United States and Canada while accentuating those between these rich countries to the north and their neighbour made poor to the south. It is also my intention to clearly and accurately situate Mexico in North America, signalling the significance of the North American Free Trade Agreement (NAFTA) in the gendered processes and practices of social exclusion on which I focus this analysis.

exclusion – especially subjective exclusion – that I identify as the feminization, criminalization, and commodification of migration. I argue that the principles of global capitalism both order and confuse local and global market practices as well as national and international governance procedures, and it is from this ideologically ordered and paradoxical social space – a fused “glocal” market-state⁴ – that the self-perpetuating processes and outcomes of social exclusion are spontaneously set into motion.⁵ The objective of this article is to prime research questions of citizenship, choice, and social identity, and to point toward policy and regulatory recommendations that will more effectively address all forms of social exclusion for the millions of people engaged in transnational livelihoods.

This work draws from informal interviews with migrant women near the northern and southern borders of Mexico, and conversations with those who advocate for and protect them.⁶ I also rely on the literature addressing gender in transnational livelihoods. Particular emphasis was given to studies that attend to gendered relations organized by State and inter-State regulation of labour migration from Mexico and other parts of Latin America to the North. My analysis is also informed by previous and ongoing research with women from Mexico who support their families through transnational livelihoods.⁷

This case example considers three pathways of economic migration to the United States and Canada. First, women entering Canada through what our government calls the Temporary Foreign Worker Program (TFWP) must come alone, as individual and autonomous workers, and citizenship through most of these programs is never an option. In contrast, women who are members of closed ethno-religious communities (or colonies) in Mexico migrate with their families as Canadian citizens.⁸ Representing yet another type of transnational movement in which women engage is undocumented migration, whereby

⁴ I borrow the term “glocal” to signify that the social space produced by the trade of labour is neither local nor global, but rather functions as a conflation. For a poignant examination of the “conFlicting inconsistencies that riddle everyday refugee experiences” in paradoxical spaces defined as relational, reflexive, temporal, and glocal, see M. Kuwee Kurmsa, “‘No! I’m not a refugee!’ The poetics of be-longing among young Oromos in Toronto”, *Journal of Refugee Studies*, 19(2), 2006, 230–55.

⁵ See L. Good Gingrich, “Social exclusion and double jeopardy: The management of lone mothers in the market-state social field”, *Social Policy & Administration*, 42(4), 2008, 379–95 for a case study of market-state fusion in domestic policy (welfare-to-work programs in Canada) and the implications for single mothers living on social assistance.

⁶ I gratefully acknowledge the colleagues and travelling companions who brought commitment, compassion, and insight to our study. Although I take full responsibility for the views expressed in this article, I am especially indebted to Rebecca Bartel, Gustavo Castro, and Maria for the analysis that follows.

⁷ This research includes two projects conducted with Dr Kerry Preibisch and funded by the Social Sciences and Humanities Research Council (SSHRC) of Canada, entitled “Rural women making change” (P.I. Dr Belinda Leach) and “Theorizing choice and voluntary social exclusion” (P.I. Dr Luann Good Gingrich).

⁸ I am referring here to Low German-speaking Mennonites who have engaged in return labour migration between various regions of Latin American and Canada since the 1960s. Most Low German Mennonites who come to Canada have a claim to Canadian citizenship – that is, at least one adult in the family has a parent or grandparent who was born in Canada and, within a specific time-frame, were able to obtain Canadian citizenship as second generation citizens born abroad. For more detail, see L. Good Gingrich, “Contesting social exclusion: An interrogation of its self-imposed expressions”, PhD Thesis, University of Toronto, 2006; L. Good Gingrich and K. Preibisch, “Migration as preservation and loss: The paradox of transnational living for Low German Mennonite women”, *Journal of Ethnic and Migration Studies*, 36(9), forthcoming.

women attempt to migrate (or stay) for work in job-rich countries to the North without valid immigration or visa papers. My focus for the purposes of this paper is to demonstrate the trans-border regulatory work of State policies and practices through a comparative examination of these contrasting circumstances of "low-skilled" labour migration. Although I recognize that not all women who migrate from Mexico are poor or lacking in skills, my analysis of trans-border governance by way of symbolic violence is focused through the everyday realities of women who possess limited economic, social, and cultural resources in the countries to which they migrate, and take up some of the most precarious jobs in Northern labour markets.

I situate this discussion within the idea and social reality of social exclusion. Social inclusion for migrant workers and their families is often equated with protection of human rights, legal status as permanent residents, and economic, social, and cultural integration in local communities. Yet in the contemporary transnational context, international, national and community systems of citizenship are evidenced to be hierarchical, heavily gendered and racialized, and certain groups are not afforded protection of citizenship rights or meaningful integration through "status". Toward a more meaningful conception of social inclusion, I adopt a conceptual model of social exclusion that integrates processes and outcomes, thus insisting on a notion that is at once dynamic, relational, practical, and profoundly material. In this reconfigured notion of social exclusion, its four identified forms – economic, spatial, socio-political, and subjective – are realized through the denial of meaningful participation in the material and symbolic economies that organize local and global social spaces.⁹ From this point-of-view, social inclusion must result in an upward trajectory through increased access to and accumulation of economic, social, cultural, and, most importantly, symbolic capital in the social fields in which people engage.

Symbolic power, crucial to this analysis, is the power to make things – even social identities – with words. The widespread and spontaneous acceptance of certain ideas as truth, often exercised through the use of social labels or classifications, is ultimately a power of "world-making".¹⁰ Symbolic power manifests itself relationally – in comparison – and has to do with how individuals are regarded, understood, identified, and classified. Subjective exclusion, most often applied to whole groups of people, is the making of subordinate kinds that are

⁹ My conceptual model of social exclusion as kind-and-process makes use of Pierre Bourdieu's notions of social field, systems of capital, and habitus. These rather complicated but useful notions shed light on four intersecting and interdependent forms of social exclusion that exist "on the ground", manifested in tangible and material occasions that can be observed and measured. These entangled forms of social exclusion are contingent on the "competition for the appropriation of scarce goods" or the struggle for, and disproportionate acquisition of, various types of capital as defined by the social field of the fused market-state. See P. Bourdieu, "Social space and symbolic power", *Sociological Theory*, 7(1), 1989, 17. The following sources provide a more complete articulation of my conceptual model of social exclusion: Good Gingrich, "Contesting social exclusion", op. cit.; Good Gingrich, "Social exclusion as an individual kind – a categorical point of view", *Canadian Review of Social Policy*, Fall/Winter (52), 2003, 93–115; Good Gingrich, "Theorizing social exclusion: Determinants, mechanisms, dimensions, forms, and acts of resistance", in Toronto Shera (ed.) *Emerging Perspectives on Anti-oppressive Practice*, Canadian Scholar's Press, Inc./ Women's Press, 2003, 3–23; Good Gingrich, "Social exclusion and double jeopardy", op. cit.

¹⁰ Bourdieu, "Social space and symbolic violence", op. cit., 22.

divested of legitimate means of accumulating all forms of capital from the dominated social positions to which they are consigned. This is symbolic violence, and it firmly fixes economic, spatial, and socio-political classification. Those so classified are left with little control over their ability to alter the structure and volume of their capital, and all avenues for upward movement in social space are cut off. The dispossession of symbolic capital, then, makes and justifies social classifications of disempowerment.

2. The feminization of migration

To consider the workings of symbolic power through trans-border governance strategies, I begin with the feminization of migration. In the past 20 years, increasing attention has been given to the role of gender in migration, with a common emphasis on women's and men's experiences and practices, and gender roles and expectations in sending and receiving communities. This focus on the significance of women in migratory flows within and across national borders is commonly identified as the feminization of migration. The term is misleading, however, as I argue that the most meaningful change in the past 50 years is not that the proportion of women migrating has increased significantly: women constituted 47 per cent of all international migrants in 1960, rising to an estimated 49–50 per cent in the last decade. Two recent and related trends are consequential; trends to which the term "the feminization of migration" draws our attention. First, the absolute number of women (and men) on the move has increased dramatically in response to changing economic conditions. It is estimated that there are currently 190–214 million international migrants and 740 million internal migrants in the world. Whereas some research estimates that the proportion of the world's population represented by international migrants has remained at a relatively stable 2.5–3 per cent for the past half-century, others report steady increases in the absolute numbers of migrants that far outstrip population growth. The number of women in the migrant "stock" has jumped from an estimated 35 million in 1960 to 95 million in 2006.¹¹ Taking into

¹¹ For various estimates of internal and international migrants worldwide, see United Nations Development Programme (UNDP), "Overcoming barriers: Human mobility and development", New York: UNDP, Human Development Report Office, 2009; A. Jones, "A silent but mighty river: The costs of women's economic migration", *Signs*, 33(4), 2008, 761–9; C. Ramirez, M. G. Dominguez, and J. M. Morais, "Crossing borders: Remittances, gender and development", Working Paper, United Nations International Research and Training Institute for the Advancement of Women, 2005, <http://www.un-instraw.org/en/publications/conceptual-framework/index.php>, last retrieved 30 Apr. 2010; International Labour Office (ILO), "In search of decent work – Migrant workers' rights: A manual for trade unionists", Geneva: ILO, Bureau for Workers' Activities, 2008; G. M. F. Chamartin, "The feminization of international migration", *Labour Education*, 4(129), 2002, 39–47; United Nations Department of Economic and Social Affairs (UNDESA), "2004 world survey on the role of women in development: Women and international migration", New York: UNDESA, Division for the Advancement of Women, 2006. Confusion regarding the numbers of migrant workers – and the relative numbers of women and men – abounds, due primarily to the different ways in which migrant workers are defined and thus counted, and the absence of international migration data classified by sex and age. Most estimates agree, however, on the following: the absolute number of migrants has increased in recent decades; since the 1970s, there has been an increase in people moving from developing to developed countries; and approximately half of the people now migrating across borders for work the world over are made up of women and girls.

account both "authorized and unauthorized migrants", others estimate that women now constitute well over half of the world's im(migrant) population.¹² Mexico–U.S. migration, in particular, has seen a sharp increase in the numbers of women: from approximately 300,000 recent migrant women living in the United States in 1980 to 1.1 million in 2004.¹³ Although it is difficult – even impossible – to accurately count migrant workers globally, research consistently indicates that the ongoing consequences of economic crisis in Latin America in the 1980s and 1990s (including climbing male unemployment) continue to push Mexican women into waged labour – and necessarily, into migration – in large numbers.¹⁴

When considering the everyday circumstances faced by women, the second change in migratory flows is even more consequential: more women are migrating independently – without their spouses and families – as autonomous and primary economic providers for their families. For over 100 years, more Mexican men than women migrated north for work, and women usually migrated as legal or sponsored spouses years later. Indeed, until only recently, women migrants received little or no attention in research or public discourse because it was assumed that women and children migrate only to be reunited with their breadwinner migrant husbands. While many women from Latin America still migrate with their families and rarely migrate alone, more are attempting to cross the Mexican–U.S. border as single undocumented migrants with the help of friends or paid smugglers. Researchers have found that the primary motivation to migrate – as a necessary extension of familial responsibilities – is largely the same for women and men from Mexico. Similarly contradicting gendered social norms for Mexican families, the total share of female participants in Canada's TFWP (thereby necessarily migrating alone without spouses or children) increased from 33.0 to 40.5 per cent between 2002 and 2007. Others estimate that, by 2008, women comprised 59 per cent of all temporary foreign workers in Canada.¹⁵

¹² S. McGuire, "Fractured migrant families: Paradoxes of hope and devastation", *Family and Community Health*, 30(3), 2007, 180.

¹³ K. M. Donato, B. Wagner, and E. Paterson, "The cat and mouse game at the Mexico-US border: Gendered patterns and recent shifts", *International Migration Review*, 40(1), 2008, 332–33.

¹⁴ See L. Binford and N. Churchill, "Stoneworkers, masons and maids: Neoliberal crisis, social fields and proletarianization in peri-urban Mexico", *Critique of Anthropology*, 27(4), 2007, 359–75; L. Blanco and S. M. Villa, "Sources of crime in the state of Veracruz: The role of female labor force participation and wage inequality", *Feminist Economics*, 14(3), 2008, 51–75; S. J. Mahler and P. R. Pessar, "Gender matters: Ethnographers bring gender from the periphery toward the core of migration studies", *International Migration Review*, 40(1), 2006, 27–63; Ramirez, Dominguez, and Morais, "Crossing borders", *op. cit.*

¹⁵ See, for example, L. W. Isaksen, S. U. Devi, and A. R. Hochschild, "Global care crisis: A problem of capital, care chain, or commons?", *American Behavioral Scientist*, 52(3), 2008, 405–25; Canadian Labour Congress (CLC), "Restoring citizenship to 'disposable' workers, most of them women", Ottawa: CLC, 2008; J. K. Bernhard, P. Landolt, and L. Goldring, "Transnationalizing families: Canadian immigration policy and the spatial fragmentation of care-giving among Latin American newcomers", *International Migration*, 47(2), 2009, 3–31; J. H. Cohen, L. Rodriguez, and M. Fox, "Gender and migration in the Central Valleys of Oaxaca", *International Migration*, 46(1), 2008, 79–101; J. Fudge and F. MacPhail, "The Temporary Foreign Worker Program in Canada: Low-Skilled Workers as an extreme form of flexible labour", *Comparative Labor Law & Policy Journal*, 31(1), 2009, 5–46.

Consideration of the gendered symbolic economy of migration brings to the fore the erroneous assumptions of binary, categorical ways of thinking about men and women, "host" and "home" countries, "push" and "pull" factors, freedom and oppression, and even gains and losses. For example, poor "home" countries are often represented as "uniformly patriarchal" and backward cultures, contrasted with the assumed egalitarian and "modern" North American societies, such that migration is generally associated with some measure of gender emancipation. Labour migration is also thought to promote global production, and is assumed to entail higher incomes, improved access to health and education services, and overall more positive prospects for workers and their families.¹⁶ Specifically, for example, women usually find work in the United States and Canada, sharply contrasting their reported realities in Mexico.¹⁷ Furthermore, labour laws in the North imply greater protections from employer abuses and exploitation.

Yet, there is little evidence that worker migration from poorer to richer countries reduces poverty overall.¹⁸ Rather, for individuals and families, there are trade-offs. Furthermore, the literature shows abundant evidence that migration and destination experiences are highly gendered, that men and women participate differently in transnational spaces, and the gains and losses of migration are unevenly distributed. For example, female migrants generally earn less than men; are more likely to occupy lower paid jobs; and are more often restricted to sectors of the labour market that are not regulated, such as domestic work and sex work.¹⁹ We know that social constraints and opportunities differ for (im)migrant men and women. For instance, "immigrant women have less opportunity for economic integration; they are more often unemployed and suffer greater occupational downgrading than immigrant men".²⁰ Migrant women are also more

¹⁶ P. Hondagneu-Sotelo, *Gendered Transitions: Mexican Experiences of Immigration*, Berkeley and Los Angeles, University of California Press, 1994; L. Goldring, "Gendered memory: Constructions of reality among Mexican transnational migrants", in M. DuPuis and P. Vandergeest (eds) *Creating the Countryside: The Politics of Rural and Environmental Discourse*, Philadelphia, Temple University Press, 1996, 303–29; P. Hondagneu-Sotelo, "Gender and immigration: A retrospective and introduction", in Hondagneu-Sotelo (ed.) *Gender and US Immigration: Contemporary Trends*, Berkeley, University of California Press, 2003, 3–19; J. Itzigsohn and S. Giorguli, "Incorporation, transnationalism, and gender: Immigrant incorporation and transnational participation as gendered processes", *International Migration Review*, 39(4), 2005, 895–920; M. Barajas and E. Ramirez, "Beyond home-host dichotomies: a comparative examination of gender relations in a transnational Mexican community", *Sociological Perspectives*, 50(3), 2007, 367–92.

¹⁷ Good Gingrich and Preibisch, "Migration as preservation and loss", *op. cit.*; Good Gingrich, "Contesting social exclusion", *op. cit.*

¹⁸ Department for International Development (DFID), "Moving Out of Poverty—Making Migration Work Better for Poor People", London: DFID, 2007.

¹⁹ Goldring, "Gendered memory", *op. cit.*; Itzigsohn and Giorguli, "Incorporation, transnationalism, and gender", *op. cit.*; C. Broughton, "Migration as engendered practice: Mexican men, masculinity, and northward migration", *Gender & Society*, 22(5), 2008, 568–89; Hondagneu-Sotelo, "Gender and immigration", *op. cit.*; UNDP, "Overcoming barriers", *op. cit.*; K. Preibisch and L. M. Hermoso, "Engendering labour migration: The case of foreign workers in Canadian agriculture", in E. Tastsoglou and A. Dobrowolsky (eds) *Women, migration and citizenship: Making Local, National and Transnational Connections*, London, Ashgate Press, 2006, 107–30; Jones, "A silent but mighty river", *op. cit.*

²⁰ K. J. Aroian et al., "Gender differences in psychological distress among Latin American immigrants to the Canary Islands", *Sex Roles: A Journal of Research*, 59(1–2), 2008, 108.

apt to work in individualized workplaces, such as private homes and are, therefore, more vulnerable to poor employment conditions, unfair work practices, isolation, and other rights abuses and violence at the hands of their employers. Female migrants encounter more limited recruitment options; greater barriers to accessing information about their labour and living conditions, as well as their rights in destination countries; and are more likely to embark on migration with less preparation. During transit, women and girls are more often targets of violence and exploitation of all sorts, and suspicions of border crossing for purposes of prostitution. Even women travelling with male partners may be coerced to provide sexual favours to border officials in exchange for border-crossing opportunities. Clearly, migrating women must contend with the forces of patriarchy across borders.²¹

For many women (and men) – more and more the world over – livelihoods are dependent on migration. In many respects, women's work has become – necessarily – transnational work. In the highly-segmented global labour market, the contraction of manufacturing has been accompanied by the expansion of the service sector – feminized labour that is typically filled by a higher proportion of women than men. The northern route to paid work, once open primarily to men, is being transformed to incorporate more women into increasingly feminized, low-wage and precarious jobs. Furthermore, the migration practices and personal characteristics of male and female migrants are increasingly similar. Consistent with long-standing patterns of primarily male migrations between Mexico and the United States, evidence suggests that female migration quickly becomes a cultural way of life in origin communities.²² Thus, the traditionally masculine practice of migrating across northern borders for work is taking on a more feminine quality, both with respect to the workers and the work. And with astounding consistency, research demonstrates that "migration itself does little to change gender inequality".²³ Rather, and more to the point of my argument, specifically gendered disparity is accentuated and utilized to shape and value migratory labour flows from the South to the North. This is the feminization of migration, and it works to devalue Mexican labour and Mexican labourers. The symbolic consequences of the feminization of migration are cogent, and it

²¹ See A. Boehm, "'Now I am a man and a woman!' Gendered moves and migrations in a transnational Mexican community", *Latin American Perspectives*, 35(158), 2008; Chammartin, "The feminization of international migration", *op. cit.*; N. Piper, "Feminization of labor migration as violence against women: International, regional and local nongovernmental organization responses in Asia", *Violence Against Women*, 9(6), 2003; United Nations Population Fund (UNFPA), "State of world population 2006. A passage to hope: Women and international migration", 2006, <http://www.unfpa.org/publications/detail.cfm?ID=311>, last retrieved 1 May 2010; P. A. Taran and E. Geronomi, "Globalization, labour, and migration: Protection is paramount", Report, *Perspectives on Labour Migration 3E*, 2003, <http://www.eclac.org/celade/noticias/paginas/2/11302/PTaran.pdf>; Mahler and Pessar, "Gender matters", *op. cit.*; Barajas and Ramirez, "Beyond home-host dichotomies", *op. cit.*

²² Donato, Wagner, and Paterson, "The cat and mouse game at the Mexico-US border", *op. cit.*

²³ K. M. Donato et al., "A glass half full? Gender in migration studies", *International Migration Review*, 40(1), 2006, 20.

intersects and supports the symbolic procedures that criminalize and commodify the necessary practice of transnational livelihoods.

3. The criminalization of migration

Market-state fusion renders State and inter-State policies and practices rife with contradiction. For example, with an intensity that is particularly – and ironically – voracious, the movement of people from the South to the North in the free trade circuit defined by the North American Free Trade Agreement (NAFTA) has been made criminal, while the movement of goods and services is facilitated. The criminalization of economic migration is made visibly clear by the multi-billion dollar wall dividing Mexico from its trade partners to the North:²⁴ a wall made with army surplus steel landing strips from the Vietnam War; a wall that has stranded wildlife, sliced up families and ecosystems, and funnelled migrants deeper into the dangerous and scorching desert; a wall that, according to some, slows undocumented migration flows by no more than five minutes. Aside from the wall, the security technologies, operational tactics, and personnel used to “defend” the border with military zeal are consistent with Low Intensity Conflict doctrine applied in Vietnam, Somalia, Libya, Kuwait, Panama, Iraq, and Grenada. A series of zero-tolerance U.S. Border Patrol campaigns initiated since 1993 integrate immigration and criminal policies, and make movement (by certain individuals) across the line from poor to rich a federal offence punishable by 6 months to 20 years in prison.²⁵

Barricades and campaigns against migration have done little to deter the movement of people, but have rendered the line far more difficult and dangerous to cross, as evidenced by the approximately 5,000 corpses of migrants – many

²⁴ The Secure Fence Act of 2006 orders the building of 850 miles of “at least” two layers of “reinforced fencing”. The cost of the physical barriers alone are estimated to range from \$16.4 million to \$70 million per mile, for a total cost of \$59.5 billion upon completion. See J. Nevins and T. Dunn, “Barricading the border”, *NACLA Report on the Americas*, 41(6), 2008, 21–25.

²⁵ These Immigration and Naturalization Service (INS) initiatives are strategically targeted to separate major sister cities – urban regions that in the past were divided by little more than an “imaginary line in the sand”. See R. L. Mize, “Interrogating race, class, gender and capitalism along the U.S.-Mexico border: Neoliberal nativism and maquila modes of production”, *Race, Gender & Class*, 15(1/2), 2008, 136. Some examples of these campaigns include Operation Blockade and Operation Hold-the-Line in El Paso, Operation Gatekeeper in San Diego, and Operation Guardian – “Light up the Border” in Douglas and Nogales, Arizona. Operation Streamline, initiated in 2005 and steadily spreading across the southern U.S. border, forces undocumented migrants – men, women, and children alike – into the federal criminal justice system. In one city courtroom alone, the campaign prosecutes about 100 men and women a day through large group sentencing hearings. Those caught making a first entry can receive a sentence of up to 6 months in prison while migrants convicted of re-entry after being deported may face a federal sentence of up to 20 years. See R. Feltz and G. Reardon, “A new migration policy: Producing felons for profit”, *NACLA Report on the Americas*, 41(6), 26–32. Giving evidence to its extraordinary “success”, immigration prosecutions more than doubled after the expansion of Operation Streamline, from 39,458 in 2007 to nearly 80,000 in 2008. See National Immigration Forum, “Operation Streamline Fact Sheet”, 2009, <http://www.immigrationforum.org/images/uploads/OperationStreamlineFactsheet.pdf>, last retrieved 1 May 2010. For a more thorough discussion of the militarization of border patrols between the United States and Mexico, see Mize, “Interrogating race, class, gender and capitalism along the U.S.-Mexico border”, *op. cit.*

never to be identified – recovered in the borderlands since 1995.²⁶ Similarly in Mexico, the most common northern routes from Guatemala to the United States are heavily patrolled, and passage is restricted to those who meet the demands of – or avoid – the armed police, military, and immigration personnel at frequent checkpoints.²⁷ Forcing would-be migrants toward the most perilous northward routes throughout all of Mexico – across fast-flowing rivers, through the dense jungle, or into the arid desert – the criminalization of migration has created conditions for the emergence and proliferation of human smuggling syndicates, a relatively new form of organized crime. Coyotes existed before border militarization but, with the increased risks associated with border and checkpoint crossing, business has never been so good: desperate migrants, many on foot without necessary provisions for survival, are easy prey; and with growing demand for their services, coyote prices have more than doubled in recent years, and now reach upwards of 2,000 USD per checkpoint or border per person.²⁸ The coyote, drug dealer, and pimp are often one in the same person, working for one boss. Thus, girls and young women migrants are particularly susceptible to sexual violations and entrapment into prostitution or drug smuggling. Even so, they are seldom afforded protection by Mexican authorities, as some lament that the whole of their country has been made a “war zone” – a war that conflates drug trafficking, the sex slave trade, and migration.

The criminalization of (im)migrants – particularly undocumented Mexican workers in the United States – is widely recognized and articulated.²⁹ Yet, procedures that make people criminal are not applied only to unauthorized migrants, although this is the most blatant and seemingly reasonable case in point. Labour migrants in general – those who are summarily funnelled into low-wage, precarious jobs – are often assumed to be undocumented and, thus, deemed “illegal”. In stark contrast to the United States, most Mexicans (and other Latin Americans) entering Canada have not only been authorized, but government-assisted, through our temporary visa worker programs.³⁰ The expansion of these programs has coincided with a number of changes to immigration policies and practices that demonstrate a marked trend toward the symbolic vilification of all migrants, especially those from Mexico. Especially noteworthy is the Immigration and Refugee Protection Act (IRPA) of 2002, which introduced “far-reaching changes in refugee determination, inadmissibility, processing, fees, definitions of family, and so forth”.³¹ Despite its purported name and

²⁶ Nevins and Dunn, “Barricading the border”, *op. cit.*, 21.

²⁷ On the main roads just north of the Guatemalan border, for example, travellers will encounter a checkpoint every 20 kilometres or so.

²⁸ R. Michalowski, “Border militarization and migrant suffering: A case of transnational social injury”, *Social Justice*, 34(2), 2007, 62–76; N. A. Wonders, “Globalization, border reconstruction projects, and transnational crime”, *Social Justice*, 34(2), 2007, 33–46.

²⁹ See, for example, D. Bacon, *Illegal People: How Globalization Creates Migration and Criminalizes Immigrants*, Boston, Beacon Press, 2008; Feltz and Reardon, “A new migration policy”, *op. cit.*

³⁰ Bernhard, Landolt, and Goldring, “Transnationalizing families” *op. cit.*

³¹ *Ibid.*, 4–5.

purpose, this legislation has functioned primarily to deny entry and expel. For instance, from April to June 2009 in southern Ontario alone, a series of raids by police and border services officials at places of employment where Mexican migrants are known to work – often processing plants in large agribusinesses – rendered well over 100 arrests and detentions for possible “violations” to IRPA.³² Moreover, Canada has begun to apply American-style zeal to deporting asylum-seekers. In 2008, the country removed 12,732 people – an increase from 8,361 in 1999. Over 75 per cent were failed refugee claimants, with the United States and Mexico the most common deportation destinations.³³ Finally, a long-standing agreement between Mexico and Canada was reversed without warning in July 2009, and all Mexican nationals (including diplomats) are now required to obtain a Temporary Residence Visa before entering Canada. Citizenship and Immigration Canada (CIC) blames a reported three-fold increase in refugee claims from Mexico since 2005 – many presumed to be “bogus” – for significant delays and spiralling new costs in the Canadian refugee program.³⁴ In an effort to reduce the number of Mexicans applying for refugee status from Canadian soil, visa applications must be made from a Canadian embassy outside the country, and applicants must demonstrate that their visit is temporary, they are in good health, and they have enough money to cover the cost of their stay. The requirement to prove one’s legitimacy and economic self-sufficiency disproportionately disadvantages Mexican women who often lack even the resources to travel safely to a major urban centre to make the application.³⁵ Despite Canada’s trade relationship through NAFTA and our heavy reliance on Mexican labour, official discourse and everyday parlance construct people from Mexico as threats to Canada’s security and financial stability.

³² M. King, “Sweep nets workers”, *Barrie Examiner* 2009; T. McSorley, “Kenney’s quiet revolution”, *The Dominion* 2009; S. Hill, “Raid nabs six illegal workers”, *The Windsor Star*, 2009. Most news reports did not identify the characteristics of the workers who were detained, although it was reported that one raid was conducted in a workplace that employed only female migrants. This application of the Immigration and Refugee Protection Act raises questions about who it seeks to protect from whom.

It is important to note that, unlike the United States, (im)migrating without proper documentation is a breach of civil code in Canada rather than criminal law, such that migration is neither legal or illegal. It is merely authorized or not. This makes little difference, of course, because classificatory schemes – subordinate or otherwise – are not required to be true. As with stereotypes, they need merely a sliver of truth.

³³ Canadian Press, “Thousands deported last year”, *The Chronicle Herald*, 2009. Shortly after the terrorist attacks in the United States in 2001, the Canadian government introduced a “special budget” for deportations, followed by drastic cuts to the budget and staff devoted to processing refugee claims. Not surprisingly, the number of claims processed and accepted dropped from almost 14,000 in 2000 to just over 7,600 in 2008. With the numbers of applications on the rise, the backlog of pending applications has doubled since 2001, reaching almost 61,000 in June 2009. See D. O. Smith, “Deportations from Canada increase by over 50% in past decade”, *The McGill Tribune*, 2009.

³⁴ It is widely recognized that the current crisis created by a backlog of refugee claims did not result from an influx of Mexican asylum-seekers, but is due primarily to drastic cuts made to the refugee claims review process.

³⁵ K. Preibisch and E. Encalada Grez, “The other side of el otro lado: Mexican migrant women and labor flexibility in Canadian agriculture”, *Signs*, 35(2), 2010, 299.

The systematic targeting of Mexican labour migrants has certain economic dividends for both Canada and the U.S, such that it is most profitable – economically and symbolically – to facilitate their migration while making them criminal. Certain State practices set the stage for people – workers and employers alike – to “choose” criminality. This is accomplished through a variety of mechanisms. Migration from the South to the North is at once strictly controlled and actively facilitated. For instance, as a result of years of northward migration, the Mexican labour force is severely compromised. So the southern border of Mexico is ambivalently protected, as the Mexican economy relies on the movement of temporary workers from more southern and desperate countries in Central America. While migration is of grave concern to Mexican immigration, police, and military, the country is heavily reliant on migrant remittances, Mexico’s second largest source of revenue.³⁶ Similarly, border enforcement policies in the United States “operate in confounding ways to both exert and avoid border control”.³⁷ In the United States, undocumented workers (the majority from Mexico) make up over one in four of the civilian labour force in low-wage, precarious jobs such as agriculture, food processing, roofing, and domestic services.³⁸ Thus, it would appear that certain migrations and even certain undocumented migrants are encouraged and supported by the policies of Mexican and American governments.

Unauthorized movements are also encouraged – even forced – by tightening access to “legal” status, thus narrowly restricting socio-political legitimacy, particularly for Mexicans. For instance, the Bracero program, initiated in 1942 and terminated in 1964, provided a “legal” avenue through which more than 4.6 million Mexican men secured jobs on farms and railways in rural United States.³⁹ Since then, the devastating effects of NAFTA on Mexico’s local economies has coincided with limited legal contract labour migration options. The movement of undocumented workers from Mexico has grown steadily, with a “meteoric” increase since the mid-1990s.⁴⁰ Additionally, many scholars point to the Immigration Reform and Control Act (IRCA) of 1986 as an important punitive shift in the management of Mexican migration to the United States. Donato et al. note that despite the criminalization of Mexican migrants (and employers who knowingly hire undocumented migrants) resulting from the

³⁶ Reported by Canadian Broadcasting Corporation (CBC), “Mexico’s border-flow change,” in *Dispatches Canada*: CBC, 2008.

³⁷ Donato, Wagner, and Paterson, “The cat and mouse game at the Mexico-US border”, 332.

³⁸ J. S. Passel and D. V. Cohn, “A portrait of unauthorized immigrants in the United States”, Washington, DC: Pew Hispanic Center, Pew Research Centre, 2009; T. Golash-Boza, “The immigration industrial complex: Why we enforce immigration policies destined to fail”, *Sociology Compass*, 3(2), 2009, 295–309.

³⁹ L. Binford, “The Seasonal Agricultural Workers Program and Mexican development”, Policy Paper, Ottawa: Canadian Foundation for the Americas (FOCAL), 2006.

⁴⁰ R. D. Vogel, “Transient servitude: The U.S. guest worker program for exploiting Mexican and Central American workers”, *Monthly Review*, 58(8), 2007, 1–8; Golash-Boza, “The immigration industrial complex”, *op. cit.*

IRCA, the bill is crafted in such a way that loopholes are available for employers to continue their practices unencumbered.⁴¹ An industry of producing fraudulent documentation has been generated, thus promoting "illegal" or undocumented migration. Some report that the number of undocumented workers from Mexico to the United States doubled between 1990 and 2000 to total almost 6 million, and the general undocumented population now approaches 12 million. Undaunted by the enormity of the task, the U.S. Department of Homeland Security (DHS) instituted Endgame in 2003, its strategic plan to "remove all removable aliens" – men, women, and children – by 2012.⁴²

In Canada, most migrant workers enter legally and "fall out of status" while still in the country.⁴³ Whether their movement is legal or not, all labour migrants are well-suited for the "grey" or "underground" economy due to their temporary or precarious status, suggesting that their "fall" may sometimes be assisted. Previous research demonstrates that categorical distinctions between "formal" and "informal", legitimate or illegitimate, even legal and illegal, mean little to the migrant seeking paid work, and the legal status of the worker is often inconsequential to the frugal employer aiming to maximize profits. For instance, there is some evidence that Canadian employers hiring temporary workers with permits ignore the wage rates set out in the employment authorization contract, or pay workers "under the table" to decrease their monetary obligations to employees.⁴⁴ Even permanent status means little in certain sectors of the labour market. Low German Mennonites from Mexico working on Canadian farms readily move across the line of legality, receiving a paycheque one week, and getting paid in cash the next. Employers often pay the one documented family member – most often a Canadian citizen – for the work of the whole family, including children.⁴⁵ Although not always clearly defined as such, unregulated and off-the-record labour markets operate outside the law and, when caught, workers more than employers are ascribed considerable illegitimacy and illegality.

The gendered specificity of symbolic processes that criminalize and commodify migration exposes a certain puzzling indifference to the legality of economic activity. For example, in Canada, the lawful entry of foreign women

⁴¹ Donato, Wagner, and Paterson, "The cat and mouse game at the Mexico-US border", *op. cit.*

⁴² See *Ibid.*; Golash-Boza, "The immigration industrial complex", *op. cit.*; J. Page and S. Plaza, "Migration remittances and development: a review of global evidence", *Journal of African Economies*, 00 - AERC Supplement 2, 2006; Mize, "Interrogating race, class, gender and capitalism along the U.S.-Mexico border", *op. cit.*; Vogel, "Transient servitude", *op. cit.*

⁴³ Perhaps because the number of undocumented migrants is believed to be considerably lower in Canada than the United States, they have received little attention until recently. Estimates of the population living in Canada without status range from 80,000 to 500,000. See CIC, "Temporary foreign workers and non-status workers", Ottawa: Communication Canada – Publishing, 2009, 47.

⁴⁴ Fudge and MacPhail, "The Temporary Foreign Worker Program in Canada", *op. cit.*

⁴⁵ Good Gingrich, "Contesting social exclusion", *op. cit.*; Good Gingrich and Preibisch, "Migration as preservation and loss", *op. cit.*

employed in the sex trade is prohibited, but "at the cost of consigning trafficked women to the most unregulated market of all: the underground market".⁴⁶ Here, the role of the market-state shifts from regulation to restriction, and symbolic procedures work to remake these women from victims to criminals twice over, as illegal immigrants and as prostitutes. The criminalization of certain economic enterprises, such as drugs and prostitution, serves to increase profits for agents and brokers while intensifying the vulnerability and exploitation of workers – often women. In the trans-border regulation of labour migrants, States partner with informal and illegal markets to take full advantage of women's vulnerable, inexpensive labour. The devaluing effects of feminization can be turned to profits in all markets, whether formal or informal, legal or illegal.

The inherently contradictory nature of North American immigration and national security laws and regulations reveals these policies and practices to be fundamentally economic at their core. So we see fervent deportation and migration control measures, alongside rising labour market reliance on undocumented workers in both Mexico and the United States, and temporary migrant workers in Canada. In practice, they function as labour policies, as they "articulate global supply with local demand by delimiting the terms of entry, duration and residence".⁴⁷ The criminalization of migration – of all migration – is one of the primary means through which migration is commodified. This is, after all, the point. Vogel cuts to the chase:

Because of the rising demand for cheap Mexican and Central American labor during the last fifteen years, a gatekeeper border policy has kept the southern U.S. border virtually wide open so as not to impede the migration. . . . [T]he much-touted Border Patrol operations against unauthorised migrants of the mid-1990s . . . were either the worst failures in that agency's history, or official grandstanding to cover an unofficial open border policy demanded by American [and Canadian] capitalism.⁴⁸

By keeping our primary source of cheap labour "criminal" (or at least suspect) in the eyes of the public and co-workers, their exploitation is justified. The consequences, however, for migrant workers – documented or undocumented, facilitated or impeded – is that migration for work is fraught with much danger and sacrifice.

The symbolic power of criminalizing migrant men, women, and children operates on the surface and is, therefore, the most obvious manifestation of socio-political and subjective exclusion in this instance. As criminals, migrants are denied the usual protections, under national and international law, that are afforded citizens of the nation-state. Even more effective, in symbolic terms, is that Mexican migrants have been constructed as individual and collective threats

⁴⁶ A. Macklin, "Dancing across borders: 'Exotic dancers', trafficking, and Canadian immigration policy", *International Migration Review*, 37(2), 2003, 484.

⁴⁷ *Ibid.*, 465.

⁴⁸ Vogel, "Transient servitude", *op. cit.*, 8.

to security, paradoxically legalizing the denial of human and legal rights.⁴⁹ Whereas the legal obligations for the nation-state to protect the rights of criminals are ordinarily minimal, the classification of migrants as criminal and alien exacts a symbolic power that is extraordinarily complete in stripping away even the most basic human qualities and entitlements, achieving in effect, and at least in part, economic goals. The criminalization and commodification of migration go hand in hand, as the economic benefits of symbolic violence are (almost) too good to be true.

4. The commodification of migration

The systematic devaluation of Mexican labour is key to economic interests of its trading partners, and is accomplished, in part, through policies and practices that disembodiment labour from the labourer, producing – to the fullest extent possible – importable work without the worker. Moreover, commodified migration is induced or demand-driven migration, and State practices that increase the international supply of Southern labour keep prices low for Northern businesses. While neo-liberal notions of “choice” are frequently used to justify various employment programs that import cheap labour from poor nations, many scholars have documented the “role of employers and their intermediaries (including States and religious organizations as well as private employment agencies) in stimulating – even coercing – people into motion who otherwise were uninclined to migrate”.⁵⁰ Over time, a steady stream of migrant labour from the South to the North is self-sustaining, as “kinship- and friendship-based networks supplant the need for employer inducements to sustain migration”.⁵¹ Such mechanisms have made Mexico the world’s number one exporter of labour.⁵²

Whereas the criminalization of migration is the primary trans-border governance strategy through which domestic labour market interests are met in the United States, Canada provides expanding legal means through which women and men can migrate, temporarily, for work. Initiated in 1973, shortly following the termination of the Bracero program in the United States, Canada’s first temporary migrant worker program – the Non-Immigrant Employment Authorization Program (NIEAP) – set the template for the numerous programs that are now jointly offered through the federal labour department (Human Resources and Skills Development Canada – HRSDC) and immigration department (CIC). Canada’s TFWP requires non-citizens to apply for work permits, as well as changes in their employment or immigration status, from outside the

⁴⁹ In the United States, immigration enforcement was transferred from the Department of Justice to DHS in 2003, a shift that is symbolically and materially significant. Specifically, the transfer was accompanied by an exponential expansion in budget, the six-fold increase in the number of officers, resulting in many more immigration raids and a 10-fold surge in the number of arrests. See Golash-Boza, “The immigration industrial complex”, *op. cit.*

⁵⁰ Mahler and Pessar, “Gender matters”, *op. cit.*, 46.

⁵¹ *Ibid.*, 47.

⁵² Delgado-Wise, “The reshaping of Mexican labor exports under NAFTA”, 656.

country. Entry is afforded only to those with a work permit that assigns them to a particular employer and stipulates their occupation, residence, and length and terms of employment. The workers are bound by all terms of the employment contract for the duration of their stay, including the specific job and wages and, when the contract expires, workers are returned to their respective home countries. Application for re-entry can be made only from abroad.⁵³

New federal government initiatives have recently been added and expanded to the largest and longest-standing of these programs, the Seasonal Agricultural Worker Program (SAWP). A series of employer-driven changes, begun in 2002, include "widening the pool of employers eligible to hire non-Canadians through a new program open to all sectors requiring 'low-skilled' workers; extending the length of temporary visas; and instituting measures" to ease and expedite the hiring of migrant workers.⁵⁴ Men and women from across the globe have responded. Since 1999, the number of workers entering Canada through the TFWP has nearly doubled, increasing from 107,217 in 1999 to 193,061 in 2008, with the bulk of the increase in lower-skilled occupations.⁵⁵ This raised the total number of temporary foreign workers in Canada in 2007 to 302,300, up from 97,500 in 1983.⁵⁶

The economics of labour imports are dependent on symbolic mechanisms that make labour either skilled or unskilled. Taking full advantage of the growing supply of inexpensive labour produced in Mexico (and other subordinate trading partners around the world) since the 1990s, Canada's expanding TFWP has become sharply divided into two general streams: one to recruit highly skilled workers and the other to recruit – and regulate – low-skilled workers. The profound material consequences of symbolic work is made clear, as "different, and unequal, obligations and entitlements attach to the different streams".⁵⁷ For instance, Canada's low-skilled worker programmes are designed and administered to strictly manage participants, prohibiting permanent residency and the possibility of citizenship, advancement or movement in the labour market, civic participation, and social engagement.⁵⁸ In many ways, they constitute social exclusion by design. To the contrary, beginning in 1994, several bilateral and

⁵³ For a thorough and accessible review of Canada's TFWP as well as relevant literature, see Fudge and MacPhail, "The Temporary Foreign Worker Program in Canada", *op. cit.*

⁵⁴ L. Good Gingrich and K. Preibisch, "Theorizing 'choice' and voluntary social exclusion: A study of transnational livelihoods and women from Mexico", Unpublished and funded SSHRC Standard research proposal, 2008, 12–13. As a case in point, the Expedited Labour Market Opinion Pilot Project (E-LMO), launched in 2007 in Alberta and British Columbia, aims to classify, select, and subsequently locate labour in the specific regions and for the duration that it is most needed. The program promises to process applications for foreign labour from eligible employers within five business days. With astounding technical efficiency, specific domestic labour "shortages" in 31 different occupations are, thus, swiftly and efficiently addressed.

⁵⁵ CIC, "Regulatory impact analysis statement of amendments to Immigration and Refugee Protection regulations", Ottawa: Government of Canada, 2009.

⁵⁶ Fudge and MacPhail, "The Temporary Foreign Worker Program in Canada", *op. cit.*

⁵⁷ *Ibid.* 11.

⁵⁸ T. Basok, "He came, he saw, he ... stayed. Guest worker programmes and the issue of non-return", *International Migration*, 38(2), 2000, 215–38.

multilateral agreements excuse certain business visitors and highly skilled workers from many of the obligations imposed under the general TFWP.⁵⁹ Moreover, some participants of our guest worker programs whose skills are deemed adequately "high" may have access to permanent residence through the Canadian Experience Class,⁶⁰ thus permitting these workers the full range of symbolic identification and social engagement.

The unprecedented growth in labour imports classified as low-skilled has seemingly prompted some unease and, on 9 October 2009, Immigration Minister Jason Kenney announced "action to strengthen the protection of temporary foreign workers".⁶¹ The primary change, presented as a mechanism to ensure the temporary nature of the labour program, imposes a four-year limit on workers' stay followed by a six-year ban from re-entry.⁶² Since workers in "lower-" skilled categories were never given access to permanent residence, the regulation merely promotes turnover of temporary workers for long-term or even permanent labour needs.⁶³ While the practical results seem trivial, the symbolic returns are rewarding. The solution distorts and redefines the problem; justifies labour market and employer practices; and shifts all blame and responsibility to individual workers, investing illegitimacy into an otherwise legitimate category. The worker is disempowered, and her labour is further devalued.

The commodification of migration is profoundly gendered, as female (im)migrant labour is differently valued and recruited than male (im)migrant labour. Reflecting the gendered division of labour from global markets to households across the globe, "women's work" – or feminized labour – is consistently undervalued, highly precarious, often unregulated, and sometimes dangerous.⁶⁴ Much of the work in the international labour trade industry is feminized care or service work, and even jobs that have been traditionally reserved for men are often more cost-effectively filled by women. For a growing diversity of jobs in Canada and the United States, women temporary workers are preferred because they are willing to work in lower-wage and dead-end positions without benefits under irregular and deregulated terms of employment. Researchers have found

⁵⁹ Fudge and MacPhail, "The Temporary Foreign Worker Program in Canada", *op. cit.*

⁶⁰ Canadian Council for Refugees (CCR), "Comments on proposed changes to the Temporary Foreign Workers Program", Ottawa: Canadian Council for Refugees, 2009.

⁶¹ CIC, "Minister Kenney proposes improvements to the Temporary Foreign Worker Program", News Release, 2009, <http://www.cic.gc.ca/english/department/media/releases/2009/2009-10-09a.asp>, last retrieved 30 Apr. 2010.

⁶² Other proposed changes include: more rigorous assessment of genuineness of the job offer; two-year prohibition from hiring temporary foreign workers for employers found to have provided significantly different wages, working conditions or occupations than promised; and the identification of prohibited employers on the CIC website. Although the intention of addressing abuses of migrant workers is acknowledged, critics of the program changes note an absence of mechanisms to monitor employers' compliance. Furthermore, the vulnerability of workers remains unchanged, such that workers who denounce their employers are still at risk of losing their jobs and being deported. See CCR, "Comments on proposed changes to the Temporary Foreign Workers Program", *op. cit.*

⁶³ *Ibid.*

⁶⁴ R. Silvey, "Geographies of gender and migration: Spatializing social difference", *International Migration Review*, 40(1), 2006, 64–81.

that, compared to their male counterparts, employers consider Mexican women to be more docile, cooperative, hard-working, trouble-free, and even "better suited physiologically for particular kinds of labor-intensive and routinized work".⁶⁵ The expansion of low-skilled worker (or low-value labour) programs has opened up opportunities for women. Whereas domestic worker programs – such as the Live-In Caregiver Program – once provided the primary avenue through which economic migrant women could enter Canada, the types of programs and jobs now available to them are varied. The number of women entering Canada through our TFWP rose from 25,509 in 1999 to 64,718 in 2008.⁶⁶ Even in sectors of the labour market that have been open exclusively to male workers from the South, such as commercial agriculture in Canada, women are increasingly recruited for particular tasks resulting in a modest yet significant increase in their numbers in the production of select commodities.⁶⁷ Clearly, the Canadian demand for cheap labour has prompted the seemingly endless expansion of "women's work", well beyond the traditional sex work, care work, and housework, in order to fill chronic gaps in certain undesirable, devalued and low-wage sectors. Yet, women are perceived to bring with them certain economic costs due to characteristically female qualities, such as child rearing and "women's problems".⁶⁸ Canada's TFWP maximizes the profitability of female migrant labour by restricting participation to single, independent workers, whether they are mothers or not. In this way, government foreign labour programs sanction employers to exploit the devalued position of women and feminized labour, while simultaneously de-gendering the migrant worker. Making full use of patriarchal and racist assumptions, the practice of migration itself is at once commodified and feminized, in that labour migration forces men (and women) into work situations that are disempowering, confining, feminizing, and even emasculating.⁶⁹

Whereas providing legal opportunities for migration appears to be infinitely more humane than forcing and enforcing criminal activity, the symbolic outcomes of Canada's TFWP are remarkably similar. Due to the commodification of migration, women entering Canada as temporary visa workers are imported labour, and as such they are clearly not citizens, not immigrants or migrants, and not even women. The classification of temporary foreign worker is apt, as migrants are, by law, temporarily residing in Canada; they are kept "foreign", in that they are not permitted access to citizenship or landed immigrant status; and

⁶⁵ D. Karjanen, "Gender, race, and nationality in the making of Mexican migrant labor in the United States", *Latin American Perspectives*, 35(158), 2008, 57.

⁶⁶ CIC, "Facts and figures 2008 – Immigration overview: Permanent and temporary residents", 2009, <http://www.cic.gc.ca/english/resources/statistics/facts2008/temporary/07.asp>, last retrieved 30 Apr. 2010.

⁶⁷ For an incisive analysis of the gendered and racialised relations of production in Canadian agriculture, see Preibisch and Encalada Grez, "The other side of el otro lado", *op.cit.*

⁶⁸ Karjanen, "Gender, race, and nationality in the making of Mexican migrant labor in the United States", *op. cit.*, 57.

⁶⁹ Macklin, "Dancing across borders", *op. cit.*; Karjanen, "Gender, race, and nationality in the making of Mexican migrant labor in the United States", *op. cit.*

the only social identity and legitimate agency they are afforded – even in the little leisure time they are allowed – is worker. Under Canada's temporary worker programs, employers are given *de facto* responsibility for protecting migrants' rights, as our legal and criminal justice system is inaccessible, in practical terms, to those who are temporary and foreign and workers only. Although Canadian labour laws apply to these programs, neither Mexican nor Canadian governments assume responsibility in enforcing them. Consistent with neoliberal ideology, protection of human rights is transferred from the public, legal realm to the private and individualized realm. In Mexico, where many migrant workers return only to visit, their social and legal status is commodified, measured by the monetary value of their remittances. With a large portion of the country on the move, the symbolic value of citizenship has eroded to insignificance. Furthermore, free trade agreements regulate deregulation, actively preventing governments from assuming any and all social obligations by prohibiting policies and laws that put people and the environment ahead of profits. In neoliberalized governance structures, guided by market interests and mechanisms, State mediation of market forces is viewed as a threat to economic stability. Market fundamentalism justifies – even necessitates – the commodification of migration, thus absolving States of all responsibility to certain citizens.

5. The Reach of Symbolic Power

The regulation of migratory flows from the South to the North is organized by a specific set of rules that assign value and determine the terms of exchange. The symbolic economy of trans-border governance gives expression to the *de facto* fusion of the State with the market at national and international levels, such that government policies and labour market practices cohere to define a unified social field ordered according to a singular system of capital.⁷⁰ It is the system of capital defined by market ideals and norms – consumerism, competition and individual self-interest – that permits the free conversion of symbolic capital to economic capital, and back again. Classification systems – in laws and policies and regulations – impose market ideology as the "official point of view", or common sense, which provides the knowledge necessary for recognition.⁷¹ This is symbolic power and, when put to work by State policies and practices, the force of symbolic mechanisms – defying logic and seeming almost magical – enables the free movement of workers across national boundaries while maintaining highly defended borders that are relatively impermeable to people.

Systems of capital – the rules of the game – necessarily operate in their own best interests, so classificatory schemes of the market-state function to increase the material and symbolic profits of its representatives. Therefore, even though mechanisms of symbolic violence are practiced beyond the boundaries of the nation-state, their profits are realized primarily locally. For instance, in this case

⁷⁰ Good Gingrich, "Social exclusion and double jeopardy", *op. cit.*

⁷¹ See Bourdieu, "Social space and symbolic power", *op. cit.*, 22.

example of the global trade of cheap labour, the markets that benefit the most are not global at all; rather they are indisputably local. It is the geographic immobility of these labour markets that necessitates labour imports in the first place. When production cannot be shifted abroad to utilize the discounted labour force of poor countries – in industries such as agriculture, restaurants, hospitals, hotels, and domestic service – labour that is made inexpensive must be imported to meet situated demand.⁷² To that end, national market-state labour initiatives, such as Canada's TFWP, make the most of the prevailing global system of capital and its inevitable divides. The temporary visa worker – at once de-gendered and feminized – is afforded just enough material and symbolic capital to play the Canadian labour game, but is cut off from all forms of capital accumulation necessary for upward mobility. The migrant worker – whether authorized or not – is consistently categorized as illegitimate and disempowered. In both Canada and the United States, changes to immigration laws have made the qualifications for all legal and entitled classifications inordinately tight and precise, and virtually inaccessible for most noncitizens. Invigorated border patrols, security measures, and deportation practices serve to refresh and crystallize the criminal classification of all labour migrants from poor regions of the world. The exploitation of the criminalized worker is thus not only justified; it is made uncommonly altruistic. After all, "we" give "them" work. In this way, employers – in collaboration with State officials – use hierarchical global social relations to manage workers in the local workplace. Bringing to the fore the "glocal" nature of the fused market-state, the material and social consequences of symbolic violence are not confined by physical space. Employer-stimulated labour flows and market-driven immigration laws and policies extend the reach of wealthy market-states beyond their own boundaries. Through the feminization, criminalization, and commodification of migration, international and national State policies and domestic market practices operate transnationally to convert widening global social divides into swelling local economic profits.

I return to the feminization of migration, as the symbolic – and material – economy of trans-border governance is fundamentally dependent on the production of gendered kinds. The standard by which the categorization of people is recognized – continuously assembled in official discourse – assumes the form of an invisible yet idealized comparator for all other deficient and delinquent identities. Exposed and identified by Ann Shola Orloff as the universal political subject, he is "rational, autonomous, unburdened by care, impervious to invasions of bodily integrity – and therefore (heterosexual and) masculine".⁷³ To get and stay ahead in any arena of the market-state field – global or local, public or

⁷² The World Trade Organization's General Agreement on Trade in Services (GATS) sanctions the importation of labour for agriculture, site-bound manufacturing, and local service industries. Some (e.g. Vogel, "Transient servitude", *op. cit.*) argue that this constitutes the institutionalisation of "transient servitude".

⁷³ A. S. Orloff, "Social provision and regulation: Theories of states, social policies and modernity", Toronto, Ontario, 2003, 24.

private – he must also be in a position “to claim and enact legal, political and social rights”.⁷⁴ The formation, accumulation, and exchange of all forms of capital in the market-state field are associated with “individual bodily expressions of autonomy, competition, self-sufficiency, whiteness and heterosexual maleness”.⁷⁵ This is the personification of neoliberalized social inclusion. He is the “self-made man”, and he is, of course, a lie.

The symbolic effect of classification according to market-state rules and the standard set by the universal political subject is that women who migrate, especially those who migrate outside the family unit, are necessarily positioned at the outset on the margins of all national and international laws that might protect them. For example, various international instruments seek to protect the rights and freedoms of everyone, including migrants and even migrant women and girls.⁷⁶ Conventions often cited include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. Yet, the texts refer to women only in relation to members of men’s families. Scholars note that the structures of national and international laws often restrict women to “dependent citizenship” or “partial citizenship” that is specifically gendered and limited.⁷⁷ In text and in social relations, “Women have disappeared as individual citizens in their own right. . . . Democracy and human rights are still, to a large extent, a masculine preserve”.⁷⁸ Moreover, migrant women are relegated to a status that is reminiscent of the tightly restricted citizenship of nineteenth and early twentieth century women, a status that was “legally inscribed and predicated on prevailing notions of women’s role as caretakers, and that resulted in considerable material advantages to those benefiting from their discounted labor”.⁷⁹ In the market-state social field, symbolic mechanisms always function to maximize financial return.

I argue that the status of a migrant woman in the eyes of the law is made tenuous, whether “legal” or not, by the very act of moving across a border. Such instantaneous and profound disentanglement – even erasure – is achieved through governance strategies that are applied primarily beyond the boundaries and citizens of the nation-state. To assert herself as an autonomous, acting, moving subject is a misrecognition of self, as the identity she has assumed for herself

⁷⁴ J. Clarke, “Turning inside out? Globalization, neo-liberalism and welfare states”, *Anthropologica*, 45(2), 2003, 211.

⁷⁵ Good Gingrich, “Social exclusion and double jeopardy”, 384.

⁷⁶ UNDESA, “2004 world survey on the role of women in development”, *op. cit.*

⁷⁷ See C. L. Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship*, Berkeley, University of California Press, 1998; R. S. Parreñas, *Servants of Globalization: Women, Migration and Domestic Work*, Stanford, CA, Stanford University Press, 2001.

⁷⁸ C. Pateman, “Deomcracy, human rights and a basic income in a global era”, in 12th Basic Income Earth Network Congress, Dublin, Ireland, 2008, 7.

⁷⁹ K. Calavita, “Gender, migration, and law: crossing borders and bridging disciplines”, *International Migration Review*, 40(1), 2006, 116.

does not exist. The categorical identities available to migrant, immigrant, or refugee women⁸⁰ in most public discourse – including and especially laws and policies – are poor, criminal/victim, and dependent, and the material and symbolic profits available are severely restricted. To adopt a transnational livelihood – regardless of its seemingly voluntary or involuntary nature – is to disobey the established classificatory scheme, thus (paradoxically) divesting her of symbolic power and further blocking her access to legitimate means of accumulating assets. For instance, remittances from migrant labour are signalled by labour exporting and importing countries alike to justify current practices. Yet when remittances are viewed as an opportunity for economic development, efforts are exerted to redirect their spending away from “unproductive” purchases – such as food, shelter, clothing, and education, those more likely to be prioritized by women migrants – to more “productive” capital investments.⁸¹ It is important to note that such notions of “productive” and “unproductive” – and, therefore, our conceptions of “development” – are profoundly gendered, and operate to further impede the power and diminish the value of women’s work.

Even more cogent in the everyday, the (im)migrant (and refugee) woman is accordingly made criminal and ultimately, a commodity. Especially in transnational social spaces, criminality is more naturally affixed to women than men. Juxtaposing “the centrality of migration in the construction of masculinity” for Mexican men, appropriate female subjectivity is conventionally marked by “restriction of female movement and containment of female bodies”.⁸² Thus, the transnationalization of women’s work is, in effect, a social and political transgression, as they situate themselves in opposition to their conventional and concealed place as family dependants. Women who migrate are continually evidenced to be unusually vulnerable to exploitation, abduction and confinement, and physical and sexual violations. Yet, vulnerability of those who transgress is regarded with suspicion, and migrant women are frequently assumed to be perpetrators of criminal activity. Denied even the limited legitimacy afforded the classification of “victim”, they are left without effective legal recourse. Signalling the profoundly contradictory social space to which they are assigned, women who extract themselves from male dependency – women who demonstrate individual subjectivity and agency – make themselves, in an instant, visible and disempowered. Through processes and practices that feminize, criminalize, and commodify migration, Northern governments are key actors at both ends of the

⁸⁰ Providing a rather poignant example of uneven subject formation in international laws and the very real physical and material consequences, Hyndman traces the ways in which the United Nations High Commissioner for Refugees (UNHCR) “manages difference among groups of displaced people” and the implicit and explicit gender geographies of UNHCR policy. See J. Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism*, Minneapolis, University of Minnesota Press, 2000, 63.

⁸¹ Although migrant women are more likely to occupy lower paying jobs than men and generally earn less than their male counterparts, overall women send a greater proportion of their earnings home as remittances. These remittances are more often spent on their family’s daily needs or on healthcare and education, whereas men’s remittances are more often spent on consumer items. See Mahler and Pessar, “Gender matters”, *op. cit.*; Jones, “A silent but mighty river”, *op. cit.*

⁸² Boehm, “Now I am a man and a woman!”, *op. cit.*, 20-21.

migration trajectory, pushing and pulling migrants – documented and undocumented alike, as it makes little difference in the end – northward.

The economic dividends of the trans-border regulation of migration are extraordinary. Yet, the most lucrative are the symbolic profits, as their revenue-generating capabilities are endless. Symbolic capital, always disguised, is evidenced at the point at which the mechanisms of symbolic violence intersect. In a seamless and continuous loop, the worker is severed from her work, and all things human and social – rights and responsibilities, relationships and aspirations – are cut away. Even before the law, she is made either invisible or illegitimate. So classified, her classifier – the opposite kind – rises above it all, made at once vindicated for and immaterial to her erasure. The meaningful payback of official classification schemes is in the abdication of responsibility for sending and receiving nation-states and international governing bodies. We sidestep accountability, as if we are not answerable for our actions and inaction. In this way, symbolic processes of the fused market-state operate to exacerbate – and more importantly, to consecrate – existing social and economic divides. Thus, the ultimate and essential function of exercising symbolic power beyond the boundaries of the nation-state is not to subjugate the dispossessed kind – the (im)migrant – but to assemble and sanctify its binary opposite. This is the point of subjective exclusion – to reproduce, over and over again, the blameless (and illusory) socially included subject. We cannot be who we are unless they are who we make them to be.

6. Conclusions and Implications

The violence of symbolic practices applied to the millions of people on the move all over the world is obscured by popular discourses of globalization, transnationalism, immigration, refugees, and migration. Such terms and their related fields of study reference "cognitive structures"⁸³ that imply a level global playing field, as if the movements of people – assumed to be self-determined and self-propelled – were a natural consequence of the cosmopolitan nature of our global society. Binary classificatory schemes of legal or illegal, voluntary or forced, victim or criminal, (im)migrant or refugee, are made seemingly distinct and apparent. From this point-of-view, the sorting of migrants relies simply on "common sense", and groups are thus made. To the contrary, recognizing the essentially commodified nature of these flows brings to our attention the profound unevenness of migratory patterns. Hyndman and others (for example, Sasken) juxtapose the "hypermobility of capital flows with the relative immobility of people".⁸⁴ Global capitalism and local markets alike are now reliant on the importing and exporting of labour moreso than the migration of people. The unidirectional flow of criminalized and commodified workers and their feminized, racialized – and thus devalued – labour emphasizes that the "variable

⁸³ Bourdieu, "Social space and symbolic power", *op. cit.*, 18ff.

⁸⁴ Silvey, "Geographies of gender and migration", *op. cit.*, 72.

porosity of borders" coupled with "unequal geographies of spatial control reflected and created through these borders"⁸⁵ are mechanisms to administer social hierarchies of gender, race, nation, and class toward economic ends. This is symbolic power at work.

Difficult questions remain. In response to the failure of national and international communities to effectively address grave crises, such as genocide, ethnic cleansing, war crimes and crimes against humanity, world leaders agreed in 2005, for the first time, that sovereign States have a responsibility to protect their own citizens from avoidable catastrophe; and, when they are unwilling or unable to do so, that responsibility must be borne by the broader community of States. Furthermore, there was consensus among participating members of the World Summit in 2005 that the responsibility to protect extends beyond the security of States, to the security and human rights of people, which include the right to food, work, and engagement in civic processes. But, when citizenship and residency fail to correspond, which nation-state has the first responsibility to protect? As labour markets in rich countries increasingly rely on migrant workers from poor countries, migrant workers who live and work for months – even years – outside their country of citizenship, do the benefits of their labour place enforceable obligation on the nation-state in which they work? When free trade agreements contradict international conventions, what legal structures are needed to protect human rights and human security above corporate profits? Aiming for strategic engagement with market-states, how might civil society efforts, such as the Fair Trade movement, be extended to redirect our increasing dependence on various instruments for importing exploited workers to produce cheap goods? How might national and international laws and labour market practices more accurately recognize women as autonomous and entitled individuals, and primary material providers and caregivers in families and communities? What new conceptions and strategies of development are required to support rather than undermine the everyday realities of women's transnational livelihood practices? I offer these questions to encourage further discussion and research.

⁸⁵ Ibid., 72. See also Hyndman, "Managing displacement", *op. cit.*, 30.