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Legality and Labour:

**Chinese Migration, Neoliberalism and the State
in the UK and China¹**

Frank N. Pieke and Xiang Biao
University of Oxford

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Abstract

It remains one of the great unresolved contradictions of the liberal understanding of modernization and development that the belief in the healing powers of the market comes at an acute halt when market-driven international flows of people are involved. In the UK, the recent evolution of immigration policy reveals clearly how this "liberal paradox" has played out under the enlightened neoliberalism of New Labour. As intended, the political discourse of managed migration in the UK does indeed constrain the options available to migrants. However, it would be a mistake to think that the contrasting concepts describing migration that underpin the discourse, chiefly "legal" vs. "illegal", "economic" vs. "political", and "skilled" vs. "unskilled", simply serve to constrain or restrict migration. In this paper with present ethnographic evidence from China and the UK to show that the state's migration discourse is not simply a dominant force imposed externally by the state on migrants, but is itself shaped by migrant strategies. These strategies lead to migratory, employment and survival practices that in turn produce the social phenomena (bogus asylum seeking, an informal labour market, illegal border crossing) that originally informed and justified the discourse itself. Furthermore, and as a final irony, some of the very discursive categories themselves are not simply externally imposed on migrants. In this article we will show how for instance "legality", "skills", or "qualifications" are not intrinsic qualities that migrants do or do not possess, but bureaucratic statuses manufactured and commercially supplied in the process of migration. We conclude that the state started with a carefully crafted discourse on "good" and "bad" migration, but ended up with a migratory reality that produces these categories on demand. What results is a regulatory arms race between migrants and state agents that may restrict the total number of migrants that are let in, but on the basis of criteria that have been firmly appropriated by migrants themselves and that have often very little to do with the original intentions of policy.

Biography

Frank Pieke (Amsterdam 1957) is the Director of BICC. He is University Lecturer in the Modern Politics and Society of China at the University of Oxford and a fellow of St Cross College. Before moving to Oxford in 1995, he was University Lecturer at the University of Leiden. He took his first degrees in cultural anthropology at the University of Amsterdam (B.A. 1979 and M.A. 1982), then spent a year in Beijing studying Chinese language and history (1983), before taking his Ph.D. in cultural anthropology at the University of California, Berkeley (1992). Frank Pieke's current research interests are the administrative and political reform in China and migration to, from and within China. His general anthropological interests revolve around the issues of social action, agency and personhood.

Frank Pieke is currently working on a monograph on cadre training and party schools in China of which this working paper is a part. The book has the provisional title *Market Leninism: Cadre Training, Party Schools and the Chinese Communist Party*. His most recent book is *Transnational Chinese: Fujianese Migrants in Europe* (with Pál Nyíri, Mette Thunø and Antonella Ceccagno, 2004). Earlier books include *The Social Position of the Dutch Chinese* (published in Dutch in 1988 and in Chinese in 1992) and *The Ordinary and the Extraordinary: An Anthropological Study of Chinese Reform and the 1989 People's Movement in Beijing* (1996). A personal witness of the protest movement that rocked Beijing and China in 1989, he subsequently built up one of the world's largest collections of documents and audiovisual materials on the movement at the International Institute of Social History in Amsterdam. Recent articles include "The Genealogical Mentality in Modern

China” (*The Journal of Asian Studies*, 2003); “Beyond Control? The Mechanics and Dynamics of ‘Informal’ Remittances between Europe and Africa” (*Global Networks*, with Nicholas Van Hear and Anna Lindley, 2007); “Community and Identity in the New Chinese Migration Order” (*Population, Space and Place*, 2007); “Contours of an Anthropology of the Chinese State: Political Structure, Agency and Economic Development in Rural China” (*Journal of the Royal Anthropological Institute*, 2004); and “The Politics of Rural Land Use Planning in China” (In Peter Ho, ed. *Developmental Dilemmas: Land Reform and Institutional Change in China*, 2005).

Legality and Labour: Chinese Migration, Neoliberalism and the State in the UK and China

Introduction

It remains one of the great unresolved contradictions of the liberal understanding of modernization and development that the belief in the healing powers of the market comes at an acute halt when market-driven international flows of people are involved. At the root of what Hollifield calls the “liberal paradox” lies the contradiction between the openness prescribed by economic liberalism and the closure of individual nations predicated on an international political system that continues to be predicated on the notion of the inviolability of the nation-state (Hollifield 2004). Since the late 1970s, neoliberalism has resolved this contradiction in some ways, while adding to the problems in others (Stiglitz 2002; Harvey 2005). With neoliberalism, the rhetoric of the market is much more instrumentally employed to serve not only the interests of employers and the upper and middle classes domestically, but also national trade and strategic interests internationally. In the US and western Europe, neoliberal deregulation of the labour market and curtailing of labour unions have facilitated the employment of immigrant labour, both at the fringe of the formal economy and in a growing unregulated, informal sector in developed countries. In China, reform policies have been undergirded by assumptions about market deregulation that in many ways are very similar to neoliberalism in the West (Harvey 2005), leading not only to unprecedented growth, but also to the creation of a new proletariat that has lost almost all of its employment rights, including in many cases, their employment itself (Lee 2007). In this article, we will document some of the outcomes (both intended and unintended) of the confluence of neoliberalist policies in the West and China.

In the West, the informal sector’s marginal or nominal self-employment, “casualization” of work, sub-contracting, and domestic and personal services have encouraged forms of employment that stand in stark contrast with those in the mainstream economy. This informal sector is in many ways reminiscent of early capitalism’s “primitive accumulation” as described by Karl Marx, and which by the 1960s was thought to have safely been exported to the “Third World.” The difference is, of course, that the informal sector now is firmly embedded in the structure of developed capitalist societies, providing crucial services and goods to consumers and producers that in the mainstream economy raise standards of living, depress prices and increase the competitiveness of firms.

The new informal sector’s demand for cheap and docile labour has fuelled the immigration and subsequent employment of undocumented and unskilled or deskilled workers from all over the world (Schierup, Hansen et al. 2006, especially chapter 9). In many ways, the current discourse on international migration, and more broadly globalization, is therefore curiously ambivalent. Current perceptions cast “globalization” as a force that changes the world, but remains beyond the control of individual people and individual nations. This 21st century image is similar to, and we would argue in fact a continuation of, the 19th century European mix of longing and fear of what Polanyi called

the “Great Transformation” that was forged by the rise of classical liberalism and the growth of the market economy (Polanyi 1944). Just like the market in the 19th century was simultaneously a threat and a promise, so globalization today is seen both as the destruction of “our” way of life brought on by evil outsiders (Muslim terrorists, third world migrants, international criminal organizations) and the promise of breaking down old barriers that will bring a fairer, freer and more prosperous future.

One of the most important consequences of the contradiction between the market and the nation, or liberalism and nationalism, has been that, despite the regulatory and restrictive discourse about international migration, the countries of the developed world in the West continue to admit more immigrants than their governments say they want or need. There is thus a clearly visible gap between official immigration policies and actual policy outcomes (Cornelius and Tsuda 2004; see also Joppke 1998). Some of this “policy gap” is explained by the impact of domestic and international institutions and legal restrictions beyond the direct reach of government. However, the need to cater to conflicting interests in society also plays an important role. Most of the costs of immigration devolve to the less privileged classes (real or perceived loss of jobs to immigrants, pressure on housing, schooling, health care, public transport and welfare, co-residence with immigrants), while most of the benefits are reaped by the middle and upper classes and employers (cheaper and better services, increased supply of labour). As Stephen Castles points out, this frequently leads to “hidden agendas” in migration policies, where “politicians sometimes give lip service to anti-immigration rhetoric while actually pursuing policies that lead to more immigration” (Castles 2004: 867; for a similar conclusion see Cornelius and Tsuda 2004, p. 41-42).

The disjunction between rhetoric and reality, we believe, gets us right at the heart of some of the problems that continue to confront western immigration policies. In this article, we argue that this is less caused by regulatory failure than by the fundamental premises of migration regulation. First of all, migration regulation is based on the assumption that the national economy’s demand for immigrant labour should be overridden by the “national interest.” This assumption either means that regulators can do a better job than the market at gauging the supply needs of the national labour market, or, alternatively, that the forces of the market have to be contained lest they rip the fabric of the harmonious national community apart. In East Asia and the Middle East this is normally done by contract labour schemes that allow workers in without extending civil or permanent residency rights to them. Governments in the western world baulk at the human rights implication that this has (and in Europe they also have vivid memories of the flawed “guest worker” schemes of the 1960s and early 1970s), preferring “managed migration” that sifts desirable migrants with scarce skills, education, or simply cash from undesirable migrants who try to enter as “pure” labour.

Rhetorically, this remarkable feat is accomplished in two ways. “Pure” economic migration as is presented as bad, unless the agents of the state determine that there is a demonstrated market need for the migrant’s skills or other assets. In addition, the motives of potentially “good” political migrants are questioned, leading to the creation of the category of “bogus” asylum seekers. Discursively, the state thus enables itself to be tough on immigration, while being seen to uphold both the international norms of non-

discrimination and human rights. At the same time, the national economic interest is accommodated that demands a supply of immigrant labour.

In the UK, which is the focus of this article, the recent evolution of immigration policies reveals clearly how the “liberal paradox” has played out under the enlightened neoliberalism of New Labour. Between 1962 with the implementation of the first Commonwealth Immigration Act and the sudden surge in immigration that started in early 1990s, the UK used to be the exception in the developed world in that Britain was the only country that had a considerable degree of success in containing immigration. During this period, successive British governments could rightfully claim that Britain was not, and had no intention to become, an immigration country (Hansen 2000; Layton-Henry 2004). The new Labour government in 1997 initially hung on to the no-immigration approach. However, from the 2000 official recognition that the British economy was dependent on immigrant labour onwards, the government, led by the Home Office, developed an approach that was fundamentally different. Immigration became a part of the new government’s belief in both modernization as Britain’s new destiny and the state’s capacity to shape and control society. The 2002 government White Paper *Secure Borders, Safe Haven*, carefully constructs a distinction between being tough on undeserving bogus asylum seekers and unwanted illegal immigrants, and the facilitation of orderly immigration that the British economy needs. As the paper puts it “Our system combines rational and controlled routes for economic migration with fair, but robust, procedures for dealing with those who claim asylum.” Controlled immigration includes in particular skilled and student immigration, but also schemes for temporary agricultural workers and working holidaymakers intended to create a flexible pool of short-term and essentially unskilled labour (Flynn 2005; Sales 2005).²

As intended, the political discourse of managed migration in the UK does indeed constrain the options available to migrants. In this article we provide ethnographic evidence for the point that the production of migrants in sending countries, the mechanics of migration itself and life and work upon arrival are all strongly informed by the categories of this discourse. However, it would be a mistake to think that the contrasting concepts describing migration that underpin the discourse, chiefly “legal” vs. “illegal”, “economic” vs. “political”, and “skilled” vs. “unskilled”, simply serve to constrain or restrict migration. As we will show in this article, migration discourse is not simply a dominant force imposed externally by the state on migrants, but is itself shaped by migrant strategies. These strategies lead to migratory, employment and survival practices that in turn produce the social phenomena (bogus asylum seeking, an informal labour

² Although new policy initiatives continue to come out of the Home Office, the 2002 framework of managed migration continues to be in place. The main challenge to the new policy framework has been in the large-scale immigration of East Europeans from the EU’s new accession countries since 2004. Ironically, as these flows take place within the EU they fall outside the scope of managed migration, making it doubtful that managed migration gives the government much control over the total volume of immigration after all (Ruhs 2006).

market, illegal border crossing) that originally informed and justified the discourse itself. Furthermore, and as a final irony, some of the very discursive categories themselves are not simply externally imposed on migrants. In this article we will show how for instance “legality”, “skills”, or “qualifications” are not intrinsic qualities that migrants do or do not possess, but bureaucratic statuses manufactured and commercially supplied in the process of migration. We conclude that the state started with a carefully crafted discourse on “good” and “bad” migration, but ended up with a migratory reality that produces these categories on demand. What results is a regulatory arms race between migrants and state agents that may restrict the total number of migrants that are let in, but on the basis of criteria that have been firmly appropriated by migrants themselves and that have often very little to do with the original intentions of policy.

The UK is a particularly relevant country for the purposes of this study. In recent years, the UK has emerged as the favourite European destination for many Chinese migrants. Reasons for this include the strength of the British pound, the UK’s lack of in-border restrictions on migrant life and employment (often termed “good human rights” by Chinese migrants), the attraction of an English-language environment (to many migrants, the UK and other Anglophone countries are a proxy for the most desirable country of all, the US), a large existing Chinese community and ethnic Chinese economic sector, and a commercialized education sector. Discursively, too, the Chinese are an important immigrant group. In public discussions and policy papers on the pros and cons of immigration, the Chinese stand both for all that is good and all that is bad about migration. The 2000 Dover and 2004 Morecambe Bay incidents have become paradigmatic of the evils of human smuggling, illegal labour and bogus asylum seeking, embodying all the reasons why migration requires much more state intervention. Conversely, Chinese students and skilled professionals (including those from Hong Kong and Taiwan) are the paragons of the good migrant that managed migration should help to attract.

Our fieldwork on Chinese migration to the UK consists of two separate ethnographic projects. Xiang has been working on out-migration from Northeast China (also known as Manchuria) since 2004, with a focus on the role of migration agents. By early 2007 he had interviewed about 70 people in China; more than half recruitment agents or others involved in the emigration business, the other half would-be migrants and Chinese government officials. He also conducted five in-depth interviews with Chinese community activists and migration lawyers in London. Pieke conducted a research project on Chinese illegal immigration labour and employment in the UK in 2006. This project yielded 35 interviews with recent (since 2000) illegal Chinese immigrants in the UK and 11 interviews with UK police and government officials. The two projects complement each other in many respects, with Xiang’s work giving detailed insight in the operations of the highly commercialized Chinese migration market, and Pieke’s project focusing on the experiences of the most vulnerable and least understood of Chinese migrants, namely those that remain in the UK without the right to live or work there.

Producing migrants and manufacturing legality in Northeast China and the UK

Since the mid-1970s, emigration from the People's Republic of China (PRC) gradually resumed from an almost total ban on out-migration during the Cultural Revolution (1966-1976). Currently, the PRC allows, in principle at least, foreign travel and emigration of almost all Chinese citizens who can produce a visa or other evidence of the right of legitimate entry to a foreign country (Xiang 2003). Changes in the Chinese emigration regime since the start of China's opening up to the outside world and economic reform since 1978 have boosted and commercialized emigration to such an extent that emigration has become a near-universal phenomenon across most of the country, particularly its more developed coastal and central regions. Chinese immigration has also become a near-universal phenomenon across the globe; currently, it is hard to name a country that is not a destination for Chinese migrants. Chinese migration is therefore an important and growing slice of total international migration. In the year 2004-5, for instance, 59,000 PRC citizens arrived in the UK for staying at least a year, making the PRC the third largest immigrant group after those from India (99,000) and Poland (76,000).³

Since the late 1970s and accelerating in the early 1990s, Chinese migration changed almost beyond recognition. Some old overseas Chinese areas have capitalized on their overseas links and have turned into commercialized migration configurations with a truly global reach. In these areas, emigration has become virtually universal: migrating abroad is the number one choice for success for all but the very rich, the very poor, the very young, or the very old. Simultaneously, emigration has also become a much more generally available avenue for social mobility across China's (mainly urban) working, middle and upper classes. Here, unlike the commercialized overseas Chinese migration configurations, emigration is far from the only choice that people wish to entertain. Instead, a decision to emigrate follows from diverse educational, employment, or entrepreneurial strategies in which emigration is carefully weighted up against domestic employment, entrepreneurship, or higher education, all of which may also include possible migration elsewhere in China. In other words, these migratory flows have to be understood as aspects of domestic patterns of geographical and social mobility created by the fundamental changes that have taken place in Chinese society, rather than caused by the near-universal "culture of migration" in many overseas Chinese areas. Migrants of this type end up in a range of employment and living conditions. Many aspire to find white-collar employment or self-employment, but, as we will see in section four, a considerable number may actually have to settle for low-skilled work.

Immigration from mainland China was not a concern of the British authorities until the 1990s. In 1989, the UK government adopted the so-called "China policy" that granted "exceptional leave to remain" (equivalent to permanent residency) to any Chinese citizen who was in the UK by June 4th as a response to the Chinese government's crackdown on

3 Figures from the Office of National Statistics (ONS) as reported in *Asian Migration News*, 30 April 2007. Online at <http://www.smc.org.ph/amnews/amn070430/world070430.htm>

the mass protest movement on that day. This policy lasted until 1993. The number of Chinese applicants was smaller than the government expected, but the UK policy towards Chinese migrants tightened up after the mid-1990s with the sudden surge of asylum applications from smuggled migrants, particularly from Fujian.

Like in many other countries, a more recent trend in the UK has been the arrival of urban Chinese, particularly from Northeast China since the late 1990s. Three characteristics of the North-easterners' migration stand out clearly. First, most of the migrants from the Northeast are from large cities instead of the countryside, with Shenyang and Dalian cities in Liaoning province being the most common places of origin. Second, almost all the north-easterners entered the UK legally using a genuine passport and visitor's visa. Since the early 2000s, smaller numbers of north-easterners also come to the UK on genuine work permits as Chinese medical doctors, nurses, slaughters, mushroom growers, manufacturing workers and chefs. The fact that most North-easterners enter the UK legally, thus leaving records with the authorities, does not stop them from overstaying their visa and thus becoming illegal. If legal migrants decide to apply for asylum, they can easily claim that their possession of genuine Chinese passports was made possible by official corruption. Alternatively, as no biometric data is collected in visa applications, migrants can simply throw away their passport and use another name for an asylum application.

Investing in legality: the production of migrants in Northwest China

Student migration played a major role in starting migration from the Chinese Northeast. Many of these students were "working students", whose primary objective was not necessarily to study but to work in the UK. The students not only raised the awareness about the UK in the Northeast, but some also brought their parents to the UK. In fact, some agencies in the Northeast advertised as a selling point that study in the UK would also facilitate parental visits.

The majority of the North-easterners enter the UK on business visit visas procured by specialist migration agents. The reported agent fees vary widely, from as low as RMB 20,000 to as high as RMB 110,000. North-easterners pay much less for migrating legally than the Fujianese for smuggling (RMB 250,000 – 310,000 in early 2007). The price is much lower for those with work experience in a large state-owned enterprise and who look urbane. Peasants, on the other hand, have to pay around RMB 100,000: it requires much more effort and skill to turn a peasant into a business visitor. When asked, a former cadre at the Liaoning Provincial Academy of Sciences who is now running a trading company *cum* recruitment agency in Shenyang said:

Unlike those in other parts of China, North-easterners are well-educated and economically well off ... Since they have an urban background and education, and can get certificates and documents from their work units, their papers look much

better than those of the peasants from the south. Foreigners are happy to process their cases and to give them visas.⁴

To obtain business visit visas, agents work transnationally. On the China side, the migrant has to provide a letter from his or her work unit, a salary slip for more than RMB 3,000 a month, and a bank statement proving access to at least RMB 50,000 while in the UK. If the migrant looks fine but cannot provide these documents, the agent can help for an additional RMB 20,000. If the British consulate in China requires an interview, the agent is responsible for coaching. On the UK side, the agent needs to secure an invitation letter from a company. This is not simple. First, the invitation letters must be genuine, i.e. they must be issued by a properly registered enterprise. Second, for the invitation to look more convincing, the migrant is often invited to participate in a conference, exhibition, or trade fair, rather than for a general visit. The agent then needs to register the hosting firm with the event beforehand. Finally, as we were repeatedly told by agents in both China and the UK, an agent must not use the same firm to issue invitation letters twice in a row, as this would attract suspicion from the authorities. Connections with legitimate companies are often regarded as the most important asset of agents; conversely, maintaining these relationships constitutes the main cost of the business.

Almost all the agents in China we interviewed stated to their clients (migrants) that they do *not* process the cases themselves. The agents stressed the fact that their British partner would be the main party in charge. “We will do all this for you *from the UK*,” one agent in Shenyang declared while his hand made a huge wave signalling a collaboration spanning half of the globe. When we asked a Hong Kong Chinese running an agency in London Chinatown whether he could help bring our friend to the UK, he corrected me immediately: “I don’t do this. Our lawyers in the back do it. We have our backstage (*houtai*). We have people in the Home Office, Immigration Bureau, in law.” His thumb pointed to the back room, a small storage for a Chinese medical shop next door, as if a lawyer in wig and gown was sitting there working furiously.⁵ Projecting themselves as nothing but front shops and stressing that the real power is in other people’s hands may be uncommon for services businesses. However, the migration agents enhance their authority by highlighting a mysterious “backstage” that is ultimately linked to the power of the state.

First-class agencies in China have connections with large state-owned enterprises and are therefore able to provide convincing documents for would-be migrants. Even more important, such agents should also be connected to foreign embassies or consulates in China. Their partners in the UK should have connections with proper companies that can produce “weighty” invitations. “Weight” (*lidu*) is a term commonly used by agents in the Northeast in describing how convincing an invitation is for an embassy or consulate. For instance, an invitation from a well-known firm with trade relations with China carries much more weight than from a Chinese takeaway shop.

⁴ Interview in Shenyang, 22 October 2005.

⁵ Interview in London, 19 February 2007.

Based on their connections, powerful agents often provide “guaranteed visas” (*baoqian*): the agency guarantees the issuing of the visa and normally the migrant won’t be called to the consulate for an interview. The price for guaranteed visa service is much higher than the ordinary service, and agents tend to provide guaranteed visa service only to people with an urban household registration (*hukou*) and genuine work experience in a large state-owned enterprise. The prices for guaranteed service during our fieldwork in the Northeast were RMB 220,000 for the USA, 60,000 for Germany and 70,000 for the UK. In the UK case, the migrant pays half of the money up front, and a final payment when the consulate issues the visa. If the migrant decides to return to China before the expiration of the visa (business visas are valid for 180 days and allow multiple entries), she or he will be refunded RMB 50,000. In other words, the agent charges only RMB 20,000 for the visa application, and RMB 50,000 for the risks to the inviting enterprise if the migrant overstays the visa. The assistant to the general director of a licensed agent in Shenyang explained to us that powerful agents normally rely on someone inside the provincial government or the consulate for running the business, and both the agents and their contacts want to be cautious. “Who would want to lose *this* kind of jobs [in government or consulate]? They think of the long term.”⁶

Less well-placed agents provide “non-guaranteed” or ordinary visa service (*bu baoqian*) with prices as low as only half of “guaranteed” service. Non-guaranteed service mainly caters to those who have difficulties in producing convincing documents, particularly residents of small towns or the countryside. Non-guaranteed visa service does not mean that migrants lose all their money if they don’t get their visa in the end. By the early 2000s it became standard practice that migrants were refunded most of payment if the application fails, except the initial fees for registration with the agency and actually incurred costs. The main problem about non-guaranteed visa service is that it is unpredictable: the agent in the UK needs to wait for an opportune event, and the China agent is dependent on small windows of opportunity when their inside person is in charge at the consulate.

Non-guaranteed visa service requires a much greater investment from the migrant than guaranteed service. For instance, agents without strong “inside” connections sometimes first send their clients to Cyprus, New Zealand, or Australia as tourists to get a record of international travel in their passports, and only then send them to the UK. “Blank passports” (“*bai ben'er*” or “*bai zhao'er*” as they are called in the industry) have a much lower chance of being granted business visit visas. The costs for these preparatory tours are of course shouldered by the migrants, even if they in the end never get their UK visa. Would-be migrants are often worried that non-guaranteed visa service is a scam by the agent to rake in registration fees and alleged costs, which in total can amount to RMB 10,000, without any intention of actually procuring a visa.

Another peculiar source of the north-easterners’ travel legality is the Korean connection of some of them: most self-claimed North Korean refugees in the UK are likely to be

⁶ Conversation in Shenyang, 29 October 2005.

Korean Chinese from the Northeast.⁷ With the aid of agencies run by South Koreans and Chinese, these migrants leave China for the UK on their own Chinese passports. Before going through customs they exchange their Chinese passports for South Korean ones in the UK with a South Korean agent who accompanies them during the flight. As South Korean citizens they are allowed to enter the UK without visas. Afterwards, they apply for asylum by claiming to be North Koreans who had bought the South Korean passports in China. South Korean passports are also reported to be sold to ethnic Koreans in China for a price of RMB 40,000.⁸

“Opening the path”: manufacturers of legality in China and the UK

Liaoning Services for Foreign Travel Ltd., an agent in Shenyang affiliated to the Liaoning provincial government, was a pioneer in sending migrants to the UK on work permits. In 2004 and 2005, the company sent out more than 50 workers; in early 2005, they planned to place another 240 workers by May 2006. Liaoning Services charged RMB 110,000 per worker as a basic fee. In addition, the migrant pays for training and other costs. For instance, a migrant who is prepared to move to the UK to work as a slaughterer needs to practice on two cows in order to master the basic skills as a slaughterer, the cost of which is RMB 5,000. When we said that RMB 110,000 sounded high, the founder and legal representative of Liaoning Services, who also was an official of the local Overseas Chinese Affairs Office, stood up and said: “This is *completely* legal! [...] You can spend 30,000 on a business visa, but you will have to become illegal later. With us you don’t need to worry at all.” Legality clearly is manufactured in different degrees and kinds, all of which carry their own price tag.⁹

Our informant was upset also because manufacturing a fully legal work permit really does cost a lot. A lawyer in London charges £3,000 (RMB 52,000) for a Chinese application for a work permit. Normally the migrant pays £800 up front, a further £1,800 when the process starts, and an additional £400 for job advertisements. According to UK regulations, an employer wishing to recruit an employee from abroad has to provide the advertisements as proof that they have been unable to find British or other workers with the right to work in the UK, a task that is commonly taken care of by the lawyer. On top of that, Liaoning Services pays RMB 20,000 to certain staff working in the UK consulate in Shenyang for each visa issued to his clients.¹⁰

Our informant at Liaoning Services started the work permit business with an investment by one of his friends, a China representative for a large international pharmaceutical company. This friend had visited the UK a few times and got to know a Pakistani who

⁷ Interview Professor Hyun Mee Kim of Yonsei University, South Korea, Oxford, 8 February 2007.

⁸ Radio Free Asia. 2002. Smuggled Chinese in the UK (Zai Yingguo de Zhongguo Touduke) May 22. available at <http://www.rfa.org/cantonese/zhuanti/2001/05/22/56885/index.html?simple=1>

⁹ Interview, Shenyang, 1 November 2005.

¹⁰ Interview, Shenyang, 1 November 2005.

runs an agency in London. The Pakistani introduced him to a law firm that specializes in immigration with headquarters in Dublin and a branch in London. The friend persuaded another person in Shenyang to join, and the two invested RMB 2 million, mainly to develop connections with consulates and to pay the London-based lawyer. As the two investors are not specialists in migration and have no licensed companies to process documents, they asked Liaoning Services to take care of the business. Liaoning Services charges a certain percentage as commission. This kind of investment to develop transnational chains to facilitate migration is called “opening the path” (*kaifang xianlu*) in the industry.

The chain works like this. The Pakistani finds companies that wish to employ Chinese workers. He then contacts the lawyer. The Pakistani charges RMB 15,000 per migrant for himself. Through the Pakistani, the lawyer receives RMB 55,000 for each migrant from Liaoning Services, including a sum of RMB 15,000 that the lawyer says has to be paid to the Home Office. The lawyer prepares the full documentation for submission to the Home Office as well as for the visa application at the British consulate in Shenyang. Liaoning Services transfers money to the Pakistani firm to be passed on to the lawyer. In order to keep a close eye on the process in the UK, one of the two investors has his niece, who originally went to the UK as a student, working in the Pakistani firm.

When asked why he still pays RMB 20,000 to the UK consulate insider when the whole process is completely legal anyway, Zheng said that he did this for the sake of the migrants to reduce the risk of a rejection and subsequent appeal: “We want to send the workers to the UK as quickly as possible. A worker can earn RMB 200,000 a year in the UK, and we can earn 20,000 once they can go. I would rather pay the extra 20,000 to make sure that the workers can start earning money early.”

The heavy investment has paid off. After the first batch of workers started remitting money back, their relatives and friends approached Liaoning Services as well. No one was bargaining about the price. Liaoning Services now charges the workers upfront, and the UK side no longer demands in-advance payment. Liaoning Services is also sending workers to Italy, mainly as porters and chefs, again through the same Pakistani agent who has an office in Rome that places East European migrants in Italy.

Legality is not only manufactured for prospective migrants in China. Migrants and their employers who are already in the UK also need professional help to maintain or create their legal status, a testimony to the immigration “arms race” between migrants and the state referred to in the introduction of this article. The immigration business has flourished in the UK since the mid-1990s. As the government tries to clamp down on “illegal” or “undesirable” immigration by erecting ever higher regulatory barriers, employers rely increasingly on specialist law firms in dealing with immigration issues.¹¹ In 2005, 40 per cent of all work permit applications to the Home Office were made by

¹¹ Interview with Elspeth Guild, Singapore, 28 December 2005.

representatives on behalf of employers.¹² “There have been immigration solicitors ever since there was immigration regulation”, a London-based lawyer specializing in Chinese immigration, commented, but immigration solicitors are indispensable now with the regulations becoming ever complicated. The UK Home Office changes rules twice a year, and the lawyer admitted that even he cannot keep abreast of all of it. “Everyone wants to stay legal as long as it is possible. But probably as many as 70 per cent of the migrants who come legally do not have the complete documents that meet all the requirements of the UK government. [...] You really need a legal representative in order to have a good chance to be successful.”¹³

Registered solicitors, the only party authorized by the Home Office to be the legal representative of migrants, are an essential link in the business of manufacturing legality. However, some migrants never meet the solicitor who is their formal representative. Instead, they deal with their solicitor and the Home Office through an interpreter, usually a Chinese with several years of residence in the UK. Interpreters are in actual fact much more than that, taking on many of the tasks of a solicitor. The interpreter introduces the migrant’s case to the solicitor that he or she works with. The interpreter also accompanies the migrant to the Home Office and other government departments when the migrant is called for interviews. Interpreters charge fees on behalf of the solicitors, earning a certain percentage themselves. They also charge for other services that they may be asked to provide separately (such as preparing documents and interpretation for interviews), usually £100-300 a time.

“Visa agents,” are institutionally positioned between solicitors and individual interpreters. They are not qualified solicitors, yet they are more formal than interpreters and often have registered businesses and offices. They commonly reside in Chinatowns and advertise in Chinese newspapers. Very few agents provide comprehensive service including facilitating entry, finding jobs and accommodation, and sorting out long-term status; instead legality is offered piecemeal. Many agents in the UK provide supplementary documents needed for creating or maintaining legality. Business visitors need to declare their address in the UK at their point of entry into the UK; asylum seekers likewise must give an address to the authorities in order to obtain temporary residence. To provide for this need, agents “hire” addresses from those who have resided in the UK for a long period of time for a fee of £300. They then rent the address to solicitors, snakeheads, or other types of immigration brokers for £500.¹⁴

China-England Consultancy, which was set up by a student who came from Tianjin, charges £200 for a chef qualification certificate from vocational colleges in China, and £150 for a letter from a hotel that is authorized to host foreign guests in China. He does this through collaboration with a partner in Tianjin. The most difficult part in the business, he said, is to decide how to divide the profit between him and the Tianjin partner. As the

¹² Home Office. *Partial Regulatory Impact Assessment for the new Points-based System*. 2005, 6, para 32.

¹³ Interview, London, 19 February 2007.

¹⁴ Interview, London, 19 February 2007.

Tianjin partner needs to find new (i.e., different from the one they used) colleges and hotels constantly for the documents, the cost varies from case to case; but on his end he wants a relatively stable price for the client.¹⁵

The evidence presented in this section shows what “migration management” means at ground level. From the perspective of migrants from the Northeast of China “migration management” is synonymous with commercialization and professionalization. Migrants quite simply employ professionals who “manage” their migration for them, rather than the state “managing” the nature and number of migrants that are allowed into the UK. The commercial sector manipulates and creates the relevant biographical evidence to fit the categories of the UK’s immigration policy, turning “illegal”, “unskilled” and “unwanted” individuals into “legal”, “skilled” and “useful” immigrants or visitors. From the perspective of policy makers this may be no more than a problem of execution: the policy is right, it just that it isn’t properly carried out. Solutions ought therefore to be sought in stricter enforcement, closing loopholes in the rules, ferreting out corrupt consulate personnel and more sophisticated technology (i.e. the “e-borders” project of the British Home Office).¹⁶ No doubt such measures will have a certain effect: the manufacture of legality will have to keep up with the changes, as a result the price of manufactured legality will rise and fewer migrants will be able or willing to pay. Yet we doubt that such migration “management” will achieve its stated objective of proactively selecting who it wishes to let into the country and on what terms: not the most “useful” or “wanted”, but simply the most clever, stubborn, lucky, or wealthy will continue successfully to manage their own migration. The commercialization of migration has created an elaborate professional sector that specializes in matching the state’s efforts and dodging whatever new hurdles it puts in the place of migrants. In the end, we predict that migration management will simply boil down to a bureaucratic and technological arms race and spending war with no clear end in sight.

However, our bottom-up look at Chinese migration does not only reveal the fallacy of the concept of “management” when it comes to controlling international migration. We also question the more fundamental assumption that the state ought to manage migration by focusing its efforts on controlling a highly porous border. International migration is, after all, predominantly driven by real or perceived demand for immigrant labour, and it is extremely questionable to argue that the state is better able to gauge demand than the market. In the next section, we look at employment patterns of illegal Chinese immigrants in the UK for an ethnographic view of labour “demand” and “supply.” We will show that, much like the concept of “legality”, “demand” for immigrant Chinese labour does not exist externally from the practice of immigration and immigrant employment: immigrant labour *creates* its own demand, thereby changing the very structure of the economy itself.

¹⁵ Interview, London, 13 September 2004.

¹⁶ On e-borders, see for instance <http://press.homeoffice.gov.uk/press-releases/Cutting-Edge-Technology-To-Secur> and <http://www.ind.homeoffice.gov.uk/aboutus/eborders/>, both checked on 18 May 2007.

Migrant labour in the UK: beyond the ethnic enclave

The increased influx of illegal or visa-overstaying migrants from very diverse backgrounds has not only altered the composition of the Chinese population in the UK, but also its employment patterns and structural position in the British economy and society. In the late 1990s, the first signs of diversification of employment among Chinese migrants were already visible. By the mid-2000s, although the Chinese catering trade and ethnic sector still remains the main area of employment, Chinese migrants who do not enter as students or skilled immigrants have become highly enterprising in exploring possibilities elsewhere, mainly in agriculture, cockle picking and food processing, manufacturing, construction and repairs, prostitution and hawking. Chinese journalists, community activists, solicitors and agents whom we interviewed conceptualized these changes as the problem of “absorbing” (*xishou*), “digesting” (*xiaohua*) and “dissolving” (*rongru*) new Chinese migrants, including the Fujianese who also increasingly seek job opportunities outside of the ethnic sector. Even within the Chinese sector, few migrants limit themselves to pre-existing familial or local networks in their search for jobs, and Chinese migrants experience a very high level of mobility in employment.

In the course of our interviews with illegal migrants we found that their employment career follows a reasonably set pattern, despite frequent opportunistic shifts from one type of employment to another, and despite the very different operations of immigration facilitators in Fujian and travel agencies in urban China that brought them to the UK to begin with. Most immigrants had at least one contact in Britain upon arrival, usually a person from their own hometown or area, to help them get started. The minority of migrants who arrived without any contacts usually relied on their snakehead for a first job and a place to stay. However, this definitely was not the preferred option, as these people ended up in even lower paid jobs than other recent arrivals and sometimes even had to pay an additional fee to the snakehead for this service. Almost all immigrants’ first paid employment was in the catering trade, mainly in restaurants as a kitchen help, and usually in London. These jobs typically earned from £100 to £150 a week plus a bed in a room above the restaurant and two meals. Working hours were the normal ones for legal and illegal employees alike in Chinese restaurants: 10-12 hours a day, six or sometimes even seven days a week. Most migrants we interviewed left their first employment within months, weeks, or even days. In the catering trade, both employer and employee are expected to give only a week’s notice and employees get paid by the week in cash. Some resigned, citing low pay, hard work, bullying by the owner or first cook, and inability to understand either Cantonese or English as the main reasons. Others were fired when the owner or first cook found another, even cheaper illegal migrant, or a friend, relative or somebody from their own native area to take their place. After their first job, some migrants continued with similar jobs in the catering trade, usually at marginal higher pay, interspersed with shorter or longer periods of unemployment. Such migrants in particular felt utterly dependent on the vagaries of the market for cheap illegal labour, especially since relationships with employers in most cases continued to be purely transactional.

However, many migrants very soon after their arrival began to explore other types of employment outside the catering sector working for non-Chinese employers that have

emerged since the mid-1990. As we saw at the start of this section, in their search migrants frequently drew upon the services of professional Chinese or non-Chinese agents. Such employment offered pay comparable to the unskilled jobs in the catering sector, or in some cases even less. Types of employment mentioned by our interviewees include seasonal agricultural work (cherry picking, lettuce harvesting), food processing, cleaning, industrial assembly and garment manufacture.

At an informal level, migrants often sell jobs to fellow migrants. When a worker finds a greener pasture elsewhere, he recommends a friend to the boss as replacement before moving on. If the boss agrees to hire this friend, the latter pays the former a fee of £100-£200. More than one interviewee cited this as an example of the sad side of working abroad – the commodification of friendship, or, in their words, the loss of the sense of human obligation (*meiyou renqing weir*). There are also a few registered, and many more unregistered, Chinese placement agents. Some agents are connected to restaurants in Chinatown, while others operate outside of Chinatown. One north-eastern man, for instance, organizes labour gangs of between 10 to 50 workers to serve large events, such as music fairs or exhibitions. He spoke some English and also had contact with a British placement agent. When he gets an assignment, he calls a few students, who in turn bring their friends over. Lastly, non-Chinese employment agencies also place Chinese migrants.

Thames Oriental Manpower Management owned by Mr Sung Chul Lim, who claims to be a political refugee from North Korea, is probably the best known of such agencies. Starting as a one person shop, the agency linked up with Samsung UK, which subsequently outsourced the recruitment for all its factories to Oriental Manpower. Oriental Manpower charges a worker £100 for registration – a standard practice of all legitimate agencies in the UK – to create a work permit and National Insurance number without which factories are not allowed to employ the worker, often using photocopies of genuine documents. Across the UK, Oriental Manpower disappeared from public view in early 2004 after one of its workers, from Heilongjiang, died after stamping the word Samsung on microwave ovens for 24 hours in 2003.¹⁷

Chinese gangmasters, often illegal migrants themselves, work as subagents for larger agents by bringing in or supervising workers. In order for the workers to be accepted by the agent, the gangmaster has to provide proper papers, including passports that are sold to the workers for £400-£500 per piece. Apart from this business of “status manufacturing”, the gangmaster makes money from commission paid by the agent, and by charging the workers for accommodation, transport and registration. Migrants are completely free to walk away and turn to another gangmaster or agent (they own the identity papers that they paid for), but will have to pay a registration fee of about £100 every time they register with a new agent.

¹⁷ Based on an interview on 1 February 2007 in London with a Chinese journalist who interviewed a group of Chinese workers in Hartlepool in February 2004. See also “Tragic death that uncovered the shadowy world of Britain's hidden Chinese workers,” by Hsiao-Hung Pai and David Leigh, *The Guardian*, 13 January 2004.

Gangmasters played a central role in the cockle picking industry that has become an important occupation for recent Chinese migrants. Although the public media portrayed the Morecambe Bay tragedy of early 2004 as an inevitable consequence of migrants' illegality and the workers' slave-like status submission to snakehead-Triad-criminal gangs¹⁸, in fact the operation was not completely illegal, nor were the migrants enslaved. For instance, the gangmaster held the necessary permits for the picking, and two of the nineteen dead were white Europeans.¹⁹ One Morecambe resident was quoted to report that

There were always white men there, wearing ripped jeans, well built and looking tough...They had Liverpool accents and circled the workers all the time. There would be a pick-up truck collecting the cockles and bagging them. At the end of the day a smart man in a Land-Rover would drive up and hand the bags to others. It was like something out of a movie.²⁰

There were still other actors between the smart white men and the Chinese. Chinese cockling gangs faced resentment from British pickers, and most fish processing companies in the area did not want to get into trouble by buying cockles directly from the Chinese. Thus the Chinese gangs often relied on English-speaking Malaysian Chinese to sell their cockles.²¹ Some British cockle pickers, too, started buying cockles from the Chinese, selling them on to companies. Instead of criminal syndicates that coerce and control powerless Chinese workers, what emerges are loosely structured networks of Chinese and British operators that bridge the world of illegal migrant-workers and mainstream society. The working conditions for the migrants are undoubtedly inhumane and exploitative, but they enter employment voluntary and are free to leave at any time.

Work for illegal migrants in cleaning, agriculture, or industry through agencies entails overly long hours for little pay, exploitative conditions, very few if any rights, and no job security. Work is sometimes also physically extremely demanding. For instance, ironing clothes in a garment workshop was considered so hard that it could not be done for more than one year at the very most. In this neo-proletarian segment of the labour market workers are treated as what Karl Marx called "free" labour, free from any social ties and

¹⁸ For instance, Anuska Asthana and Tony Thompson. "Evil gangmasters who rule the cockle slave trade by fear", *The Observer*, 8 February 2004.

¹⁹ "Victims of the sands and the snakeheads: 19 Chinese drown half a world away from home. The gangs behind the tragedy are on the run." (reported by Felicity Lawrence, Hsiao-Hung Pai, Vikram Dodd, Helen Carter, David Ward and Jonathan Watts in Fujian province), *The Guardian*, 7 February 2004. The article states that "Rescuers pulled 19 bodies, including two women, from the waters and 16 survivors. Police said 14 were from mainland China, of whom nine were asylum seekers and five were unknown to the immigration service. Two were of white European appearance."

²⁰ Anuska Asthana and Tony Thompson. "Evil gangmasters who rule the cockle slave trade by fear", *The Observer*, 8 February 2004.

²¹ Hsiao-Hung Pai, "Inside the grim world of the gangmasters", *The Guardian*, 27 March 2004.

obligations, free to compete with other workers, free to be employed and fired at a moment's notice, and free from any requirements of skill or experience (Marx and Engels 1965, chapter 3). Neo-proletarian employment conditions, in other words, reduces immigrant workers to "pure" labour deployed anonymously for the realization of value without concern for their humanity or specific assets or demands that they may bring to the workplace. In neo-proletarian employment in contemporary late capitalist societies, in other words, a mode of production and exploitation is realized that is free from the fetters of the welfare state, and is strikingly similar to early capitalism as portrayed by Marx (Marx 1958).

However, as far as the Chinese are concerned, the neo-proletarian sector of the economy does not exist independently from the traditional ethnic sector: Chinese workers submit to the conditions of the neo-proletarian sector because the ethnic economy has nothing better to offer. Conversely, for the British economy the spread of neo-proletarian employment has meant that the forms of exploitation of Chinese labour that were formerly restricted to the ethnic enclave have become accessible to other sectors as well. Neo-proletarian employment was for none of our interviewees a long-term prospect. The risks, transience, and low pay made it a form of survival and a means to pay back their migration debts. With no savings or social security to fall back on, illegal immigrants have to stay employed at all costs, and our interviewees tended to move back and forth between unskilled jobs in the Chinese catering trade and the larger neo-proletarian labour market. They remained at the mercy of the vagaries of these labour markets, including those caused by the unpredictable changes in government policy and policy enforcement. After the incident in 2004, for instance, there was greater risk to cockle pickers in Morecombe Bay of being identified by the authorities as illegal immigrants, and many cockle pickers turned to other forms of employment, including catering. They did so despite the requirement imposed upon employers in the same year to check the employment status of employees that suddenly made traditional informal employment practices in Chinese restaurants much more risky (Beck 2007: 148-150).

None of our interviewees reported that they had been forced into any form of employment by snakeheads, legal or illegal gangmasters, or criminals. The picture here is in fact identical to the situation regarding smuggling: migrants enter into employment voluntarily and can leave whenever they want. Even interviewees who continued to be in debt with snakeheads were never forced to work, although they were reminded of their obligation to pay, which in two cases had led to severe beatings and injury. Although some snakeheads have branched out into organizing labour gangs, only in a few cases we encountered connivance between gangmasters and snakeheads to keep workers under control. Nevertheless, illegal Chinese working for British or other non-Chinese employers or gangmasters quite frequently suffered verbal or physical abuse, general ill-treatment, non-payment of wages and arbitrary deductions of fees. A further hazard is protection rackets by local Chinese criminal gangs that prey on illegal Chinese, particularly when they are concentrated in labour gangs and provide an easy target. This is an important point, as it shows that there are serious issues with the neo-proletarian sector of the British economy, in large part dependent on an abundance of illegal immigrant labour, in general. Workers put up with squalid living conditions, hard work

and low pay simply because it is better than no work at all. In sum, immigrants voluntarily enter and decide to stay in often seriously exploitative and dangerous situations: as Marx already said, a free labour market makes coercion simply unnecessary.

Despite the fact that migrants move back and forth between the ethnic and neo-proletarian sector, it would be incorrect to think that employment in non-Chinese sectors of the economy merely supplements traditional ethnic enclave employment. Even if we limit ourselves, as we do in this article, to illegal immigrants who operate in a situation of great disadvantage, Chinese migrants have inserted themselves much more broadly (and possibly also permanently) in the British economy than ten years ago. Neo-proletarian employment has propelled Chinese migrants into mainstream society and, although many return to the ethnic sector at some point, many others eventually find other types of employment that, from their perspective, are less mercilessly exploitative and insecure, although not necessarily less illegal or dangerous.

After several jobs in catering, agriculture, food processing, or the garment industry and usually after two or three years in the UK, many Chinese immigrants managed to upgrade their employment. However, only one of the 35 immigrants we interviewed had managed to achieve the traditional token of success for Chinese migrants, namely owning their own restaurant, which she in fact subsequently had to abandon again. Some immigrants followed the traditional path of upward mobility and became skilled restaurant cooks, particularly those with a background in catering in China. However, many of the men branched out into construction, quite often because they could put to good use skills learned in China. Usually working for non-Chinese building companies, they could make at least double the amount (typically £250 - £300 per week) that unskilled work in the neo-proletarian labour market would earn. Just as importantly, this type of work gave them much more independence, freedom of movement and security. They also often appreciated the greater contact with British society and the opportunity to learn some English. All of this added to a sense that their migration project had succeeded.

Eventually, Guo discovered that building work is a good option. He got together three other Chinese and formed a team. They looked everywhere for building work. Guo was doing well as a builder. He took up contracts in Birmingham for many months, and then back in London again, flooring and tiling in private houses. There seemed a lot of building jobs around and he was making around £50 per day. Although it's much lower than what eastern European builders get, he said, it is a lot higher than working for gangmasters in agriculture or food processing. For one year, he and his team were provided accommodation by their employer in the building they were working on in west London. The house was poorly facilitated, but Guo and his friends built a two-room extension there. He is enjoying his work.²²

Construction was not an option for women, though, and more than men they tended to remain in the catering trade or other forms of unskilled employment. However, for some women prostitution has become a way out of such employment in quite a similar way to

²² Interview, London, June 2006.

work in construction for men. Like in many other European countries, Chinese prostitution has become a common phenomenon, catering both to East and Southeast Asian or British customers and working for or through Chinese or British brothels or pimps. The three prostitutes we interviewed had turned to this line of work only after having been in other types of employment in the UK: none had been trafficked to work in the sex industry and felt that they could terminate their employment if and when they wished.²³

Kelly is 40 years old. She comes from the city of Tianjin in North China. Kelly is divorced with one son of 15. In Britain, Kelly moved from job to job in the catering trade. Then the opportunity came. Kelly got acquainted with a Tianjin man through a friend from Tianjin. This man had just opened a massage parlour in north London. There were only two women working there. She decided to take up the job without much thinking. She felt it was the right thing to do. Why work like a slave for nothing, when you can work like a slave for much more, she said. Kelly moved to the room provided by the massage parlour owner. Work is hard, but she manages. She works 8-10 hours a day, and has one day off in the week. She has her three meals cooked for her by the receptionist-caretaker. She said she got used to earning money quickly. She was able to pay off her migration debt within a few months, and afford a reasonable standard of living. She has been in the trade for two years, and has no plans for the future but stay in the trade.²⁴

²³ This conclusion from the migrant interviews is, in general, corroborated by the evidence given by the police officers who were interviewed for this project. They too had not encountered cases of involuntary employment or trafficking among Chinese. One police officer did in fact express a certain amount of surprise at this, as involuntary employment and trafficking were common among many other immigrant groups. The exception was the Joint Intelligence Unit in Kent. In the past two years (2005 and 2006), the unit has been working on eight Chinese cases of trafficking and abuse in prostitution. These cases usually involved women recruited in China for prostitution in the UK. Although their initial recruitment tended to be voluntarily, once in the UK these women's migration debt, threats and abuse left them with little choice but to work for the Chinese or British brothel owners who had acquired them from their smugglers. Chinese prostitutes were moreover frequently trafficked *within* the UK, and were treated as commodities that could be traded, bought, or sold. However, it should be emphasised that these cases proved to be extremely difficult to prosecute. The women involved refused to give evidence to the police, and moreover always voluntarily returned to the brothels of their employment upon release. In addition, the Kent unit also knew of cases of involuntary employment of Chinese outside prostitution. In one such case, migrants after having been smuggled into the country were handed over to a Chinese gang who put them to work in a Chinese restaurant. In order to keep them under control, the original smugglers had arbitrarily raised their smuggling fee by £1000 and charged a usurious interest rate.

²⁴ Interview, London, June 2006.

Several of our interviewees reported that the clampdown on illegal employment and gangmasters had made them decide to explore yet other possibilities, sometimes on the other side of the law.

Zhou laughs: “In actual fact I have done a great many things, originally I didn’t want to tell you, but it doesn’t matter. I have also grown weed ... I lost a great deal of money on that! Almost 2,000 pounds” ... He says that he has sold counterfeit cigarettes and shoes, and pirated DVDs. “The shoes were fake Nike, they were bought wholesale from Fujian for £13 a pair and sold for £18 a pair to a South Asian. They rented storage room at the home of an Irishman. But this man stole what was entrusted in his care. They didn’t dare report this to the police and had to leave it at that. “Again I lost money. The counterfeit cigarettes were from Guangdong, we got them for £4 a carton. The pirated disks came from Malaysia, and they sold them in the streets, making £150 a day.”²⁵

Most frequently mentioned was hawking counterfeit DVDs, thereby arguably ending up even more in illegality. Hawking Chinese cigarettes has been common in London Chinatown since at least the early 1990s, but the market of DVDs is much greater as it is not limited to Chinese. Like hawking cigarettes in Chinatown, selling DVDs is highly opportunistic and individual: a hawker only has to deal with the supplier of pirated DVDs and on a good day can easily earn £50 or more. The main risks of this trade are apprehension by the police and, much more seriously, robbery and beatings by local youth gangs. Hawking was perceived to give greater freedom: unlike working for gangmasters, you can choose where and how long you work. Hawkers are only accountable to the criminals who provide them with smuggled Chinese cigarettes or counterfeit DVDs.

My life is based in Chinatown now, we have so many people from our own area here, and I sometimes even forget I am in London ... A friend from our village introduced me here. Her sister’s husband is one of the main wholesale distributors of these cigarettes. We get cigarettes from them first ... The police have tightened their policy on us. It used to be safe to have several cartons on you, but not now. We can only bring two or three packs of cigarettes as samples. If you are caught, they can’t use these as evidence against you ... We sell for 21 pounds a carton, which is half the price in shops. No one wants to or dares to accept a cheaper offer. We have three groups of Fujianese who sell cigarettes now, but all the cigarettes come from the same guy. We have our own rules. You would be kicked out from Chinatown if you try to take business from others by cutting the price ... All the hawkers work under his control ... He has been here for a long time and is quite influential in Chinatown. He dominates the market now I guess. He might be the only one in Chinatown, or even London.²⁶

²⁵ Interview, London, June 2006.

²⁶ Interview, London, December 2005.

The upsurge and diversification of Chinese migration has made for fundamental changes in Chinese employment and entrepreneurship in the UK. Particularly because of the dispersed nature of the Chinese catering trade, the UK's traditional ethnic economy never fully confirmed to the model of the "ethnic enclave" as proposed by Portes and his co-workers: a separate segment of the labour market characterized by residential concentration, institutional completeness, co-ethnic employment, and high levels of enforceable trusts between co-ethnic business partners, clients and employees.²⁷ However, as in Portes' model, the British-Chinese ethnic sector provided employment and opportunities for upward mobility to recent migrants with limited skills relevant to the mainstream economy, and first generation migrants only sporadically ventured outside the Chinese ethnic sector in search of work or investment opportunities. Recent developments have made the ideal type of the ethnic enclave even less applicable. Sure enough, Chinese restaurants are still almost exclusively staffed by Chinese. "Enforceable trust" applies to at least certain aspects of employment relations: non-payment of wages still happens very rarely within the ethnic sector, despite that fact that it is very common in the non-ethnic neo-proletarian sector. However, workers and employers are as a rule no longer from the same area of origin, and their relations are purely transactional and ephemeral. Services, mutual help and social relations within the ethnic sector have become commercialized and professionalized. Most importantly, recent illegal immigrants find it very hard to get ahead in the ethnic sector. As outsiders to the established community, they have limited access to business opportunities, credit, information and help. Most immigrants remain stuck in marginal, lowly paid employment with little hope of opening their own business or even getting a more stable and better paying job.

Furthermore, changes in Chinese immigration have connected the Chinese ethnic labour market with a growing non-ethnic neo-proletarian one, where wages and conditions are, if anything, even worse than in Chinese restaurants. In this regard, Chinese illegal immigrant labour, together with legal and illegal unskilled immigration from many other parts of the world, has fuelled a fundamental change in the British economy made possible by a partial deregulation of the labour market since the late 1970s. Chinese migrants have also made some headway in moving out of ethnic or neo-proletarian employment altogether. Their work as builders, prostitutes, or hawkers is testimony to the increasing diversification of Chinese employment in the UK. Despite the marginality of these activities in mainstream eyes, to these Chinese themselves they entail more direct and independent participation in the non-Chinese economy and a sense of personhood and success that was denied to them when they were employed as "pure", anonymous and disposable labour in the ethnic or neo-proletarian sector.

²⁷ For the original "ethnic enclave" argument, see Wilson and Portes 1980; Portes and Bach 1985. Zhou 2004 provides a useful restatement and elaboration of the original argument and model.

Conclusion: realities and perceptions of Chinese immigration and employment in the UK

Our study of recent trends in Chinese undocumented migration to the UK has given us a window on some fundamental changes in the world economic order. We have found that the new Chinese migration transcends the old ethnic economy. Conversely, as Schierup, Hansen and Castles have pointed out, a “post-Fordian” capitalist sector has grown in the developed world that goes beyond ethnic boundaries (Schierup, Hansen et al. 2006, chapter 9). Part of the economies of developing countries that is based on labour-intensive production, simple technologies and high levels of exploitation now moves (back) to the developed world, made possible by the deregulation of the labour market in the developed world and the increasing level and the commercialization of international migration.

The current dominant migration discourse in the UK is not in tune with this trend. It therefore fails to do what it says it should do, namely regulate and manage migration. Instead, it has created a mythical landscape of manageable migration that naturalizes the discursive categories that are used to act on migration. The discourse presents migration as an external force whose impact upon the receiving society can somehow be managed without migrants themselves having a say in it. In this article we have tried to show that the carefully sanitized arguments about managing migration fly in the face of the messy ethnographic reality of Chinese immigration to the UK. British “needs” do not exist prior and external to immigration itself. In reality, Britain is integrated in a globalized market for all kinds of (skilled and unskilled) labour. This, together with the neo-liberal deregulation of the domestic labour market, has given us an economic structure that generates demand for labour quite independently from electorally expedient assertions about what Britain might or might not need.

The yawning gap between immigration rhetoric and reality not only means that illegal migrants continue to flow into the country undetected “through the back door”, but that the ostensibly carefully managed “front door” of migration has also become a major point of entry for all kinds of migrants, “desirable” or not. Migration management does not mean that the state, on behalf of the nation, manages who gets in and who doesn’t, but rather that prospective migrants have to employ a range of specialists (in the UK and abroad) to manage their migration for them. In the final analysis, migration management achieves the exact opposite of what it claims to do: controlled immigration and a fully legal immigrant workforce. By continuing to limit the opportunities for legal immigration and employment in the UK, the majority of prospective immigrants have no choice but to migrate wholly illegally or to manufacture their “legal” status. As a result, one consequence of managed migration paradoxically is that its restrictions on immigration create a continuing presence of illegal immigrants, thereby maintaining the highly exploitative conditions of the ethnic and neo-proletarian sectors that are more reminiscent of Britain’s Dickensian past than a Blairite or Brownite future.

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