

## Refugees and Migrants as Subjects of Economy and Politics

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### I. *The Problematic Subject of Economy and Politics*

People on the move have been variously described as refugees, migrants, asylum seekers, irregular migrants, internally displaced persons, labour migrants, stateless population groups, seasonal migrants, returnees, cyclical migrants, trafficked women and children, footless people, and we can go on. In fact one scholar when documenting the footloose people in South Asia has observed: “In the last six decades, South Asia has witnessed massive interstate migrations and refugee movements as no other region of the world has (seen). About 50 million people have been involved in the process. It is not easy to put them into categories”.<sup>1</sup> In particular, the terms, “refugee”, “asylum-seeker” and “migrant” are used interchangeably to describe people who are on the move, though cross-border migration and internal migration within a country have different economic, social, political and legal implications. And needless to say, the distinction made between categories of “legal” and “illegal” immigrants in the official discourse on international migration has important bearings on the life worlds of the immigrants in a country.

Recently I argued in *The Postcolonial Age of Migration*, “This is the postcolonial moment in the history of migration, which appears at the juncture when neoliberal transformation and postcolonial politics and economy intersect”.<sup>2</sup> And further, “The unruly subject of contemporary capitalism called the migrant and the refugee is the unsettling, quintessential postcolonial figure who has to be bound by market norms, laws of immigration, policies of stay or settlement and humanitarianism, and administrative-police measures, but escapes all these measures aimed at stabilising the situation”.<sup>3</sup> In that context I emphasised that the “agency of the migrants” becomes crucial for an agenda of global protection. By the same token, the issue of agency is important in any discussion of subject formation – in this case the refugees and migrants.

The present article broadly aims at interrogating the received categories of migrants and refugees and see how the migrants and refugees become subjects of economy and politics in varying but in interrelated ways. The article will discuss the questions: what is the dynamics of subject formation here? In what way the refugees and migrants become subjects while being subjected to economy and the ruling order of politics? What do the present experiences of forced population movements tell us in this regard? Connected to this will be the inquiry: In what way the dialectic of visibility and invisibility reflect on the received categories of the “refugee” and the “migrant”?

We can notice a double paradox in this regard:

(a) Consider the first paradox: The refugee is a legal figure, who escapes violence and threat of violence, seeks asylum, and gets asylum. Some people say, the asylum seeker is not a refugee till s/he gets asylum. In any case the refugee is a legal figure – a subject of international (and national) law. If the person has not arrived legally, the person is an immigrant, most probably an illegal immigrant, whom the state may or may not give protection. . According to the UNCHR definitions, refugees are defined as people fleeing conflict or persecution, protected by international law, which forbids their forcible return to conditions where their life and freedom are at risk. An asylum seeker, as distinct from this, refers to someone whose request for shelter is yet to be granted. Now, the state can guard its borders, and erect cordons, walls, check posts, and institute various modes of

surveillance to keep the unauthorised entrants out. Thus, if one enters without due leave one is waiting to become a subject of protection of law or an illegal immigrant. The highly publicised principle of non-refoulement is on many an occasion ineffective due to intricate state and regional policies such as those of the European Union (EU), which may guard the first country of arrival from the arriving migrants. On the other hand, the would-be protection seeker may be afraid of legality because of fear of deportation, violence, and death. At most the state may not forcibly return this “outsider”. In any case, unless (or even if) apprehended and put in a camp somewhere by the state, the person remains beyond the pale of law. The only solace may be that the person will not be killed, though as we have seen in Mediterranean crossings and elsewhere many may in the process die. In such scenario the immigrant is a figure of illegality. Now as distinct from this scenario, the migrant, often distinguished from a refugee or an immigrant with the possibility of becoming a refugee, is usually thought of as a legal person seeking employment or already in employment under conditions permitted by municipal laws and in some cases global labour conventions. Yet as we have noted that the migrant may be an illegal figure. In short, the apparently honest distinction between the refugee and the migrant is troubled by the shadows of law, legality, and illegality. The figure of the refugee and the migrant - often in public mind a composite one - is thus a paradoxical one. No wonder the two global compacts try to distinguish the two groups (refugees and migrants in the respective terms of “protection and development” and “safe and orderly migration”) and ends up by complicating the question even further.

(b) Now the second paradox: Whatever may be the legal situation, most of the refugees and migrants are subsumed by the neoliberal economy as informal labour or semi-bonded labour even in formal production centres, or as farm labour, petty traders, workers of platform economy, or they may be self-employed producers. Recall their precarious position due to fear of deportation, violence, and death, which contributes to their situation of “rightlessness” – on the margins of the labour market. They accept the most abusive of conditions. At the same time, they are valuable to their respective countries of origin as remittance sending persons while to the world as a whole, they are valuable as essential elements in the global value chains of various commodities that call for a global infrastructure economy and various forms of platform economy. In this way the refugee and the migrant becomes the subject of economy. The visibility of the refugee and the migrant is thus in the domain of economy. This visibility is however absent in politics. There, the asylum seeking individual and the job seeking individual - often the identities are mixed – are invisible. This composite figure of the refugee and migrant does not count in electoral process, parliamentary political dynamics, and in the political thinking of the country where the migrant/refugee has sought protection and livelihood. Liberalism has no space for “outsiders” (outsiders count only as the object of labour market management and racist politics - in general as the object of nationalist politics), while neo-liberalism allows the outsider but only in the sphere of the market. The migrant/refugee actualises as a political subject only when s/he becomes visible in the time of a crisis: for instance, the European migration crisis of 2015 in the wake of the Syrian War or the migrant crisis in India in 2020 during the nationwide lockdown in the wake of the Covid-19 pandemic. In short we have here a paradox of visibility/invisibility, which operates in the process of subject formation.

Clearly, the traditional narrative of a rights bearing individual does not work in this case. Perhaps we have here a resolution of Hannah Arendt’s problem, namely that the refugee/stateless is a person without the right to have rights, in other words without political individuality.<sup>4</sup> We shall not be able to think of the refugee/migrant as a political figure – a rights bearing subject. Yet s/he will gain subject status by becoming active in economy and a permanent object of protection, or if you

will, the permanent subject of humanitarianism. Yet to be the subject of economy the refugee has to be in one way or another first an ethnic subject - a permanent victim of discrimination, such as Hispanic farm worker in the South of the United States or the Syrians in Turkish agriculture.<sup>5</sup> The ethnic migrant visible to society is the displaced figure of migrant labour. To understand however how the ethnic subject of economy is produced we have to see the way conflict works as a lever releasing a process of forced migration. Conflict is the crisis that sets off the process of primitive accumulation.

The question will be: How does the element of “crisis” as the “third factor” in this locked situation appear as the sword of time driving a wedge in the comfortable situation where the bourgeois society has disposable labour but does not have to endure labour’s presence in politics? That way the polity can have democracy, citizenship, and political equality, while the economy will continue to work as a machine creating precarious conditions on life. In other words, the refugee and the migrant will be a spectral figure in this democratic age. Only in times of crisis the paradoxes we have mentioned will become evident. Crisis will be the time when settled identities will be lost. Subject positions will be challenged. Crisis will be the *subject* - of time, politics, and contentious history.

As a quick instance, think of a boat packed with refugees, labour migrants, illegal travellers, and wanderers leaving the Bangladesh coast and sailing uncertainly on the rough waters on the Bay of Bengal. All of them want to reach a land they think will be safe, provide them work, and settle them in a new place, or take them to a point from where some of them will be able to go further. The boat is a passage, the sea is a passage, and the place where they land is a passage. Who is a stateless Rohingya on this boat, or who is a refugee? Who is a Bangladeshi migrant worker seeking work elsewhere? And pray who is a trafficker, a middleman, or a curious traveller here? The sea is the only identity, while they are all precarious lives hanging on desperately to a slim chance of survival. The sea is the perfect condition of statelessness, the perfect end to all political identities.

Yet we must not jump to quick conclusion to a complicated question. We may say that precarious condition ends identities and various subjectivities of migrants. But precarious conditions also allow governments to come up with new rules of protection and thus new bases of subject formation. Oishik Sircar in course of a discussion on how identities are turned to vulnerable subjects of hierarchical preference, has written,

Interestingly, even in the case of regular immigration (those not fleeing persecution) especially in the post 11 September 2001 years, while there was a “cut back with the introduction of new border ‘protection’ policies’ for Asians... [s]ame sex [...] migration flourished with gay and lesbian Asian migrants making up the largest successful group in... the [interdependency] visa class...”. As Audrey Yue writes, “Same-sex migration policy organizes sexuality around the hetero-normative institutions of intimacy and the family - incorporating the queer migrant as a good citizen through self-cultivation and disciplinary regulation. The queer migrant provides a critical platform to question how the state uses the language of intimacy in its progressive same-sex migration policy to silence the struggles of subordinate groups and to assimilate select gays and lesbians into a global and national discourse of identity and capital, thereby sustaining the core values of the Eurocentric nation”.<sup>6</sup>

## **II. *Capitalism feeds on the informal economy with a policy wavering between assistance and control of migrants and refugees***

However, in spite of all the intriguing modes of governmentality, we may legitimately ask: Why does not the refugee and more pertinently the migrant labour become a subject under bourgeois rule in

neoliberal conditions? The one line answer is that capitalism thrives on immigrant labour economy while keeping the refugee conditions precarious. Most discussions on this theme are about whether the impact of refugees in the host country's economy is positive or negative. But the real question is quite different. Most writings on refugee economy or the immigrant economy refer to changes in the immigrant labour absorption policies of the Western governments. These writings reflect on the economic activities of the refugees and other victims of forced migration. Refugees are seen as economic actors in the market. They showcase refugees' attempts to survive meaningfully in camps, cities, and other settlements, in ethnically homogenous or mixed settings, and the ways they prove useful to market, big business, and organised trade.<sup>7</sup>

Yet as Michel Agier in his detailed study of several camps shows, on the ground however the structure of care and protection put in place ensures that this remains a situation of permanent catastrophe and endless emergency, where undesirables are kept apart and out of sight, while the care dispensed is designed to control, filter and confine.<sup>8</sup> Also, as scholars of critical jurisprudence have shown, international refugee law has evolved as a means of control over the refugee. The first principles on which it was built place the rights of the state above those of the refugee. The right of asylum is vested in the state, and thus from the perspective of protection it is a system that is fundamentally against giving right to the refugee. The historical development of refugee law, the drafting history of the 1951 Refugee Convention, and its subsequent implementation bear testimony to the continued rightlessness of the refugee.<sup>9</sup>

How can we explain this duality of care and control coupled with exclusion? Refugee camps are transforming, likewise immigrant settlements are changing. Camps are like holding territories of mobile labour, since they hold at one place an enormous amount of reserve labour. Camps are becoming towns, and other types of big, informal-formal settlements. Without a study of the immigrant as the labouring subject is it possible to make sense of such transformation? Even on occasions where the refugees or immigrants are considered as economic actors, in conventional accounts this becomes a matter of labour market segmentation and differentiation.

As a consequence, the question frequently asked is about the impact of the refugees on the host economy, and not, about why economies cannot do without the so-called refugee economies that supply informal labour for the host economy. The further result is that the economic interface of refugees and economies is little understood. On the other hand, governments have realised that labour market integration calls for investment and viewing the arrival of refugees and other forced migrants as opportunities, triggering further growth. Labour market integration helps fiscal sustainability for the host country, given the specific skill base of the migrants say from Syria. Companies therefore call for more efficient refugee policy, so that admitting refugees and other forced migrants becomes a matter of both short-term and long-term investment rather than sunk cost. Yet migrant economies create problems for any policy of facilitating labour market integration, because these economies carry the signatures of informal economy, and subsume refugee economies and other labour market actors like climate migrants, illegal immigrants, economic migrants, etc. and are in turn subsumed in the dynamics of informal economy.

The dynamics of the informal economy subsumes the distinctions between refugees and other victims of forced migration, illegal immigrants, environmental migrants, the internally displaced, the trafficked labour, and so on. Any idea of labour market segmentation thus has the countervailing reality of the imperative of capitalism to create informal arrangements in production and circulation everywhere.<sup>10</sup>

In short, the refugee economy is a footloose economy, whose relevance to global capitalism today lies in the salience of the informal mode of production and circulation. The global now houses the informal within the formal. This is possible because standards are global, and the refugee economy in order to survive has to follow the global standards and protocols. The refugee or the immigrant economy in this way becomes a part of the global supply chains. Classic is the case of carpet making by Tibetan refugees in Nepal or Syrian refugees making leather and other garment products in Turkey or Bangladeshi immigrants in India engaged in garment making as in Kidderpore in Kolkata. Opportunities and constraints thus have varying patterns. These patterns depend on the rules governing interactions between refugees and the host country, the structure of host economies, and the characteristics of refugees.<sup>11</sup>

Yet, the experiences of refugee and migrant economies suggest a broad uniformity of pattern in the formation of the labouring subjects from refugee and immigrant populations, namely that they form a huge dispersed population of footloose labour whose products are linked to global market chains. These population groups must be made to work as per the requirements of the global supply chains of commodities and labour; on the other hand they must remain invisible from the public eye.

The salience of Syrian and Iraqi refugees and asylum seekers in Europe is that they come from countries occupying the grey zone between the North and the South. With over 80 percent literacy, wide skill base for entrepreneurship, high rate of women's participation in non-family forms of labour, these countries have produced refugees who have deployed knowledge in not only reaching countries where they seek asylum, they also learn quickly new skills, adapt themselves relatively quickly – in a year or two – to new requirements of language, labour protocols, self-run business rules, and learn to straddle the two different but interacting worlds of formal economy and the informal economy. This feature however does not overwhelm the fact that the eventual absorption of current immigrant flows of skilled, semi-skilled, and unskilled labour in labour markets of Europe and countries of other regions (Brazil, South Africa, Hong Kong, the Gulf countries, etc.), albeit in differential manner, will not be much different from what had happened in Europe, United States, Canada, and Australia in the pre-Second World War years.<sup>12</sup>

In this dense labour market scenario pleas for labour market equality receive consideration from well-meaning economists and refugee studies specialists, but formal (political, legal) equality makes sense only if they are relevant for entry in labour markets. Otherwise as labouring subject, the migrant's lack of political equality is the other side of her economic ability to enter the labour market. It is strange then that migration analysts rarely consider the two aspects together, namely lack of entry in the formal political arena accompanied by entry in the informal and sometimes formal labour market.

Immigrant labour's autonomy, more known as "autonomy of migration" allows the migrant to cope with this dichotomous world. For long, it was a case of political opportunity, but economic closure; now it is a case of economic opening (entry in the informal labour market), but political closure. Yet the migrant as the footloose labouring subject copes with this upside down world of politics/economics with his/her autonomy to move. In a way this return of economy to the centre stage of discussions on refugees and migrants is strange, but perhaps should not be so, if we recall that at the heart of the durable solutions debate in refugee studies circles, the issue of economic rehabilitation was always paramount.<sup>13</sup>

Whatever may be the nature of this "economic rehabilitation", refugees and immigrants, particularly illegal immigrants will be a new reserve army of workers to be deployed where and

when necessary to the extent that big refugee camps look like townships with specific economies linked to various commodity chains. And it is this condition that accounts for the relative autonomy of migration. Therein is the significance of migrant labour – a scenario whose marks are irregularity, informality, subjection to unequal labour regimes, degradation of work, footloose nature, subjection to violence, and the fundamental relevance of migrant labour to the logistical aspect of neoliberal capitalism, such as work in supply chains,<sup>14</sup> construction labour, waste processing including e-waste recycling, and last but not least in care and entertainment industry. Labour migration cloaked in different forms reproduces in this way the overall uncertain conditions of the life of labour under capitalism. This condition frames the autonomy of migration – the key to understanding the subjectivity of refugees and migrants.

Indeed, precarious lives go beyond the question of subject formation – a theme, its significance apart, is a dear one to the liberals. As the Indian migrant crisis in 2020 showed, the breaking of heads over migrant as the subject is futile. Jan Breman has asked:

Who are these people forced to remain circulating between their place of residence and worksites, far away from home? What they have in common is the need to cope with the chronic indigence of the household to which they belong. Shorn of means of production sufficient to live on, there is also no regular and steady demand for their labour power in or around the rural locality inhabited by them. Stuck close to or at the bottom of the informal economy, which implies the on and-off call on their availability, they have no say whatsoever over the terms of employment. Many of them tend to be hired and fired according to the need of the moment, are paid cheaply for their low-skilled drudgery and have to work without minimal access to legal protection or social security. Migrant workers can be found across all the sectors of the economy, contracted and subcontracted, as casual hands, or in self-employed micro-ventures. Based on their primary identities, they occupy different niches in the labour market. While facilitating the entry of newcomers from their own caste, tribe or creed, they try to secure such conquered sites of employment from intrusion by outsiders with whom they share no bonds... As migrants, all of them face the same predicament, but this huge army of labour held in reserve is split up in heterogeneity. Most of them are men, but a considerable, though heavily underestimated, portion happens to be women and children, frequently put to work as unpaid helpers. Their massive presence is scattered over a very wide spectrum of occupational differentiation and social segmentation. It is a convoluted divide that also pervades the internal ranking of each of these distinct categories hovering over the official poverty line, which has been fixed at an extremely low level... Adrift between their place of origin and the work that entices them away, labour nomads are not without assertiveness. However, it is a resilience that does not amount to a joint platform of protest and resistance. This inability to seek each other out in mutual support to overcome their exclusion from regular employment, from decent pay for their toil and from settled livelihood which would allow them to congregate in concerted action, results in their muted public voice and visibility<sup>15</sup>

### **III. *Crisis, Class Factor, Precarious Lives, and Politics***

We must not think that the process of structuring migrant and refugee labour to fit the latter in the overall life of global capitalism happens without conflicts and contradictions. This is a contentious process. To explain that, allow me to refer to the operation of the class factor in the destitution of peasantry and labour in the time of the present COVID crisis. The unpreparedness of the government in India to cope with the aftermath of the nationwide lockdown in 2020 and in several parts of the country in 2021 finally showed itself in reality an unwillingness of the government to take necessary steps to protect the migrants working in precarious conditions. The migrant workers had no security of employment and shelter. The lockdown meant workers would have to go without food and they would have to travel again hundreds of kilometres to reach the “sanctuary” of home – on foot, by cycle, or hanging onto a bus, or getting to a train operating hell-like condition. On 29

June 2021 the highest court of the land had to intervene and say that the government could not “abdicate” its responsibility to provide food to the migrant workers, especially during a pandemic, merely because they did not have ration cards. Likewise, the court had to push the government to organize community kitchens, making transportation of migrant workers and shelters for them. Yet we must remember, just last year during the first wave of the pandemic, the Chief Justice of the Supreme Court with incredulity made the infamous remark, they (the returning migrant workers) got food, what else would they require? The question was addressed to two solidarity activists who had appealed to the Court to direct the government to take urgent measures to redress the precarious situation of the migrant workers.

The visibility of precarious migrant labour - thousands upon thousands - on road in 2020 succeeded in putting spotlight on the otherwise invisible workers and bringing them to legal attention and economists’ conversations.<sup>16</sup> Ironically, given the massive number of migrant workers as part of the Indian working class this should not have been so. At least organised workers are registered under provident fund, medical insurance, and other few other databases. On the other hand, Labour Acts such as The Unorganised Workers’ Social Security Act (2008) or the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act (1979), or the category wise Act like the Building and Other Construction Workers’ (Regulation of Employment and Conditions of Service) Act (1996) give us very little idea of the nature and structure of the migrant workforce who overwhelmingly belongs to the informal sector. In fact, during the pandemic, the government admitted that it had no precise statistical information on migrant workers. Good natured economists and policy makers deplore the absence of data; they ignore the nature of the informal economy which in order to keep migrant workers in extreme precarious condition will never generate data on them. Visibility has its own law. It does not depend on the availability of photographers.

After the migrant crisis of 2020 it took nearly a year for the government to declare its readiness to develop a national database of unorganized workers.<sup>17</sup> The government also announced the undertaking of the all India surveys of migrant workers, domestic workers, employment generated by professionals, employment generated in the transport sector. The sad state of information on workers in informal economy is in sharp contrast to the robust Annual Survey of Industries (ASI). Even more noticeable is the fact that the government wanted to only generate estimated data. It had no intention to register the informal workers. With the gradual deregulation of labour, data on the informal workers are thinner.

In short, the lack of visibility of migrant workers is produced by the State, the legal system, and the policies. The absence of visibility not only affects labour protection relief measures, the absence kills migrant workers’ presence in the civil sphere, their struggles to demand accountability and punishment for the government’s non-compliance of labour protection measures, their participation in general political struggles, and ensures what may be called the permanent penalization of the migrants. In other words, the general invisibility of migrants and refugees who are mostly informal workers leads to their loss of a subject status in politics. The formal world of bourgeois economy closes the possibility for migrants and refugees of gaining subject status in politics. Yet, as I have said, this absence of visibility is based on the absolute presence of the migrants in the neoliberal economy characterized by a preponderance of care economy, entertainment industry, construction sector and the vast array of logistical enterprises, extractive industries, digital expansion of the economy, and a rent boom in the market along with an ascendancy of trading in commodities (including futures).<sup>18</sup>

The situation is indeed to use a phrase made famous by Carl Schmitt, a new *nomos of the earth* – a new earthly division of the earth and economy into spaces of the regular and the irregular, the legal and the illegal, the formal and the informal, though with hundreds of interconnections. It is a situation where the space of the subject will produce the non-subjects of law and the earth. The source of the law of refugees is rooted in localization of space that is to say, defined geopolitical space, which works as the basis of the divisions mentioned above. Order reigns on earth by quarantining order-less or disordered mobility. The de facto rootedness of order prevails over the cost of this order. The question of the subject is a positivist question.<sup>19</sup>

Ironically Hannah Arendt's thesis is rectified in this way. The world of rights will produce the world of rightlessness.

All these indicate a global return of the primitive mode of accumulation which combines with the most virtual mode. Today there is a temporal connection between the two as well as an organic connection. "Labour on the move" is the fodder of primitive accumulation. It is also an important element in the logistical expansion of the economy which works as the basis of virtual accumulation. At the same time, "labour on the move" is the economic soul of the population group christened as migrants and refugees. We are therefore speaking of a new agenda of enquiry: what can be the nature of subjectivity of the working population in this age which is characterized by the spectral figure of migrant labour? This is unlike the situation in the liberal age of formal economics and politics that had allowed a subject status to the population it ruled. We may thus ask, what can be the nature of the subjectivity of the working population *after* the liberal age is over?

Let us look at a recent political event in India that involved besides others the migrants in a big way. In the midst of the Covid-19 crisis, state Assembly elections were held in three states – Bihar, Bengal, and Assam. In Bihar the Assembly elections were held in October 2020, in West Bengal and Assam in March-April 2021. In all these three states, the issue of the migrant was a live one and assumed various forms: the debates over citizenship laws (the National Register of Citizens and Citizenship Amendment Act), the responsibility of the Indian state and local governments for the protection of the thousands upon thousands of returnee and stranded migrant workers caught in limbo in the wake of the nationwide lockdown in 2020, low caste refugee groups earlier assured of citizenship, national security supposedly put at risk by the presence of certain refugee population groups, such as the Rohingyas, the issue of livelihoods of migrant workers thrown out of work, and health safety of the population groups including migrant populations at risk. There was a possibility that the migrant would feature prominently in electoral discourses.

Yet as the election campaigns in these three states showed, even in the political time of elections the migrant remained a spectral figure. There were elisions of a series of identities: thus the migrant was never a pure migrant, s/he was a Muslim, or a Bangladeshi, a stateless, a non-citizen, precarious labour desperate to work on depressed wage, an immigrant peasant of low caste origin, or a Bengali, or worst, a carrier of disease. The months when the media was agog with news of misery of starving migrant workers walking hundreds of kilometers to reach home seemed now a distant past. Elections were about legitimation of rule – an altogether different business. Thus even the political parties challenging the legitimacy of rule and till the other day condemning the central government for the latter's lack of concern for migrant workers were restrained now in bringing the migrant issue to the fore. It seemed that in the milieu of contentious politics the migrant issue had to be dissolved into a general social question of justice



– the general question of the destiny of the land, be it Bengal, or Bihar, or Assam. Justice for the migrants had to be subsumed under the contentious question of nation making in these states.<sup>20</sup> Thus, the philosopher-economist Amartya Sen was only partially right while commenting on the misery of the returning migrant workers,

...This type of concern for the interests of the poor, reflected in powerful public discussion, could have occurred in any country suffering from the pandemic, including India. That would have saved the disadvantaged and reduced the suffering of the poor. But it has not happened much in India, and the poor has had little voice in policy making. It was amazing that when the first lockdown was imposed, the interests of the poor rather than getting special attention were quite neglected. The poor dependent on finding jobs with wages could not even look for jobs, confined as they were. The migrant labourers far away from their home had to rely on walking back home, since the transport was discontinued shortly after the official announcement of the lockdown. Still, public protests did eventually make a bit of a difference, and in a limited form democratic instruments had some effect. But India needed much more democracy than it was allowed to have.<sup>21</sup>

What Sen said about the value of public deliberations was right. Yet the election campaigns showed that political discourses are structured by titles to property, wealth, education, social endowments, and modes of dissemination. Elections arrived in Bihar in less than two months of the migrant crisis (April-August 2020) and the end of the nationwide lockdown. But in no time the migrant issue became muted or was displaced by other issues of justice. Given the two distinct though related historical trajectories of the dynamics of nation making and that of the making of the labour forms this should not surprise us.

The question assumes greater importance when we consider the electoral milieu. The electoral milieu is certainly one of popular politics, but this milieu is also marked by the operation of a governmental mode of democratic conduct. Specifically an election is a governmental form of legitimacy renewal, though the institution of elections as a form of the relation between governmentality and democracy has not been adequately examined. The way the migrant issue was displaced in popular politics tells us of the governmentalisation of democracy. At least we can say that in electoral politics migrants do not have a specific identity except in times like that of post-partition West Bengal when nation making and the struggle for refugee rights and protection reinforced each other. Elections, otherwise, compelled the migrants to assume various specific identities, perhaps that of a voter in Purulia district in West Bengal or a Dalit woman in Munger in Bihar or a returnee son of the soil in Nagaon in Assam. Popular politics however forced the respective state governments and local political parties to “adopt” the returnee migrant workers as “our migrants”, indicating the turn popular politics may take towards an ethos of protection. In brief, the uncertain process of subject formation of the migrants plays a critical role in reproduction of migrant labour.

Nonetheless, in whatever way one looks at it, the question regarding the subjectivity of the refugees and the migrants calls for a rethinking on the theme of the subject. Such rethinking can begin with a brief examination of the way global governance has objectified refugees and the migrants. They are the subjects of protection. The two global compacts exemplify best the process of what Michel Foucault would have called “subjectivation”. Through at least the last seventy years since the Refugee Convention of 1951 migrants and refugees have been taught to think of themselves not as agents of rights, but as deserving subjects of protection. “Subjectivation” is the process through which one becomes a subject. The discourse of care and protection suggests the historical route by which the migrant and the refugee have emerged as the

subject of modern power that appears in the mode of care and protection.<sup>22</sup> The historical fabrication of subjectivity is complex though the contours of the formation of the subject can be seen. This specific history of care, protection, and power is not only one of governance but also one of lived experiences of a specific nature and whose meanings can reach us only within a larger historical and political context of global welfare regime succeeded by neoliberalism. This article tries to show how the individual identity of the refugee and the migrant is a product of the historical trajectory of power that bases itself on the function of caring for the victims of violence and force.

Yet we can see how this figure of mobility has refused to comply with the assigned role of a disciplined subject of protection. The refusal has produced a crisis of meaning leading to an obfuscation of the given governmental categories of the displaced – a fact mentioned in the first few paragraphs of this article. The constitution of the subject has been put to test. Migrant's autonomy – to move, to move in, and to move out – has led to a proliferation of further governmental measures of order and discipline. Migrant's autonomy has provoked, animated, and released forces of regulation, surveillance, newer modes of protection, and above all chaos and anarchy in an apparently settled milieu of capital, labour, and nation formation. Migration has unsettled the norms and practices of population management.<sup>23</sup> More importantly, owing the pronounced presence of the postcolonial nature of the major migration flows of our time, categorizing migrants and refugees and in the process compelling the subject formation in particular ways, has become an imperative of neoliberal population management. At the same time in the aftermath of the long colonial history and in the backdrop of the present postcolonial dimension, population flows do not allow the categories to stabilize.<sup>24</sup> The emergence of the migrant as an unsettling figure marks a crucial phase of global history, and migration has become to quote William Walters, a "world-making phenomenon".<sup>25</sup>

To add: networks have proved crucial in this process of postcolonial reorientation of the subject formation of the migrant and the refugee. Categories and thus divisions within the migrants back home have been carried by the latter and have been thus reproduced in countries they have reached. In Tilly's memorable words, "networks migrate, categories stay put".<sup>26</sup> At the same time, these networks symbolize the hitherto unrealized energy and innovation of the migrants, who take unpredictable turns in their lives. Sandro Mezzadra has commented,

The diversification of migratory patterns and experiences, the stretching of migratory networks, the multiplication of what is known in migration studies as "new immigrant destinations"..., the spatial and temporal turmoil that characterize contemporary migration at the global level correspond indeed to a permanent mobilization of subjective energies and potentialities. This process radically transforms and challenges established forms of life, under the pressure of material conditions of deprivation and dispossession but at the same time of a subjective push towards the opening up of new spaces of freedom and equality.<sup>27</sup>

We may add to the factor of mobility of networks the still under-explored area of marriage migration. The response of immigration policies and personnel to marriage migration is often confused. The knowledge of the governance regime of migratory practices including marriage migration is increasingly put to use towards making the control regime more effective.<sup>28</sup> What will be the respective roles of a wife, a husband, and the offsprings in forming a migrant unit? Will they split or rather be split if and when admitted? Will the rule be same for all migrants? No one has a definite answer. The bio-political confusion is great. The confusion is greater as the capacity of the regime of global governance of migration stems from a form of bio-power that combines the task of protecting the victims of forced migration and precarious labour forms with adopting policies of

surveillance, punishment, and confinement of human bodies. Nowhere is this more apparent than when the protection regime deals with women migrants and refugees, in particular victims of sexual violence and trafficking.<sup>29</sup>

In short, the relation between national and global managements of population mobility is uneven and tumultuous. At the same time, because the management of migrant population is a complex exercise, global governance relies increasingly on administrative steps, control measures, and local decrees than on proper statutory enactments. Migrants themselves cannot help the authorities when the latter have to decide: Who belongs to which category, and thus, who is a refugee and who is a migrant worker? Who is a wife, a homemaker, a female agricultural worker, a female member of the urban proletariat, a victim of gender violence, an escapee, a sex worker, or simply an itinerant individual? The feminisation of forced migration makes categorisation of women migrants difficult.<sup>30</sup> Even with all the labour that women have put to hold the migrant families in the Covid-19 crisis, they can be at best “homemakers”.<sup>31</sup> While neoliberalism has brought the specific question of care in its ambit, and we can see a sudden expansion of care industry in the last two decades along with a dramatic expansion of care workers, the notion of care remains narrow. The overall consequence is a crisis of both human rights and humanitarianism, protection ethos, and a fundamental crisis of subjectivity.

Presently the world witnesses an uneasy co-existence of a doctrine of rights and a welfare ethos of protection. The two global compacts bear testimony to this. At times the human rights and the humanitarian combine; at others they offer contrasting scenarios – perhaps in conflict with each other. As a way out of the closure some of the strategies of global governance aim at making the refugees and migrants the resilient subjects of our age. Global policies are increasingly designed to promote the self-reliance and resilience of refugees. Their abilities to deal with hardships are sought to be enhanced. There is a virtual shift: refugees and migrants who had belonged hitherto to the category of vulnerable will now be capable actors. This is the meaning of global refugee policies and the policies of the UNHCR and IOM. They intend to promote self-reliance and resilience. Yet as perceptive analysts have shown this virtual shift is achieved by the deployment of real life categories of vulnerability. Thus the binary is reproduced in a new way: vulnerable refugees versus resilient refugees. The inescapable presence of the objective criteria is gladly accepted to promote self-reliant and resilient refugees and migrants. Protection and a notion of rights combine to strengthen the institutional power over refugees and migrants.<sup>32</sup>

Resilient subjects thus can be always made into resilient subjects of camps and enclosures, subaltern economies, and docile labour process. Yet the irony is that these resilient subjects may take to unpredictable routes. Indeed as Foucault remarked, the knowledge of being governed includes that of how not to be governed. The closure is thus not broken. Ensuring a pronounced subject status for the refugees and migrants remains a dream for the liberals.

Yet as the experiences of the pandemic and other political experiences the world over including experiences of solidarity movements in support of the migrants and refugees tell us of the way the question of life emerges at the subaltern level. We may call this, “bio-politics from below”. In the bio-political imagination of the lower orders of society the migrant issue is never purely an economic one, or an issue of rights only, it assumes the form of a social question that combines in it issues of economy and politics, but more importantly issues of justice. The specific identity of the migrant and other overlapping identities are addressed in that practice of justice that is dialogic, accommodative, and predicated on historically contingent practices. The migrant is dissolved as

justice materialises through such practices. The law of interpellation in subject formation works remorselessly. The history of the formation of the subject is also a history of its withering away.<sup>33</sup>

There is thus no “originary” freedom, and no one knows this better than the migrant and the refugee. Such “originary” freedom if it exists is already submerged in a deluge of fear. We must not be surprised therefore that the Refugee Convention of 1951 begins with the word “fear” when wanting to speak of rights.<sup>34</sup> There is no freedom from fear.<sup>35</sup>

Yet the long history of migrants’ attempt to self-organise and unionise has an important lesson for all. This history includes various attempts by particular refugee and migrant groups (including racially and ethnically marginalised refugee and migrant workers) and the women refugees and migrants in particular. This history also tells us of desperate strategies of survival and moving from one job to another or combining at least two jobs in her labouring life. As mentioned earlier, this history is one of solidarity among the refugees and workers, similarity solidarity of the society with them. All these mean that the migrant mostly caught in sheer survival games prizes open the bind of subjectivity by losing his/her identity in a sea of solidarity, friendship, and just practices.

Often through the aesthetic glass we get the glimpses of such a possible utopia. To be sure, this is not a contention-free process. What was the identity of Toba Tek Singh, the lunatic who moved by an irresistible desire to realize his dream village lay dead on the barbed wire of a partitioned land? Or of Mother Courage, a mother who moved from war field to war field with her wagon to save her children by the only possible way of trading in the condition of war?<sup>36</sup> Neither the Deleuzian desire nor the Brechtian irony allows any romantic tale of the birth of a subject. Indeed in these two immortal literary works we have the death of the subject. Politically speaking all we can say is that in the refugee rights and refugee solidarity movements in India in the first decade of independence, or in the migrant workers’ movements in many parts of the globe, the solidarity movements in Europe for the arriving migrants and refugees from across the Mediterranean and the Eastern war fields, and above all in the resistance by the displaced Palestinians through decades we can witness the contentions, also the possibility of the refugees and migrants losing their identities in a vast landscape of struggle and solidarity.

This is thus a contentious history, yet one ripe with transformative possibilities. We can use a formulaic language to say, no struggle to accommodate the migrants no enrichment of the life of a land or that of a community. Indeed with general precariousness all around, the condition of the migrant becomes the symbol of the general precariousness of life. The politics of the migrant is subsumed in the politics of life.<sup>37</sup> The bio power that rules over our lives makes life the subject.

Life, not the migrant, is the subject.

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<sup>1</sup> Partha S. Ghosh, *Migrants, Refugees and the Stateless in South Asia* (New Delhi: Sage Publications, 2016), “Introduction: Definitional and Theoretical Issues”, pp. xx and 1

<sup>2</sup> R. Samaddar, *The Postcolonial Age of Migration* (London and New York: Routledge, 2020) p. vi

<sup>3</sup> *Ibid.*, p. 15

<sup>4</sup> Hannah Arendt, “We Refugees” in *Altogether Elsewhere: Writers on Exile*, ed. Marc Robinson (London: Faber and Faber, 1994), pp. 110-119; Ayten Gungogdu has attempted a rethinking of Arendt’s challenging question brought back to us by contemporary struggles of the migrants. Despite transformations in the field of human rights various categories of migrants continue to find it difficult to access human rights instruments. The contemporary manifestations of “rightlessness” reveal the perplexities of human rights, at the same time throw fresh light on Arendt’s critical analysis of the social question and her proposal for a “right to have

rights". Gündoğdu in her analysis begins with the condition of "rightlessness" – the paradox of the rightlessness of those who appear in their bare human condition in the light of the emergence of statelessness in inter-war Europe. Gündoğdu argues that this paradox has not lost its currency in the age of rights notwithstanding the institutionalisation of rights after the WW II. Rightlessness does not point to mere violations of *particular* human rights but to a *condition*. –Ayten Gungogdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (Oxford: Oxford University Press, 2015)

<sup>5</sup> Deniz Pelek, "Syrian Refugees and Seasonal Migrant Workers: Reconstruction of Unequal Power Relations in Turkish Agriculture", *Journal of Refugee Studies*, 32 (4), 2018, pp. 605-629; Deniz Pelek brings out the ways in which farm workers, labour intermediaries, land owners, villagers, and government functionaries respond to a situation marked by migrant employment, legal framework, and refugee politics around the Syrians. The externalization of labour force is realized through the construction of a new ethnic category, called the Syrian refugees. Indeed, the history of racism is bound with the history of immigrant labour that has been subject of violence in various forms. In this case memories of violence and discrimination and the coping strategies of refugees and migrants in the past have played a significant role in subject formation of refugee and migrant communities of our time. For instance, see this report, Anh Do, "White residents burned this California Chinatown to the ground: An apology came 145 years later", Los Angeles Times, 26 July 2021 -

<https://www.latimes.com/california/story/2021-07-26/antioch-chinese-apology> (accessed on 29 July 2021)

<sup>6</sup> Oishik Sircar, *Violent Modernities: Cultural Lives of Law in the New India* (Delhi: Oxford University Press, 2021), p. 176; Quotations are from Audrey Yeu, "Queer Asian Australian Migration Stories: Intimate Archives Big and Small", *Sinister Wisdom: A Multicultural Lesbian Literary & Art Journal* (94), 2014, p. 114

<sup>7</sup> See for instance, Alexander Betts, Louise Bloom, Josiah Kaplan, and Naohiko Omata, *Refugee Economies: Forced Displacement and Development* (Oxford: Oxford University Press, 2017); Betts and his colleagues write of the purpose of their study, "The theoretical purpose of these three institutions of refugeehood (urban, protected camp, and emergency camp) is to highlight the ways in which refugees' different institutional contexts shape their economic opportunity structures. Rather than being inherently different from 'citizens' or 'migrants' what makes them distinct is a set of institutional features that shape their economic lives and interaction with markets." – p. 54; see also the report by Paul Collier, "Refugee Economics", Milken Institute Review, 2 May 2016, [www.milkenreview.org/articles/refugee-economics](http://www.milkenreview.org/articles/refugee-economics) (accessed on 25 July 2021)

<sup>8</sup> Michael Agier, *Managing the Undesirables: Refugee Camps and Humanitarian Government* (Cambridge: Polity Press, 2011)

<sup>9</sup> Simon Behrman, "Refugee Law as a Means of Control", *Journal of Refugee Studies*, 32 (1), 2018, pp. 42-62; Behrman has raised the question, "... while (the) case law has continued to make refugee law and human rights law more expansive in theory, in practice, refugees have found it increasingly difficult to reach countries of refuge and the standards of reception if they do make it have deteriorated in recent decades. For sure, developments in international refugee law, notably the extension of human rights norms into its realm, have improved things at the margins, and they help support a narrative that asylum is possible through the law. But at what cost to the overwhelming majority of the world's refugees? ...Moreover, by selling the refugee law regime as somehow fundamentally about upholding the rights of refugees, we end up promoting a labyrinthine and loaded system that reinforces barriers to protection rather than removing them." (pp. 59-60)

<sup>10</sup> For an understanding of the global picture see the collection of writings and reports in *Forced Migration Review*, 58, June 2018; the theme of the issue is "Economies: Rights and Access to Work"

<sup>11</sup> See on this, J. Edward Taylor, Mateusz J. Filipowski, Mohamed Alloush, Anubhab Gupta, Ruben Irvin Rojas Valdes, and Ernesto Gonzalez-Estrada, "Economic Impact of Refugees", *PNAS (Proceedings of the National Academy of Sciences of the United States of America)*, Volume 113 (27), July 2016, pp. 7449–7453.

<sup>12</sup> Stephen Castles discussed the role of immigrant labour in Nazi Germany and post-war France, where immigrant workers accounted for at least 15 per cent of the work force. See Castles, "Migration" in David Theo Goldberg and John Solomos (eds.), *A Companion to Racial and Ethnic Studies* (Oxford: Blackwell Publishers, 2002), pp. 571–572.

<sup>13</sup> See in this context, the discussion by Peter Gatrell, *The Making of the Modern Refugee* (Oxford: Oxford University Press, 2015), chapter 3, "Europe Uprooted: Refugee Crisis in the Mid-Century and 'Durable Solutions' ", pp. 89–117.

<sup>14</sup> To get a sense of the importance of supply chains, one has to note that even during the pandemic time Indian capitalism has worked furiously in commodity export. The Union Commerce Minister noted on 2 July

2021, “At \$95 b, merchandise exports surge to all-time high in FY22 Q1.” – *The Business Line, The Hindu*, 2 July 2021 - [https://www.thehindubusinessline.com/economy/merchandise-export-surged-to-all-time-high-at-95-billion-in-april-june-quarter/article35098331.ece?utm\\_source=taboola&utm\\_medium=cpc&utm\\_campaign=Taboola+Premium+Article+Desktop&tpcc=BLFB&tblci=GiDEfHtaylhoiBi96B1ultX6CKhdC-ub1LZGR4XtOfupGiDPr1MogvnPmZnI5\\_cZ#tblciGiDEfHtaylhoiBi96B1ultX6CKhdC-ub1LZGR4XtOfupGiDPr1MogvnPmZnI5\\_cZ](https://www.thehindubusinessline.com/economy/merchandise-export-surged-to-all-time-high-at-95-billion-in-april-june-quarter/article35098331.ece?utm_source=taboola&utm_medium=cpc&utm_campaign=Taboola+Premium+Article+Desktop&tpcc=BLFB&tblci=GiDEfHtaylhoiBi96B1ultX6CKhdC-ub1LZGR4XtOfupGiDPr1MogvnPmZnI5_cZ#tblciGiDEfHtaylhoiBi96B1ultX6CKhdC-ub1LZGR4XtOfupGiDPr1MogvnPmZnI5_cZ) (accessed on 11 July 2021)

<sup>15</sup> Jan Breman, “The Pandemic in India and Its Impact on Footloose labour”, *The Indian Journal of Labour Economics* (63), 2020 (pp. 901-919), p. 904

<sup>16</sup> K.R. Shyam Sundar, “A Year Into the Pandemic, the Statistical Vacuum on Indian Labour Hasn’t Been Filled”, *The Wire*, 30 June 2021 - <https://thewire.in/labour/pandemic-migrant-labourers-statistics> (accessed on 1 July 2021)

<sup>17</sup> “Safety of Inter-State Migrant Workers”, Statement issued by the Ministry of Labour and Employment, 17 March 2021 - <https://pib.gov.in/PressReleaseframePage.aspx?PRID=1705415> (accessed on 5 July 2021)

<sup>18</sup> On the relation between extractive industries and financialisation of the economy, see among others, Sandro Mezzadra and Brett Neilson, “Operations of Capital”, *South Atlantic Quarterly*, 114 (1), January 2015, pp. 1-9

<sup>19</sup> Carl Schmitt, *The Nomos of the Earth: In the International Law of the Jus Publicum Europaeum*, trans. G.L. Ulmen (1950, New York: Telos Press, 2003)

<sup>20</sup> For an idea of a survey on this issue, see the report on a Calcutta Research Group study “The Migrant in the Electoral Time: A Study of Bihar, Bengal and Assam, 2020-2021”, 30 June 2021 - [http://www.mcrg.ac.in/IWM\\_Migration\\_2021/Report%20on%20the%20online%20discussion%20Election%202021.pdf](http://www.mcrg.ac.in/IWM_Migration_2021/Report%20on%20the%20online%20discussion%20Election%202021.pdf) (accessed on 7 August 2021); see also the report on returnee migrants in Bihar in the election time (October-November 2020), Hemant Kumar Pandey, “As Tales of Migration Misery Continue, Biharis Now Accept That as Their Destiny”, *The Wire*, 3 November 2020 - <https://m.thewire.in/article/labour/bihar-elections-migration-unemployment-floods> (accessed on 5 March 2021)

<sup>21</sup> “Public discussion could have saved the poor from suffering in pandemic. India needed more democracy than was allowed’: Amartya Sen” – Interview by *Indian Express*, 12 July 2021 - <https://indianexpress.com/article/india/public-discussion-could-have-saved-poor-from-suffering-in-pandemic-india-needed-more-democracy-than-was-allowed-amartya-sen-7399941/> (accessed on 12 July 2021)

<sup>22</sup> For an historical account of care and power in post-independence India, R. Samaddar (ed.), *Refugees and the State: Practices of Asylum and Care in India, 1947-2000* (New Delhi: Sage, 2003)

<sup>23</sup> On the issue of autonomy of migration, see Stephan Scheel, “Studying Embodied Encounters: Autonomy of Migration Beyond its Romanticisation”, *Postcolonial Studies*, 16 (3), 2013, pp. 279-288; for details and elaboration of his arguments on the technological impact on border regime and the autonomy of migration, see his, *Rethinking the Autonomy of Migration: On the Appropriation of Mobility within Biometric Border Regimes*, PhD thesis, Department of Political and International Studies, The Open University, Milton Keynes, UK, 2016

<sup>24</sup> Saskia Sassen has asked why in earlier periods of Europe’s history, such as the nineteenth century, with “so many poor in some regions” there were no comparable “massive movements from poverty to prosperity..., with virtually no border control” – Saskia Saseen, “Europe’s Migrations: The Numbers and the Passions are not New”, *Third Text*, 20 (6), 2006, pp. 634-645, p. 636; She alludes to the colonial element among various factors behind the migratory flows of our time. The colonial policy was to fit the “right” size of the territory with the “right” shape of population and the colonial laboratory supplied Europe with necessary knowledge. Postcolonial states also drew on this knowledge. Thus in many newly independent countries the internal boundaries of the states were reorganized; lines of exclusion and half-exclusion were retained with new degrees of flexibility; and most importantly, citizenship policies were gradually reshaped so that demands of nationalism and the requirement to mark the aliens could be combined. The colonial encounter of several centuries has provided a corpus of tools necessary for policing of population, state-orchestrated identification practices, the making of new frontiers, and the creation of sub-populations. See also, Glen Peterson, “Colonialism, Sovereignty, and the History of the International Refugee Regime” in Matthew Frank and Jessica Reinisch (eds.), *Refugees in Europe, 1919–1959: A Forty Years’ Crisis?* (London: Bloomsbury Academic, 2017), pp. 213-228 - [file:///C:/Users/user/Downloads/9781474295734.0016%20\(1\).pdf](file:///C:/Users/user/Downloads/9781474295734.0016%20(1).pdf) (accessed on 17 July 2021); also, Ulrike Krause, “Colonial Roots of the 1951 Refugee Convention and its Effects on the Global Refugee Regime”, *Journal of International Relations and Development*, 2021 – <https://doi.org/10.1057/s41268-020->

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(<file:///C:/Users/user/Desktop/Colonial%20roots%20of%20the%201951%20Refugee%20Convention%20and%20its%20effects%20on%20the%20global%20refugee%20regime.pdf> – accessed on 17 July 2021) and “Colonial Effects on the Founding of the 1951 Refugee Convention”, *Völkerrechtsblog: International Law and International Legal Thought*, 30 March 2021 - <https://voelkerrechtsblog.org/colonial-effects-on-the-founding-of-the-1951-refugee-convention/> (accessed on 19 July 2021)

<sup>25</sup> William Walters, “Reflections on Migration and Governmentality”, *Movements: Journal for Critical Migration and Border Regime Studies*, 1 (1), 2015 - <https://movements-journal.org/issues/01.grenzregime/04.walters--migration.governmentality.html> (accessed on 2 January 2019)

<sup>26</sup> Charles Tilly, “Transplanted Networks”, New School for Social Research, Centre for Studies of Social Change Working Paper Series , 35, October 1986, p. 3; Tilly argued that both in the US in slavery and post-slavery periods immigration rode on the basis of networks, and in the process divisions back in the old world were reproduced in the new world. Thus job specializations, inequalities, and hierarchies – all these became durable through the structures immigration re-produced. At the same time, the immigrants coping with the new world discovered and created new inequalities and identities.

<sup>27</sup> Sandro Mezzadra, “What’s at Stake in the Mobility of Labour? Borders, Migration, Contemporary Capitalism”, *Migration, Mobility, and Displacement*, 2 (1: pp. 30-43), Winter 2016, p. 36; see also Marina Kaneti, “Metis, Migrants, and the Autonomy of Migration”, *Citizenship Studies*, 9 (6-7), 2015, pp. 620-633

<sup>28</sup> Stephan Scheel, “Appropriating Mobility and Bordering Europe through Romantic Love: Unearthing the Intricate Intertwinement of Border Regimes and Migratory Practices”, *Migration Studies*, 5 (3), 2017, pp. 389-408, pp. 402-403; on the colonial background of marriage migration, for an Indian account see, Samita Sen, “‘Without His Consent?’ Marriage and Women’s Migration in Colonial India”, *International Labour and Working-Class History*, 65, Spring, 2004, pp. 77-104

<sup>29</sup> On this there are several excellent studies; for a recent study see, Susanne Buckley-Zistel and Ulrike Krause (eds.), *Gender, Violence, Refugees* (New York and Oxford: Berghahn Books, 2019)

<sup>30</sup> See on this for instance, Latefa Narriman Guemar, “The Feminization of Forced Migration during Conflict: The Complex Experiences of Algerian Women Who Fled in the ‘Black Decade’”, *Journal of Refugee Studies*, 32 (3), 2018, pp. 482-501

<sup>31</sup> Taroa Zuniga Silva, “Migrant Women are Holding Society Together During This Pandemic”, *The Bullet*, 12 April 2021 - <https://socialistproject.ca/2021/04/migrant-women-are-holding-society-together-during-this-pandemic/#more> (accessed on 20 July 2021)

<sup>32</sup> Ulrike Krause and Hannah Schmidt, “Refugees as Actors? Critical Reflections on Global Refugee Policies on Self-reliance and Resilience”, *Journal of Refugee Studies*, 33 (1), 2020, pp. 22–41

<sup>33</sup> In the context of the pandemic I have discussed in details the notion of “bio-politics from below”; See R. Samaddar, *A Pandemic and the Politics of Life* (Delhi: Women Unlimited, 2021), chapter 3

<sup>34</sup> To get a sense of the argument here, see for instance the report “‘Everyone was Overwhelmed by the Fears and the Panic of the Unknown Disease’: Kenyan Refugee Protection and the COVID-19 Pandemic” by Nadine Segadlo, Ulrike Krause, Franzisca Zanker, Hannah Edler, IMIS Working paper 10, 2021 - [https://www.imis.uni-osnabrueck.de/fileadmin/4\\_Publikationen/PDFs/IMIS\\_WP10\\_Kenyan\\_Refugee\\_Protection.pdf](https://www.imis.uni-osnabrueck.de/fileadmin/4_Publikationen/PDFs/IMIS_WP10_Kenyan_Refugee_Protection.pdf) (accessed on 12 July 2021)

<sup>35</sup> Latefa Narriman Guemar in her study of the refugee Algerian women (n. 19) wrote, “Europe’s so-called ‘migration crisis’ of 2015, for example, betrayed the lacunae of the international protection regime, particularly for those who, despite having a well-founded fear of persecution and ill treatment, do not fulfil the criterion defined by Article 1 of the Geneva Convention... In the case of the Algerian women who were forced to migrate during the years of bloody conflict in the 1990s, although the terror and violence of the Black Decade were the traumatic backdrop to their flight, the complex circumstances that informed their decisions to flee meant they were often not considered refugees, as understood by the 1951 Refugee Convention and its protocols. ‘The reason why I left? It was a cocktail of reasons.’ One of the respondents to this research, Lamia, who left Algeria in 1994, answered this question by speaking of the complete loss of hope she experienced after her cousin was killed—a reflection of the toll of living with the effects of fear and daily witnessing or experiencing violence...” - “The Feminization of Forced Migration during Conflict: The Complex Experiences of Algerian Women Who Fled in the ‘Black Decade’”, *op. cit.*, p. 489

<sup>36</sup> The two texts referred to here, Sadaat Hasan Manto, *Toba Tek Singh* (1955) and Bertolt Brecht, *Mother Courage and Her Children* (1939)

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<sup>37</sup> *A Pandemic and the Politics of Life* (n. 32) discusses the ten principles of the notion of politics of life; see chapter 4.

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