

SESSION 8 :

Migration

Labor Relations with the 'Western Expatriate:' Domestic Workers as Ayahs, Maids, and Nannies in the Globalizing Economy of India

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ABSTRACT:

In India's post-liberalizing economy, domestic work is the largest and fastest growing sector for female employment. While domestic service is the one profession within reach of so many low-income women, a lacuna in the anthropology of Indian labour studies are the subjectivities of domestic workers via the global labour markets in which they operate. Hitherto the debate on domestic work in India has principally engaged with Indian employers, local households, and migrant employees in labour relations. However, in response to the global recession, the migration of Western expatriates into India who are seeking economic opportunities is augmenting a niche specialized market for skilled, educated, and English-speaking female domestics. This market is enhancing new work roles, upward mobility, international migration, and different ways of organizing labour relations in localized contexts. An assessment of these cultural dimensions and historical transmutations of domestic worker-expatriate employer relationships will significantly broaden our understanding of global domestic work. Drawing on detailed ethnographic field-work in New Delhi, domestics and their mobile expatriate employers are brought into critical scrutiny in this article through the intersections of gender, class, caste, race, and nationality.

We want an English-speaking all-rounder, who will develop a loving relationship with our child. Along with childcare, her duties will involve cooking, shopping, cleaning, and laundry. She should be able to help with homework and after-school activities. As we travel frequently to the US, she will need a valid passport. She must provide credible references from expatriate families.

- *Expatriate mother advertising for an all-rounder domestic*

INTRODUCTION

Master-'servant' relations in India have a long history and transcend the colonial and post-colonial eras. Servants or domestics known as '*ayah*,' 'maid,' 'cook,' 'sweeper,' 'driver,' '*mali*' (gardener), and '*chowkidar*' (guard) signify class and caste distinctions. Currently, domestic work that covers all forms of domesticity from cleaning to child care is the largest female profession in urban India; in 2004-05, 4.75 million workers were employed by private households, among which 3.05 million were women. Even while employment statistics in India show a disturbing decline in female labour force participation, domestic work is flourishing.¹ Primarily, the majority of domestic workers employed in Indian households are low-caste and tribal migrant women. An economically marginalized group, domestics have no protection under labour laws and lack social security provisions. Neetha and Palriwala (2011) underscore how the gender, class, caste, and other social demographics of domestic workers accentuate their invisibility and devaluation.

¹The National Sample Survey Organization (NSSO) 2004-05, is the lead source for this information. Compared to earlier surveys, the NSSO has paid particular attention to the statistical documentation of 'paid domestic work,' by including categories such as housemaid, cook, governess, and baby-sitter. The survey validates a dramatic increase in the numbers of female domestic workers, especially in the housemaid/servant category. The dramatic increase in domestic workers is confirmed by the sizeable growth in recruitment bureaus.

In the early 21st century large numbers of women across the world are similarly entering domestic service jobs. In its Report of *Domestic Workers Across the World*, the International Labour Organization (ILO) estimates that in 2010 at-least 52.6 million men and women were employed as domestic workers, with female domestics outnumbering men in all countries (ILO 2013). Helma Lutz (2002: 2) postulates that in first world countries, domestics have made a resurgent ‘comeback’: “How can an activity that had certainly been deleted from the register of occupations by the end of World War II have made such a vigorous comeback in West European households?” There is evidence that the Western au-pair system whose genesis was that of a cultural exchange between a host family and student has become a guise for domestic work, with au-pairs increasingly perceived as housemaids (Hess & Puckhaber 2004). Today’s domestic workers are migrant women of Asian, African, Latin America, and Eastern European origin (Lan 2003; Lutz 2002; Ogaya 2006; Parannes 2000; Yeoh et al 1999). Arlie Hochschild’s (2000), ‘the nanny chain’ exemplifies how global capitalism creates a third world supply of mothering. The globalization of domestic work has brought about the feminization of transnational migrant movements, reinforcing stereotypical gender roles, and stratification amongst women. Once more, the social origins of transnational domestic work intersect with gender, class, race, nationality, and ethnicity.

What explains the phenomenal rise of global domestic workers worldwide? First is the hypothesis that for middle-class dual-earning couples, domestics are ‘bought in’ to balance demanding careers with nuclearised family life (Hochschild 2000; Hutton & Giddens 2000). Domestics replacing the unpaid labour of the ‘house-wife’ are no longer the preserve of bourgeois families; middle-class women who have entered the work force in large numbers depend on domestics to sustain the household economy. Working women in Singapore view domestics as a ‘necessity’ and not a ‘luxury’ if they are to engage in paid work (Yeoh et al 1999: 120). Second, given the insufficiency of public care provisions for the elderly and children, in many countries domestics today fill in for the care economy. Third, scholars have equated domestic work with growing class formation. Ray and Qayum’s (2010) anthropological study on modernity, domesticity, and class is one of the first that captures the unbroken history of servitude in Kolkata. This study illuminates an interesting paradox whereby low female labour force participation is combined with ubiquitous hiring of domestics. The authors argue that domestic servitude is tied to Indian employers’ aspirations to maintain middle-class status. A parallel argument has been made for Filipina domestics who have become status symbols for Taiwanese employers (Cheng 2004).

Post Colonial Migration and Domesticity

The trend for expatriate professionals and entrepreneurs entering India and upon whom this article focuses brings transnational lifestyles, an English-speaking domestic worker, and the gender division of labour into new analytical territory. Expatriates from Western countries are exploring markets in India leaving behind economies in recession.² Despite the emerging plethora of texts on South Asian globalizing cultures, there is surprisingly little anthropological inquiry on expatriate

²Gottipati’s (2012) “Expatriates Flock to India Seeking Jobs, Excitement”, indicates the global demand for Indian work visas. In San Francisco, Indian visas granted to Americans doubled from 23,085 in 2009 to 47,929 in 2010. In Singapore visas soared from 21,588 in 2009 to 28,650 in 2010. In Europe, the Indian visa office in Paris issued 41% more work authorizations, while Berlin saw 48% more Germans applying for visas. At the Foreigners Regional Registration office in Delhi, 35, 973 US citizens (not including those eligible for special visas for Americans of Indian Origin) registered themselves in 2008.

cultures in India.³ The National Capital Region (Delhi and Gurgaon), Mumbai, Bangalore, and Hyderabad have attracted expatriates. The recent wave of migration reveals ‘skilled migration flows,’ with higher income bracket families and individuals relocating from wealthier countries (Gottipati 2012; Ministry of Home Affairs). Anne-Meike Fechter and Katie Walsh (2010) theorize that while substantive research exists on migration from developing countries to the West, far less is known about privileged Europeans and Americans who relocate internationally. Mainstream Migration studies have produced somewhat skewed notions of ‘who migrants are.’ Expatriate migration is yet distinct from other modes of migration, for it involves migration of Westerners in a post-colonial world.⁴ Pertinently, Fechter & Walsh (2010; 1207) identify a representational imbalance in expatriate studies;

Existing research on contemporary Western Expatriates has privileged their views on the local other(s), neglecting the perspective of the locals themselves which are much less known and discussed.

The authors claim that the over-sight of local perspectives may pertain to logistical conundrums. Western researchers may be unable to gain the trust of local domestics and other employees working for expatriates, and on upon whom their livelihoods depend. For India at-least, there exists a body of work on colonial domesticity that unearths the racial underpinnings between colonial masters and servants. Let us not forget that from the early eighteenth century onwards, European and British families were brought in close contact with native servants during India’s colonial rule. *Ayahs* were entrusted with the care of European children from the time of birth (Chumaceiro 2003). Alison Blunt (1999, 2002) argues that Indian servants helped to reaffirm imperial domesticity and the imperial power of the family they served. Blunt’s scholarship on colonial household guides, which were meticulous publications that advised British middle-class women about their domestic roles, is of salience here. Between 1880s and the mid 1920s, an unprecedented number of guides avidly instructed British housewives about the art of managing servants, raising children in India, and traveling beyond the home. Racial distancing was advocated in these guides with servants and *ayahs* who shared domestic spaces with their *memsahibs*, deemed as ‘unsafe,’ ‘unhygienic,’ and ‘unintelligent.’ Another persistent concern was whether native, British, or Anglo-Indian English-speaking women should raise elite British children. The dominant view was that a British nanny/governess was ideally suited to undertake this responsibility, because of her ability to teach English with a ‘proper accent.’ Although Blunt does not investigate further, in-reality, child-rearing practices and the affective ties between servants and masters were likely to be more diverse and complex than the racial anxieties projected by household guides. Indrani Sen (2009) demonstrates

Mari Korpela’s (2010) exposition of Westerners sojourning in Varanasi is an exception, although domestics do not feature in her study. Expatriates are gaining visibility in blogs such as ‘Little India.’ See Sabith Khan’s (2005), “Expatriates in India.” For copious newspaper reportage on the modern expatriate employer versus the feudal Indian employer see Soofi’s (2011), “Domestic Revolutions,” Singh & Reddy’s (2013) “Maid to Order,” and Menon’s (2011) “I Would Rather Die than Clean Your House.”

⁴Fechter and Walsh (2010: 1199) explicate, that while ‘expatriate’ connotes a person living outside their native country, the label tends to be reserved for privileged white Western migrants from Europe and North America. Many of the authors in Fechter and Walsh’s edited volume (2010) indicate that for their expatriate respondents, nationality matters less than the collective imperial imagination of Westerners (see Leggett 2010 and Korpela 2010).

how *ayahs* and wet nurses undermined domestic relationships in the colonial nursery with children often being more attached to *ayahs* than their parents. The content of these intimate ties are graphically scripted in classical novels set around the 'British Raj.' Rudyard Kipling as a child growing up in colonial India was traumatized on being separated from his Madrasi *ayah* (Chumaceiro 2003). Kipling's separation loss and volatile childhood has been subjected to immense scrutiny by psychoanalytical and literary experts.

For the post-colonial period the dearth of local perspectives makes it imperative for an anthropological focus on 'reverse understandings' (Fechter & Walsh 2010) of how domestics evaluate their working lives in situations of class, hierarchy, and transnational movements. The need to represent local perspectives led me to study the international expatriate community in Delhi and their labour relations with local *ayahs*, maids, and nannies. I foreground the short and long-term ties that expatriates build with their domestics in migratory spaces. As a start a broad demarcation between the 'local labour market' and the 'expatriate labour market,' where the former is represented by Hindi-speaking domestic migrants and poor city dwellers, while the latter comprises of a smaller pool of English-speaking and fairly educated domestics is appropriate. What is of heuristic value is why certain young women with education and well-paid modern opportunities in liberalizing India are choosing domestic work as their profession and identity.

Organized in four parts, the first outlines the ethnographic context. The second institutes the 'all-rounder domestic' and the recruitment strategies favoured by foreign nationals that conjure varied employer-employee dynamics. The third elicits work-life histories, by particularizing how domestics frame their choices, identities, labour, and subjectivities. The final section shifts the minutiae to ideologies of child-care and domesticity that are structuring the post-colonial labour market.

STUDYING EXPATRIATE EMPLOYERS AND LOCAL DOMESTICS

As the political capital, New Delhi houses numerous foreign embassies and consulates. An English-speaking community of domestics catering to the embassies has long existed. The reference letters and genealogies of many domestics disclose how two generations may have worked for embassy staff. Presently the market for working with global expatriates is on the rise. As a city, Delhi has expanded geographically with connectivity being achieved through a new metro system. With the economic and urban expansion, many expatriate enterprises such as bakeries, cafes, holiday resorts, and shops have opened up.

I undertook field-work in Delhi from December 2010 to May 2011. With my spouse being a Norwegian National, me an Indian citizen, and our children being of Indo-Norwegian descent, my 'positionality' helped in establishing contact with expatriates from Scandinavia, America, Britain, and other Western European countries. Many of these expatriates are employed with multinational companies (information technology sector and construction),⁵ media, international aid agencies, and the hospitality sector. Through the Indian home office, foreign nationals have visas for brief business employment, employment for a few years, long-term stay, and embassy postings.

I undertook participant observation in children's playgroups' (i.e. informal groups for children to socialize) that were advertised on-line, where I first met expatriate mothers and nannies. These play-groups opened up opportunities for arranging interviews which were later held in private.

⁵ For instance J.C. Bramford (JCB) a construction company, whose head office is in the UK, has offices in Beijing, Dubai, and India. JCB Delhi has 13 British employers. The posting of a JCB employer last for two years with families being offered attractive salaries and perks (e.g. free education for children in international schools) as discussed in the next section.

On at-least two occasions it proved difficult to break into expatriate spaces. Expatriate mothers, who organized children's play-groups, would often sit-together and lament about India. 'Filth, chaos, and poverty' and other cultural stereotypes featured predominantly in their conversations irrespective of whether Indians like myself were sitting in the same room as them. Some were therefore uncomfortable having locals around.⁶ In one toddler playgroup, I was told that they would not like locals to join. I also conducted a textual analysis of expatriate on-line parenting networks and blogs whose membership extends to Indians. A handful of Indians had unsubscribed from these on-line parenting networks, perceiving them as 'colonial spaces' where racialised notions about India circulate. Given these negative local articulations, I did nonetheless meet many other enthusiastic expatriates who evoked the adage 'India by choice', clarifying that India was their first choice of relocation.⁷

Through-out I use pseudonyms for the names of both my expatriate and Indian respondents who are between the ages twenty to fifty. I recorded the biographies of domestics in children's parks, domestic residential quarters, cafes, and embassy compounds. Contacts with domestics were easily established through the church community, children's play-groups, neighbourhood communes, and the internet.

'ALL-ROUNDERS' AND THE RECRUITMENT STRATEGIES OF EXPATRIATE EMPLOYERS

Most expatriates hire, maids, nannies, *ayahs*,⁸ and drivers. While prima facie the latter expressions for domestics imply distinct structured roles, in actuality, the work responsibilities between *ayahs*, maids, and nannies are not sharply delineated. A nanny, whose duties involve child-care, may also be expected to do the job of a housekeeper maid i.e. laundry, ironing, cooking, and shopping when parents are spending time with their children. For this reason, expatriates prefer an 'all-rounder,' one person who can effectively multitask. The loyal and ideal all-rounder is strongly recommended by the repatriating expatriate family;

Our full time "all-rounder" is available. She is in her 50's and speaks fluent English. She is very well educated, hard working and capable of many tasks. In our home she took charge of the laundry, press work, cooking, dishes, and general tidying up. She also did babysitting for us whenever needed and she is wonderful with children. She can also tutor in Hindi, mathematics, and English.

From an expatriate family's recommendation letter

In colonial India small British households employed ten to twelve servants, while larger households required about 30 (Barr 1976, 1989 as cited in Blunt). Until the 1920s it was common to employ up-to a dozen servants (ibid). The high number of 'servants' was attributed to the caste divisions of domestic labour (Blunt 1999). Commenting on the high cohort of servants, Agatha

⁶See Fechter (2007) on the 'expatriate bubble'. Expatriates in India justify the intransigency of this bubble on the basis of shared experience and instant bonding. Sitting with British JCB families I was told: "We would be lost without the JCB networks. They mean everything to us in India."

⁷ A film by Yasmin Kidwai (2010) "India by Choice" explores how India's thriving economy is attracting expatriates who express their appreciation for India, as they set up permanent homes in the country.

⁸'Ayah, a vernacular term, is employed largely by expatriates to denote a nanny and an 'all-rounder' maid. Ayah can be traced to the colonial times, as Blunt (1999: 432) illuminates that the ayah acted as a maid for her British mistress and often cared for young children. In Indian households, 'didi' (big sister), maids, and servants (naukar) are the more favoured usage for domestics.

James wrote (James 1898; 372, as cited in Blunt);

In India one has to keep an absurd number, three or four at least to do the work of one, because of caste, which interferes with work sadly.

Contemporary domestics, who have been in lengthy service with expatriates, express that whereas formerly they performed separate household tasks the all-rounder construct is a nascent phenomenon. This represents *historically* transmuting labour relations where previous hierarchically ordered caste practices, 'untouchable' labour, and structured tasks have merged into one category, manifesting significant altercations. The caste specialization of a domestic is no longer of import. Now a domestic must be capable of juggling heterogeneous responsibilities driven by a certain set of skills. The all-rounder is then expected to perform multiple forms of manual and emotional labour. Many domestics are recruited with expatriates as 'live-in staff,' residing in domestic quarters e.g. the husband-wife team of driver plus all-rounder nanny, or in other combinations (cook and all-rounder nanny). Male domestics may be expected to be all-rounders too in housekeeping, cooking, and doubling-up as child-minders. Working couples with children often recruit two all-rounders. Other scenarios also prevail. An American-French couple, had kept two child-minders (an Afro-French au-pair and Indian nanny), and a cleaner, cook, and driver. This makes it five domestics in total. A large British family with the wife not working, have only kept a part-time cleaner, conveying that they find the notion of domestic help to be alien, whilst preferring to do things in a simple way. Expatriates nonetheless opine the salient practicalities of keeping domestics, who play a constructive role in helping families to set up a home in a foreign country, having experience with the 'familiar' (e.g. local shopping and the daily task of removing dust). They admit that outsourcing household chores in India is cheaper than in the West. Resultantly, expatriates are privy to considerable privileges that liberate women from demanding domestic chores; greater leisure time, mobility, and privileged sojourns have come to signify expatriate lifestyles (Arieli 2007, Lundstrom 2012).

Expatriates seek domestics by advertising on *Delhi Babies*, *Yuni Net* and by approaching recruitment bureaus – all are routes through which domestics circulate and find jobs. *Delhi Babies* which is an on-line forum is chiefly an expatriate space where domesticity, parenting, culinary skills, and experiences with domestics are intensely debated. On arrival into the country embassy staff usually seeks the help of their embassies who have networks of qualified domestics, some of whom have learnt to speak foreign languages. In certain embassies, one ethnic group of domestics may dominate, such as Goanese Christians, Bengalis, Nepalese, and those from the North East. The expatriate labour market has been dominated by Christians who emphasis favorable attributes about their community, such as their 'quietude' and 'good manners.' Christian expatriates like Elizabeth and Peter who only wanted a Christian lady, found one through the church network. Couples also appoint domestics through the networks of existing staff i.e. a maid may propose her sister or friends. Importantly, on the whole, for the care of young children and safety in a new country, expatriates prefer domestics who possess written references that substantiate trustworthiness. With Indian employers, written references do not play a pivotal role in the hiring process. A domestic may have 'served' an Indian family for twelve years, but will not be handed a written or certified reference before leaving. The way recruitment emanates in Indian households is through oral recommendations from the trusted domestics of family members, who draw upon networks from their villages and regions (Iversen 2008). Neetha substantiates (2004: 1685) how personal contacts serve as references, helping the employer to assess the domestic worker as a person. The personal contacts of reliable domestic workers are supposed to inculcate a system of trust (*bharosa*) and are

the widely preferred route amongst Indian employers. Neither do Indian employers necessarily desire specific skills or experience whilst hiring domestics. The Delhi employers in Vegard Iversen's (2008) study clarified that during recruitment, they do not test the skills of employees many of whom arrive straight from villages.

Before leaving the country, the expatriate employer will usually write a letter of reference for an employee. A good candidate is one with strong references that verify his/her experience of working with expatriate families. Reference checking is standard and domestics can be 'blacklisted' from the expatriate community through poor referrals. I demonstrate the *modus operandi* of reference based-employment through the illustrations of Agnes and Mary, whose employers left India in 2010. Mary communicates the transient nature of expatriate lifestyles; in the last two years she has worked for five expatriate families who left India abruptly. Unequivocally the lack of job security is overt; in a short span these domestics have to habitually re-adapt to different families. Mary and Agnes are looking for new employment. Despite being invited for interviews with expatriates, Mary is still not being offered a job. A potential employer claims that one of her previous references alludes to her 'overbearing nature.' When the matter is probed with her former American employer, Mary finds a job with a Swedish family. Contrastively, Agnes' story is disquieting. After her British employer repatriated, she found work with a French family, but was fired shortly for stealing from the kitchen (i.e. fresh chicken, pasta, and expensive food items). Agnes pleaded that her husband was ill and the family needed money for his operation. Agnes then tried to register herself with an expatriate recruitment bureau. These days, because of e-mails, bureaus can easily contact erstwhile employers for references. To unravel Agnes story further, she had requested the bureau to contact her former British employer who had relocated to Spain with whom her employment had ended on a good note. But her British employer had been updated about the stealing episode, as she had recommended Agnes to the French family. The French family's damaging reference closed the doors for Agnes ("We were paying her a fair salary and had offered to help with her husband's operation."). The expatriate recruitment bureau, through which Agnes mediated, endorses the blacklisting of supposedly errant domestics. It has a file on Agnes employment record; a large black stamp that says 'blacklisted' is imprinted against Agnes photograph: "The community needs to be protected against people like Agnes."⁹ Whilst maintaining the practice of 'blacklisting flies,' such punitive measures are justified, "to ensure the safety of employers."

Given her longevity of domestic service with expatriates Agnes has many laudatory references. But she is now debarred from the expatriate fraternity, and has been unemployed ever since. Agnes ploy is to find work with an Indian family. This is a principal turn, since those who have worked for expatriates are reluctant to work with Indian families. Many expatriates, though not all, pay better wages than most middle and upper-class Indians. Predominantly, expatriates employed with multinational companies and embassies are highly well-paid in India and are offered health insurance, travel allowances, and tax exemption. Expatriates are dependent on English speaking help who also become translators on a range of everyday matters. Given that most expatriates do not speak local languages, they are willing to pay more for employees who speak good English. 'Live-in' and 'live-out' (the later also known as part-timers) domestics receive a salary anywhere from Rs 10,000 (\$184) to Rs 20,000 (\$366) per month. Live-in staff has domestic residential quarters (a

⁹ Another domestic with years of experience with expatriate families, complained how the same recruitment bureau (cf. Agnes), had threatened to blacklist her if she failed to meet there terms and conditions. What surfaces is the power such bureaus can exercise over a domestic's life.

separate smaller flat or room) on the employers premises. A live-in, can substantially save on housing and food, as the latter is covered by the employer. Part-timers have lodgings in lower-middle income neighbourhoods, and the trend for part-time is rapidly growing.¹⁰ If an employer cannot offer residential quarters, the domestic is given an accommodation allowance, clothing, and yearly bonuses. Furthermore, specific to the ethics of expatriate employment is that both live-out and part-timers can negotiate 1-2 holidays per week, clear-cut work hours, and over-time, which they say they seldom can with Indian employers. Mary explicates that distinctive to the 'feudal slave mentality' of Indian employers, ("in Indian households you get no respect for your work") work relations with expatriates differ. Live-in domestics in an expatriate household are not at the beck and call of the employer (*chaubis ghanta* or twenty four hour service). In Indian households domestic work is undervalued through low pay, while caste ideologies marked by spatial segregation and untouchability i.e. the use of separate entrances and utensils for eating are far more prominent than in an expatriate household. As per the account of Mary and other domestics, employment with expatriates signifies better working conditions premised on modern contractual terms. Expatriates too morally claim to be better employers than Indians, insinuating how they eschew feudal practices whilst treating their staff with dignity. These notions about being just, fair, modern, and better employers are widespread in expatriate circles. Conversely Agnes spells out the shortcomings of employment with expatriates.

Indian families understand your problems and you can talk to them. Foreigners are here today and gone tomorrow. Once they leave the country they are done with us and it is arduous to make contact with them. But one gets used to the good working conditions they offer us.

Foreign women married to Indian spouses too voice the merits about lasting security with Indian employers, versus short-term fleeting contracts with expatriates. For Indian employers, stipulating informal modes of social security benefits, critically tie in with long-term trust, security, and loyalty, as denoted by this excerpt from an American spouse;

I am a foreigner married into a local Indian family, living within their home. To be fair, many of my experiences with nannies/maids have crossed the expatriate/local boundaries. There are two sides to being employed in a local home. There can be security of knowing that for the rest of your days, you and your family will be looked after, children's education paid for, loans given for marriage, land, clothing, family etc. It is true that in some places this is not the case.

So whilst domestics employed with Indian families may receive lower salaries, they do maneuver their work contracts and position in the household to ensure that their employers help with education and loans. Correspondingly, while employment with expatriates may imply better pay and work conditions, it is also characterized by stark insecurity. Besides, for sustained future employment with expatriates and establishing a niche in the labour market, domestics have to assiduously 'keep up'

¹⁰ For Kolkota, Ray & Qayum (2009) discuss critical altercations associated with part-time work. The part-time regime has manifested the demise of loyalty i.e. the disappearances of the trusted live-in servant.' Part-time work now entails impersonal labour relations, as the employee has a schedule and time-table. This is hugely significant, as domestics can exercise more autonomy.

their reputations with a flow of high-quality references validating their worthiness.¹¹ The close-knit community of expatriates, especially those living on embassy compounds allows for easy cross-checking and vigilance of domestics. The labour market operates on forms of surveillance and punitive measures if needed. Having said this it is normal for domestics to rank nationalities into those who offer better wages. Employers from the first world countries particularly Britain, the United States, and France are coveted, while East Asians and African employers are positioned low in the hierarchy. An East European national was perplexed when the domestics she had called in for an interview had made forthright queries about her accent and nationality.

I am trying to find a domestic help and what I have experience recently put me a little perplexed (sic). I called couple of the available people "looking for a job" following references and all of them asked me first my origin (sic). I am ready to pay so called expat salary but for a quality work not just because she/he works for an expat family (sic). However, the first question on the phone from a potential employee really put me off.

Deconstructing this excerpt, discourses of superiority of the 'white employer' based on skin colour, culture, wages, and language are unequivocally intertwined in the building of cultural hierarchies in the expatriate labour market. Studies on expatriate communities (Leonard 2010) expound how race positioning is an important part of the post-colonial identity.¹²

The aptitude to converse in English and possess multi specialized skills are notable of post-colonial labour relations. The market is driven by skills, where the roles of English-speaking domestics are being re-invented in a globalizing nation to enable continuity with Western domestic practices (e.g. "With regard to hygiene, our *ayah* is now in tune with the Western way of thinking"). There is marked preference for all-rounders who can bake and cook varied international cuisines. How do English-speaking domestics working for expatriates acquire these coveted skills? If they have worked in succession for certain foreign nationals, they observe and learn certain cuisines. Otherwise once a domestic can follow a recipe, they are sent for courses on advanced cookery. In letters of recommendations, there is enormous detail drawn to a domestic's aptitude to follow recipes with accuracy. If a domestic cannot speak or read English but has attractive culinary skills and other levels of experience that appeal to expatriates, some families may be willing to employ her. Such was the case with an American family who migrated to India on a military posting and was required to learn Hindi. They recruited Lata who does not speak English. But Lata has international recipes translated into Hindi. On being praised by her American employer;

¹¹A compelling account of this is provided by Delhi based British journalist Sam Miller in his 2008 "Delhi Adventures in a Megacity." The American Embassy Compound, which Miller stumbled upon houses a Domestic Staff Registry under the supervision of the American Women's Association (AWA). The staff registry has now closed down. Miller was shown several recommendation letters of domestics. Deconstruction these letters, he mentions that; "There were many sorry stories, full of gossip and sadness, and I read and read, entering a world of pain and pathos." Miller was shocked to find that the eccentricities of many domestics were described 'in terms more appropriate to a household pet' (Miller 2008: 140-41).

¹²See Lundstrom's (2012) Singapore study which touches upon race positioning. Swedish employers in Singapore espouse national discourses of social equality that Sweden is renowned for and believe they are more just and superior employers than local Chinese. In actuality, Lundstrom uncovers how Swedish employers justify racial inequalities and accept employment practices that would be unjustified in Sweden. Likewise, Walsh (2010) discerns condescending British employer-employee relations in Dubai and the racialisation of domestic workers.

As far as cooking goes, she makes mostly Rajasthani food for us, but knows quite a few Italian meals and has a passion for baking. She makes amazing professional butter-cream frosting for example. She is Hindu, but doesn't mind cooking with beef or pork, though she wouldn't want to try it for salt. We are very careful about dishwashing. In all things, she is willing and happy to do it our way. She can write and read in Hindi, so if she learns a new recipe she can write down the instructions for herself for later recollection.

As Lata is a Hindi speaking domestic, she is willing and has worked for both Indian and expatriate families. She is an example of a domestic who bridges the hiatus between two labour markets (local/Hindi-speaking and Expatriate/English-speaking) that appear disconnected. Language skills (English) may not always be the dividing line for expatriates, especially when other English speaking all-rounders in the household can assist Hindi speaking domestics with translations. Accordingly there are Hindi-speaking domestics who shuttle between Indians, Non-Indian Residents (NRI), and expatriates, exemplifying a more diverse market.

DOMESTIC WORKERS BIOGRAPHIES AND IDENTITIES

Stigmatized Working Lives

In line with our exploration into local perspectives, this intermediate section privileges abridged work-life histories, addressing the subjectivities of female domestics. Rosemary and Jill, Christian domestics in their forties, intertwine their choices with reflections on childhood, and inter-generational change.

Recollecting her childhood, Rosemary a graceful lady narrates that she had a relatively comfortable up-bringing. She went to college and post-marriage worked in the accounts department of Samsung (a multinational technology company). Rosemary vociferously critiques the corporate sector: "Male employers like 'young and smart' women.....after some years I was neither of these." Ultimately she could not cope with the pressures of stereotypical gender roles in a masculine environ. As she could speak English and decipher recipes, she found a job with an expatriate family. Till date Rosemary does not disclose to relatives that during work hours she cleans toilets, for in her community all forms of domestic work are stigmatized. Nonetheless, as Rosemary is able to negotiate good wages for her all-round labour, she has managed to educate her children in private English-Medium schools. Christians have an advantage in securing admission into English-Medium schools through Christian quotas. The ability to afford private schooling, to enhance an ambitious life course for one's children is also captured in Jill's narrative which elucidates aspirations and class mobility. Jill was raised in the affluent premises of foreign embassies, where her parents were live-in 'trusted staff.' From an early age she assisted her parents with countless parties and domestic chores, and so her schooling was sidelined. Jill emotively declares: "But I made sure that my children were educated and that they have good jobs. We do not want them to clean toilets and doing jobs like ours." Jill is underscoring a major shift here: the third generation of her family has dissociated themselves from domestic servitude. The desire for a respectable life course for one's children is intertwined with consumption driven discourses of upward mobility, higher education, and salaried professions. Jill's daughter drives a car to work (a symbol of prosperity) and is a telephone operator for a reputable company. Her son is a trainee with a global financial firm.

While Rosemary and Jill were candidates possessing quintessential skills for expatriate families in India, Anita a poor migrant from South India has a different story. Having neither the contacts nor qualifications of her peers she managed to secede from poverty and ingress the well-

paid expatriate labour market. Her narrative rests on willful agency and a sense of achievement.

During her infancy, Anita's father abandoned her mother and six sisters. When Anita was nine years, an Indian lady offered to make her the family breadwinner by taking her to Mumbai to work as a maid. In Mumbai, Anita picked up English: "I barely studied in school but as a maid I observed how my employers spoke English." Anita was made to work long hours and was paid low wages. Over six years her wages increased only marginally. Finally she migrated to Delhi in search of a better life. Her first job was with an Indian family, where the working conditions were no different from what she had left behind in Mumbai. A break-through occurred when she began to frequent her local church where a priest introduced her to a French family. The French couple knew she was uneducated, but were surprised at how good her English was. Since then there has been no turning back for Anita. She has traveled to France and gleams emphatically about her material achievements and how 'seeing the world' was life-changing. With the help of her sister who was called in from their village, she managed to raise a child keeping her job. Her husband disapproves of her work. Her village folk think she earns money from disreputable sources. Nobody from her village offered to get her married and she had to find a husband herself. Given a choice she would be in another profession.

As highlighted by Mirjana Morokvasic (1993) domestic workers should not be constructed as passive victims but as agents of change with a propensity for endurance and risk-taking. Many domestics have designated their children to the care of others, while they pursue their job of 'mothering children' (cf. Hochschild 2000; Lan 2003; Ogaya 2006; Parrenas 2000). Female domestics are harshly judged in terms of the evaluation of their roles as mothers and wives (Ogaya 2006). Being illiterate, Anita learnt English with determination, and is a self-made nanny. Anita's kin have been harsh on her, portraying her character as immoral, while disregarding her accomplishments. Anita conveys how shame is an inherent part of the 'domestic worker identity.' Other domestics too confide that even-though they are well-paid and working in the homes of foreign nationals, they often belie their identities as domestic workers. Their employers remain blissfully unaware of their stigmatized work lives.¹³ As reported elsewhere in India (Grover 2011a; Ray & Quyam 2010), there is much stigma levied upon domestic work, a profession that induces forms of 'untouchable labour.' Working class women in Chennai seemed to think that domestic work was worse than garment work and market trading and should be avoided if at all possible.¹⁴

"Domestic Jobs are better than Office Jobs"

While the former narratives form one set of perspectives, other subversive discourses are palpable amongst those domestics who say they have purposefully chosen jobs with expatriates, while eschewing the high-tech globalizing phenomenon of call centers (outsourcing) and multinationals. Call centers that have sprung up in Indian metropolises, are offices where workers assist customers in the West over the phone on a range of inquiries. Call center employees need not possess a university degree, but should be able to speak good English.

An expatriate employer emphasizes the choices of her educated nanny:

¹³ The relationship between good pay and persistent stigma is most observable in the case of the sweeper castes of India. Whilst holding secure and permanent government jobs, the profession of sweeping is seen as a highly polluting and degrading. Urban sweepers are an abhorred social group even though they are the highest paid amongst the lowest castes (Searle-Chatterjee 1981; Grover 2011a).

¹⁴ Johanna Lessinger (personal communication).

Ruth's English language skills were a decisive factor in the recruitment process. It was important we understood each other properly. I highly recommend Ruth. She is very educated and is a nanny by choice - she does not want to work in a call center.

Evidently, there are qualified women who choose domestic work and the drudgery of mopping and dusting i.e. a 'labouring identity', instead of salaried professions that would enhance an entirely different status. The prevalent perception is that domestic work is a profession of feudal dependency for poor women who lack options and choices. But consider Meera whose mother works as a maid for the Canadian Embassy. Meera unearths certificates and diplomas covered in neat plastic: "Child Development," "Computer Applications", and a 12th class school leaving certificate (education till the age of 17). While, Meera has worked for call centers, using her mother's contacts she eventually sought a job with an Italian family. Meera is so attached to her Italian employer's that she plans to immigrate to Italy. Although her parents are cajoling her to marry, she would prefer to live abroad. Meera's friend, Dolly narrates a comparable story. Her first job was with a call center:

The call center job was monotonous and unsafe. No one checks if you have reached home safely. My expatriate employers will arrange a taxi and make appropriate arrangements. Call centers are unhelpful. Colleagues are not good and neither are their intentions. It's like I am the "worker" and they are the "boss" – that's all the relationship entails.

Oh I often wonder why I am a nanny. After college everyone wants to build a career but then I realized that I am better off as a nanny. With my expatriate employers, I am able to negotiate better wages and work flexibility, and I have formed a strong bond with the child. Yes you get less respect in India doing this sort of work.

Meera and Dolly have not endorsed any of the outsourcing opportunities that have opened up for young women in liberalizing India, underlining the lack of safety pertaining to late working hours, and the monotony associated with globalised call center work. By and large, fairly educated women from lower-middle income and working class backgrounds who are 10th class pass (education till the age of 15) or 12th class pass (education till the age of 17), with qualifications such as a BA degree work for expatriates. They are in demand because of their language skills and professional experience. Several domestics speak average to good English. Some domestics deploy their employment to accumulate money for higher education, or use it as a stepping stone to another career. Maya, a primary school teacher, is in the interim employed with an expatriate couple before she embarks on a new teaching job. Filipino migrants possess a competitive advantage in the global domestic labour market due to their education and English proficiency (Lan 2003). Lutz (2002), Ogaya (2006), and Parrenas (2000) describe how professional Eastern European and Filipino women who migrate to Western Europe and the US for domestic work, face acute downward mobility due to the low status that is allied with domestic work. Filipino migrants work trajectories in the West involve a 'de-skilling process,' as they give up their professional careers for domestic work (Ogaya 2006). Ruth, Meera, and Dolly do not hold this position, as their biographies are not suggestive of professional compromise. For a start they seemed to have distanced themselves from the normative stigma that pervades domestic work. While their mother's options were restricted the younger generation in whom more education was invested emphasis the discourse of 'choice', critiquing corporate employment for its male centrality. For unmarried domestics, expatriates jobs offer opportunities to travel and thus delay marriage, and enhance personal freedom and material prospects. These multifaceted opportunities possibly present more meaningful avenues than 'desk jobs.' Many domestics possess passports and move around with their employers to global cities such as Singapore, Dubai, London, and Hong Kong to partake in the transnational system of care. Given

this mobility, English-speaking domestics exhibit confidence and self-respect. Migration does afford them with a source of self-fulfillment¹⁵ (Ogaya 2006).

NEW FORMS OF POST-COLONIAL DOMESTICITY: WORKING MOTHERS AND NANNIES

Intimate ties between nannies and expatriate employers are captured in this penultimate section where new ideologies of domesticity are discussed. As a backdrop to this discussion I first outline those studies that have theorized the gendering of expatriate lives, particularly transformations pertaining to women's roles. Expatriates studies have largely scrutinized the 'trailing spouse' - usually wives who accompany their husbands on transnational postings and the emotional strategies the former deploy in adapting to a foreign country. British wife's in Dubai is characterized by locals as '*Jumeria Jane*,' a metaphor implying that she spends her days shopping, meeting friends for lunch, and indulging in beauty treatments (see Walsh 2007). In China, expatriate wives can "go out to have fun" for cheap domestic help permits leisure time (Arieli 2007: 27). In lending nuance to these trivialized representations, a valuable contribution of the literature has been to show how the career trajectories of leisurely women such as '*Jumeria Jane*' are adversely affected. Walsh (2007) illustrates how international migration has negative consequences for married women. Well qualified British women living with their spouses in Dubai have to re-negotiate the marital bond, as in a migratory space visa restrictions and language barriers in the workplace 'literally and figuratively domesticate them.' The domestication of expatriate wives and their concomitant economic dependency on spouses is not unusual to Dubai.¹⁶ As Walsh (2007:64) argues: "Research on couples participating in flows of skilled migration has consistently identified the presence of more traditionally gendered divisions of labour within households, irrespective of nationality." Pertinent contrasts can be drawn here between the female domestics in our sample and expatriate trailing spouses. While for domestics, international migration can be life-changing and positive, for trailing spouses post-colonial migration can adversely affect their self-esteem and identity.¹⁷ Then again, what about the working expatriate mother who seems to have received scant attention? Whilst many expatriate women are barred from working in India on account of visa regulations, many become extremely resourceful in arranging work visas and re-inventing careers. As such I did come across expatriate women doctors, journalists, academics, beauticians, and entrepreneurs. The common thread is that these women's working lives, rest on the complete devotion of their domestic staff.

The Domestic as the Modern Household Manager

In expatriate circles in Delhi, nannies can be seen dropping children to preschool,

¹⁵ See Gardner and Osella (2003) Iversen & Ghorpade (2011), and Shah (2006) who have probed the transformatory potential of migration.

¹⁶ On restructured asymmetries in transnational environs, see also Arieli (2007), Leonard (2008), and Lundstrom (2012).

¹⁷ Susan and Sarah both articulate this loss of identity. When Susan lived in London, she was a full-time professional having a job and identity. All this changed when she arrived in India seven years ago: "I really struggled to have an identity and re-work my life here." Sarah adds that she did feel a loss of identity when her children arrived and she could not get a work visa: "Am I only a mother? Who am I and where is my time?" Sarah says that like other expatriate women she has made peace with her situation.

accompanying toddlers to parks, initiating play-groups, and attending birthday parties. While there are varying degrees with which fathers partake in the reproductive sphere, mothers remain largely accountable for arranging childcare. The reproductive sphere is managed by all-rounder nannies and mothers, involving close partnership, and co-ordination, establishing ties of intimacy and proximity (Cheng 2004, Hess & Puckhaber 2004). As expatriates have neither extended kin nor their established social networks in India, domestics form a crucial support system for mothers almost like 'surrogate family' (Walsh 2007). Naomi who has been in India for nine years refers to her domestics as 'family': "I have relied heavily on my domestics, and they have been a massive part of my life." The 'crucial support system' that Naomi is referring to requires the building of trust and manifests complex negotiations and adjustments between nannies and mothers. Naomi illustrates this complexity:

From Christina I learnt mothering. She taught me so much about how to look after children. I was only 28 and Christina was in her late forties. I had to adjust to a situation where I was getting orders from an older woman. Eventually I had to tell her that I was the boss.

Naomi also signals her dependency on Christina, for most working couples are overwhelmingly dependent on private child-minders. One sees this acute dependency in quotidian life as working women profess their vulnerability when a nanny leaves and suitable replacement cannot be found. Delhi has inadequate institutionalized childcare provisions such as day care centers or kindergartens where children can be left with trained child-minders from morning to evening. On visiting some day care centers over many weeks, I found that children's attendance was visible uneven and inconsistent. The many expatriate and Indian parents, whom I spoke to in schools and children's play-groups, expressed little confidence in day care. Low standards, lack of trust, and inexperience are the factors outlined.¹⁸ A woman from the US cautioned: "In the US, if something were to go wrong in day care we could sue them. In India who would we hold accountable? It's a matter of trust and it's difficult to trust day care here."

Working mothers desire specific skills while hiring all-rounder nannies. The majority want an educated nanny who has prior experience with children. What we are seeing is the emergence of a new kind of market for domestics, central to which are new types of roles and relationships augmenting between employer-employee. Numerous conversations with expatriates, particularly those on long-haul assignments insinuate how the all-rounder is being valued for her decision-making, good-sense, and trustworthiness – more of a partner in domestic enterprise. Her new role is that of a household manager, one in which her labour and all-round skills are being valued. Well-traveled global Indians, Non-Resident Indians, and Indian professionals put out similar requests on the internet; they want an experienced nanny who will spend quality time with the child. Certain sections of Indians today also desire not to hire multiple domestics to clean, wash, or cook but preferable all-rounders.

There are frequent requests for nannies who can display high levels of motivation, involvement, creativity, imagination, and engagement with children. At a birthday party hosted by a British-Peruvian couple, a toddler was accompanied by her nanny and not her parents. The nanny was completely occupied with the toddler, taking photographs and making the birthday party a memorable event for the little girl. Stimulation is the sub-text; arranging exploratory activities, reading books, singing nursery rhymes, teaching manners and concepts, and helping with homework.

¹⁸ Donner (2006: 377) in her study on education and motherhood in Kolkata, discusses how intuitional child-care has little acceptance.

An expatriate mother mentioned that in the UK they had an au-pair. On relocating to India, they wanted a pro-active nanny who would sustain the all-round development of their child and supposedly it was not enough to employ someone with rudimentary literacy skills. Having found an educated nanny, this mother expressed how “her nanny outperforms her son’s teacher from the preschool.” The demand for an educated nanny needs further exposition. For full-time working parents the nanny occupies a central role in organizing a child’s day, whilst replacing the mother. Stimulation via the nanny is encouraged because with the increase in private Montessori school systems in Indian cities, children are expected to join preschool at an early age and tap into competitive global models of education (Donner 2006). Montessori preschools have relatively short hours – 9 to 12 noon for a working mother. The child is at home post-noon with the nanny for several hours and needs to be actively engaged. For foreign women married to Indian spouses, the nanny may not necessarily occupy such a central role; the presence of grand-parents and devoted aunts is regarded as a much valued attribute in child-rearing.

What suffices is that working women prefer their nannies to be like household managers and this role is seen as the answer to the dual-earning expatriate couple. The paradigmatic nanny is an extension of good mothering practices, for mothers are the ones to be blamed if their children cultivate behavioral problems. A particular ideology of domesticity and child-care marked by competence and all-round skills is being inflated with market forces. While all-rounders are being valued by their employers for their exacting managerial role releasing the mother from intense labour, how does the all-rounder view her side of the bargain? From the biographies of English-speaking domestics, we can conjecture that the drudgery of manual housework and demanding child-care that is depleting is possibly compensated for the multitasking mode of sojourning in international destinations and attending children’s birthday parties. For various reasons as has been delineated, many educated domestics prefer ‘paid indefatigable domesticity’ and nurturing over desk work in an aggressive masculine labour market.

CONCLUSION

India’s post-colonial period is witnessing transformations in the work tasks and responsibilities of local domestics. All-rounders employed by expatriates, embody a cogent shift from caste based divisions of labour to one in which they have a singular modern role where nonetheless the stigma and pollution of domestic work still persists. These modifications pertaining to all-round domesticity are prominent in both upper and middle-class Indian households where employees are expected to undertake and master a variety of tasks. Yet in Indian households the caste angle conjures a picture of accommodation and reinforcement. While many Indian employers evade the subject of caste identity with their employees, spatial segregation is still widespread. In turn high-caste domestics from the Other Backward Castes (OBC) often heighten their caste identity (“we are not from the lower castes”) by refusing to clean toilets (Iversen 2008; Neetha & Parliwala 2011) creating marked divisions between themselves and untouchables. Unsurprisingly, the sweeper caste woman, whose labour embodies ‘degrading work’, is still called into Indian modern homes to clean toilets and wash dishes (Grover 2011a; Ray & Qayum 2009).

The post-colonial labour market exudes job insecurity, for expatriates sojourns are often mobile and transient. Many domestics routinely change employers and this is in contrast to the long-term stability and informal security that can be negotiated in an Indian home where employees often develop a stronger foothold. In addition the labour market operates within a punitive framework, as domestics need to be kept “in check” and the “the market needs to be saved from criminality.” These aspects need further exploration as even in Indian households, great attention is now being paid to

the regulation and control of domestics via their registration in police stations, and their ability to muster proof of identity and relevant documentation in order to find jobs. Yet the endorsement of blacklisting through references and recruitment bureaus introduces a power asymmetry, and many expatriates have little idea about how such ‘out-casting’ affects the economic lives of domestic workers. Labour relations with expatriates are then highly framed by post-colonial discourses, since employers affirm and regard their practices as just, fair, and modern. Cultural hierarchies and race positioning play a role in these discourses, as employers from first world countries assert superiority over local and other foreign employers (cf. Lundstrom 2012).

In a time of unprecedented economic growth (“shining India”), the educated and qualified women in our sample have chosen domesticity and a labouring identity over salaried professions. What can be argued is that despite the advent of modern urban opportunities, labour market norms in multinationals and call centers tend to be structured around a masculine work ethic. Ruth, Meera, and Dolly have all opted for a well-paid feminized labour market, articulating positive experiences, for they view international migration and their financial perks to be life-changing, and consonant with upward mobility. With the transfer of reproductive work to all-rounders, it is the nanny who has become a responsible household manager and partner in the domestic enterprise. Here I would like to add that appreciation, attachment, trust, and domestic partnership as articulated by the nanny is more conspicuous in relationships where the expatriate family is in India for a much longer period. Such scripts of mutual dependency between mothers and nannies may be prevalent in other Western and East-Asian countries where housework is still largely shouldered by women. For women, the valuing of reproductive work and emotional labour as ‘proper work’ and recognizing the home as a ‘work place’ is a continuous struggle. Feminists have argued that transferring reproductive work to a third party (i.e. the domestic) does not alter the patriarchal division of labour. Rather it reinforces feminine skills and stratification amongst women. Through the anthropological lens of the expatriate community in Delhi, we are seeing modern and new modes of post-colonial domesticity where gender inequalities are being re-structured.

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Reference

- Arieli, Daniella. 2007. The Task of Being Content: Expatriate Wives in Beijing, Emotional Work and Patriarchal Bargain. *Journal of International Women’s Studies*. 8 (4): 18-31.
- Barr, Pat. 1976. *The Memsahibs; in Praise of the Women of Victorian India*. Penguin: London.
- 1989. *The Dust in the Balance: British Women in India 1905-1945*. Hamish Hamilton: London.
- Blunt, Alison. 1999. Imperial Geographies of Home: British Domesticity in India, 1886-1925. *Transactions of the Institute of British Geographers*. 24 (4): 421-440.
- 2000. ‘Land of Our Mothers’: Home, Identity, and Nationality for Anglo-Indians in British India, 1919-1947. *History Workshop Journal*. 54, pp. 49-72.
- Cheng, Shu-Ju Ada. 2004. Contextual Politics of Difference in Transnational Care: The Rhetoric of

- Filipina Domestics' Employers in Taiwan. *Feminist Review*. 77 (1): 46-64.
- Chumaceiro, Cora. April 10th, 2003. Oh Rudyard Kipling's Loss of Ayah. Pys Art (An Online Journal for the Psychological Study of the Arts). http://www.psyartjournal.com/article/show/de_chumaceiro-on_rudyard_kiplings_loss_of_ayah
- Donner, Henrike F. 2006 Committed Mothers and Well-adjusted Children: Privatisation, Early-Years Education and Motherhood in Calcutta. *Modern Asian Studies*. 40 (2): 371-395.
- Fechter, Anne-Meike. 2007. Living in a Bubble. In Amit Vered (ed.) *Going First Class? New Approaches to Privileged Travel and Movement*, pp. 33-52. EASA Series, 7. Berghahn, New York.
- Fechter, Anne-Meike and Katie Walsh. 2010. Introduction to Special Issue: Examining 'Expatriate' Continuities: Postcolonial Approaches to Mobile Professionals. *Journal of Ethnic and Migration Studies*. 36 (8): 1197-1210.
- Gardener, Katy & Filippo Osella. 2003 'Migration, Modernity and Social Transformation in South Asia: An Overview.' *Contributions to Indian Sociology*. 37: v-xxvii.
- Grover, Shalini. 2011a. *Marriage, Love, Caste and Kinship Support: Lived Experiences of the Urban Poor in India*. Delhi: Social Science Press.
- Grover. 2011b. 'Purani aur Nai Shaadi' Separation, Divorce, and Remarriage in the Lives of the Urban Poor in New Delhi: *Journal of Asian Women's Studies*. 17 (1): 67-99.
- Gottipati, Sruthi. February 8th, 2012. Expats Flock to India Seeking Jobs, Excitement. *The New York Times, Global Edition India*. (<http://india.blogs.nytimes.com/2012/02/08/expats-flock-to-india-seeking-jobs-opportunity/>)
- Hess, Sabine and Annette Puckhaber. 2004. 'Big Sisters' are Better Domestic Servants? Comments on the Booming Au Pair Business. *Feminist Review*. 77 (1): 65-78.
- Hochschild, Arlie (2000). The Nanny Chain. *The American Prospect*. 11 (January 3rd): 1-4.
- Hutton, Will and Anthony Giddens (2000). *On the Edge: Living With Global Capitalism*. London: Jonathan Cape.
- International Labour Organization. 2013. *Domestic Workers Across the World. Global and Regional Statistics and the Extent of Legal Protection*. Geneva: International labour Office.
- Iversen, Vegard. 2008. Institutional and Network-Driven Barriers to Labour Market Entry: A Small Exploratory Study of Low and Un-Skilled Markets in (and Around) Delhi. Unpublished Memo: New Delhi: World Bank.
- Iversen, Vegard & Yashodhan Ghorpade. 2011. Misfortune, Misfits and What the City Gave and Took: The Stories of South-Indian Child Labour Migrants 1935-2005. *Modern Asian Studies*. 45 (5) 1177-1226.
- James, Agatha F. 1898. Housekeeping and House Management in India. In Anon (ed.) *The Lady at Home and Abroad: Her Guide and Friend*. Abbott, Jones and Co: London.
- Khan, Sabith. February 5th, 2005. [www. LittleIndia.com](http://www.LittleIndia.com).
- Kipling, Rudyard. 1899. *His Majesty the King*. University of Michigan.
- Korpela, Mari. 2010. A Postcolonial Imagination? Westerners Searching for Authenticity in India. *Journal of Ethnic and Migration Studies* (Special Issue: Examining 'Expatriate' Continuities: Postcolonial Approaches to Mobile Professionals, edited by Fechter, Anne-Meike and Katie Walsh). 36 (8): 1299-1315.
- Lan, Pei-Chai. 2003. Maid or Madam? Filipina Migrant Workers and the Continuity of Domestic Labor. *Gender and Society*. 17 (2): 187-208.
- Leggett, William. 2010. Institutionalising the Colonial Imagination: Chinese Middlemen and the

- Transnational Corporate Office in Jakarta, Indonesia. *Journal of Ethnic and Migration Studies*. (Special Issue: Examining 'Expatriate' Continuities: Postcolonial Approaches to Mobile Professionals, edited by Fechter, Anne-Meike and Katie Walsh). 36 (8) 1265-1278.
- Leonard, Pauline. 2008. Migrating Identities: Gender, Whiteness, and Britishness in Post-Colonial Hong Kong. *Gender, Place, and Culture*. 15 (1) 45-60.
- , 2010. *Expatriate Identities in Post-Colonial Organizations; Working Whiteness*. Great Britain: Ashgate.
- Lundstrom, Catrin. 2012. "I DIDN'T COME HERE TO DO HOUSEWORK. Relocating "Swedish" Practices and Ideologies in the Context of the Global Division of Labour: The Case of Expatriate Households in Singapore. *Nordic Journal of Migration Research*. 2 (2): 150-158
- Lutz, Helma. 2002. At Your Service Madam! The Globalization of Domestic Service. *Feminist Review*. 70 (1): 89-104.
- National Sample Survey Organization (NSSO). October 2006. Employment and Unemployment Situation among Social Groups in India. NSSO 61st Round (July 2004-June 2005). Ministry of Statistics and Programme Implementation, Government of India.
- Neetha, N. 2004. Making of Female Breadwinners: Migration and Social Networking of Women Domestic in Delhi. *Economic and Political Weekly*. 39 (17): 1681-1688.
- Neetha, N. and Rajni Palriwala, 2011. The Absence of State Law: Domestic Workers in India. *Canadian Journal of Women and the Law* (Special Issue: Decent Work for Domestic Workers). 23 (1): 97-119.
- Menon, Nivedita. 2011. June 18th. I'd Rather Die than Clean Your House. *Tehelka*. 24 (8): 2.
- Miller, Sam. 2008. *Delhi Adventures in a Mega city*. New Delhi: Penguin.
- Morokvasic, Mirjana. 1993. 'In and Out' of the Labour Market: Immigrant and Minority Women in Europe. *Journal of Ethnic and Migration Studies*. 19 (3) 459-483.
- Ogaya, Chiho. 2006. Towards an Analysis of Social Mobility of Transnational Migrant Women: The Case of Filipina Domestic Workers. In Anuja Agarwal (ed). *Migrant Women and Work*, pp. 116-135. New Delhi: Sage.
- Parrenas, Rhacel S. 2000. Migrant Filipina Workers and the International Division of Reproductive Labor. *Gender and Society*. 14 (4): 560-580.
- Ray, Raka and Seemin Qayum. 2010. *Cultures of Servitude: Modernity, Domesticity and Class in India*. Delhi: Oxford University Press.
- Searle-Chatterjee, Mary. 1981. *Reversible Sex Roles: The Special Case of the Benares Sweepers*. Oxford: Pergamon Press.
- Sen, Indrani. 2009. Colonial Domesticities, Contentious Interactions, Ayahs, Wet Nurses and Memsahibs in Colonial India. *Indian Journal of Gender Studies*. September/December. 16 (3): 299-328.
- Shah, Alpa. 2006. The Labour of Love: Seasonal Migration from Jharkhand to the Brick Kilns of Other States in India. *Contributions to Indian Sociology*. 40 (1): 91-119.
- Singh, Darpan and Himabindu Reddy. February 24th, 2013. Maid to Order. *Hindustan Times*, New Delhi.
- Soofi, Mayank. 2011. June 10th. Domestic Revolutions. The Wall Street Journal. *Livemint.com*.
- Walsh, Katie. 2007. Traveling Together? Work, Intimacy, and Home Amongst British Expatriate Couples in Dubai. In Anne Coles and Anne-Meike Fechter (eds.) *Gender and Family Amongst Transnational Professionals*, pp. 63-84. London: Routledge.
- , 2010. Negotiating Migrant Status in the Emerging Global City: Britons in Dubai. *Encounters*, pp. 235-255.

Yeoh, Brenda, Shirlena Huang and Joaquin Gonzalez. 1999. Migrant Female Domestic Workers: Debating the Economic, Social and Political Impacts in Singapore. *International Migration Review*. 33 (1): 114-136.

Foreign Labor Migration and Shifting Family Structure in Nepal

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Abstract

Foreign labor migration is a growing trend in Nepal. Traditional pull factors in industrialized states in the West and growing economies in the Middle East are equally responsible for the motivating factors. Push factors in Nepal covers the wider issues of poverty, armed conflict, unemployment rate along with established Human Rights instruments and policies for international migration. In this paper my argument is based on the impact of migration on family structure that emphasizes the dichotomy of remittance-based economic dependence with shift in household composition and rented culture and women empowerment with increased number of female headed household. Eastern territorial notion of power based on morality and traditional family values have been gradually replaced by new intimate members of rented communities.

Introduction

The historical and political development of Nepal has a three-tier interlink of class, caste/ethnicity and gender with the unification campaign of several smaller states in the 17th century. Nepal experienced dominance of Hindu religious and cultural values with the cultural accommodation of various ethnic sections as well. Political economy of the Rana regime, democratic governance after 1950s, the autocratic *Panchayat* regime for 30 years, 1990s multiparty democracy and 10 years long armed conflict has distinct features in terms of economic activities, social cohesion and political culture. Nepalese family structures in multicultural and multiethnic context can be analyzed in terms of household nature, number of persons, power, status and economic relation among the members. Despite the decision making role and ecological setting in a diverse linguistic periphery, the joint family characteristics have been adopted for the purpose of this paper.

Family being a social institution has a role of organizing, benevolence, and interest compared to the other families in the society. Social change is often based on the change in family structure and role of family members.

Within the modern history of around 245-year family structure of Nepal it has been changing at specific intervals guided by the opportunities for living standards. Short term mobility of family members for the purpose of education and income is the prior 1950s trend in Nepal. To be away from home produces an imbalance in a “regular family system” of cultivation and in traditional roles of family members. “Migration” is one of the important factors which provide an “amoebic shape” to the families often fluctuating in size and the responsibilities.

I will attempt to analyze the shift in Nepalese family structure with reference to foreign labor migration on the basis of the national level secondary data. Nepal experiences a direct relationship with the global political shift and policy intervention in terms of governance, Human Rights and new social movements.

Nepalese family: origin and status

Compared to the cultural practices and ethnic diversities, Nepalese family from the very beginning of modern societies share common feature of “extended family” where a three to four

generational composition is found. The cultural root of Nepalese family are adhered to Hindu and Buddhist derivation finding expressions in rites and rituals, beliefs, social values, festivals, art and architecture of the land, thus creating a distinctive trait of synthesis and assimilation (Sharma, 1983). Mitchell (2009) argues that family formation patterns in highly industrialized, secular and geographic mobility has characteristics such less family solidarity, later marriage, less parental authority and greater status of women. Nepali society based on agriculture and an autocratic political process with least industrialization has its family structure as high solidarity, early marriage, higher parental authority and lower status of women in contrast to Mitchell's view on North West European families. Shift in family types is the result of family's quest to adopt the developed society. In this context Nepalese families continuously have been found to be progressive. Goldestein and Beall (1986) also agree that the "Joint family" has the reasoning in line with traditional Hindu ideals. Father as a benevolent dictator in the family exercises all the property rights and decision making power. Production and consumption values are controlled by the patriarchal structure. Division of property and land to his sons would depend upon father's decision. As a common agricultural occupation, none of the family member would get separated from the father until his death in the past. Due to the other employment opportunities the current status of Nepalese families has been transformed to "Nuclear families" before the death of father. The family members though not legally separated will not be together. Increase in alternative source of income and non-agricultural, non-manual labor opportunities have diminished families' traditional role as a unit of both production and consumption. (Goldestein and Beall, 1986)

The status of Nepalese family today is in a big dilemma of own labor skill versus access to land. The 1990s political movement in Nepal introduced the global phenomenon of economic liberalism, constitutional provisions for right to freedom and speech, right to mobility and a political freedom was established. Increase in access to governmental positions and the creation of private sector jobs detached the individuals from the subsistence farming. The mobility of a family member away from the home and internal short term migration emerged the 'rented house culture' in Nepal. In the rented culture, individuals pay certain amount of money in monthly basis for a room, an apartment or a whole house, thus creating many households in a simple house with distinct community of the rented people. The exact data is far beyond of calculation in Nepal that how many such families exist, normally in the cities, since these are volatile in nature. During the period of armed conflict in 2001 and 2002, the details of people living in rent was collected by the security posts not for livelihood analyzing perspectives, rather it was an examination that if any members from insurgent were dwelling in city. It was for the security purpose. At the present day, bigger cities in Nepal, consists of female headed rented families with their male counter parts migrated in the foreign country for labor purpose. The reason behind their detachment from the family is for the better education of their children.

The latest census report of 2011 shows that one in every four households (25.42%; 1.38 million households) reported that at least one member of their household is absent or is living out of country. Total number of absent population is found to be 1,921,494 against 0.76 million in 2001. The highest proportion (44.81 percent) of absent population is from the age group 15 to 24 years. Gulmi, Arghakhanchi and Pyuthan districts reported the highest proportion of their population being absent (staying abroad).

Regarding the household size, the average household size has decreased from 5.44 in 2001 to 4.88 in 2011 at the national level. The household size is recorded highest (6.44) in Rautahat district and lowest (3.92) in Kaski district. Average household size at the national level has

decreased from 5.44 in 2001 to 4.88 in the current census 2011. The household size is recorded highest (6.44) in Rautahat district and lowest (3.92) in Kaski.

Female-headed households in the country has increased by about 11 point percent from 14.87% in 2001 to 25.73% in 2011. There are 126 caste/ethnic groups reported in the census 2011. Chhetri is the largest caste/ethnic groups having 16.6% (4,398,053) of the total population followed by Brahman-Hill (12.2% ; 3,226,903), Magar (7.1% ; 1,887,733), Tharu (6.6% ; 1,737,470), Tamang (5.8% ; 1,539,830), Newar (5% ; 1,321,933), Kami (4.8% ; 1,258,554), Musalman (4.4% ; 1,164,255), Yadav (4% ; 1,054,458) and Rai (2.3% ; 620,004). (CBS, 2012).

Migration Cause and Trend

Migration today is beyond the simple mobility of human beings from the nomadic to the modern societies. The several connected trend of natural calamities and the desire for food has been replaced by the political insecurity and the quest for better income at this modern age. The push and pull factors in migration has remained common for the centuries such as food scarcity, natural, disaster, war as the push and better jobs and stable political condition as the pull. Due to the global political instability followed by the two world wars, pseudo war tragedy and the modern nature of war, forced migration for secure life is a living migration trend. On the other hand,, voluntary migration from the developing countries to the developed countries as an 'unskilled human resource transfer' persists creating a huge socio-economic impact in the home country.

Voluntary right is guaranteed human migrants whereas the involuntary migration as a result of natural and political tragedy within which requires an assurance of right to life. The migration from the right based approach is reflected from time of establishment of UN as Article 13 of UDHR state, "Everyone has the right to freedom of movement and residence within the borders of each state" and "Everyone has the right to leave any country, including his own, and return to his country." (UDHR, 1948)

In Nepal, the history of foreign labour migration dates back to the beginning of 19th century. 'Lahure culture' began in the beginning of 19th century in which Nepali youths from hill part went to Lahore city of Northern Punjab to be recruited to army of Ranjit Singh. In the year 1886 recruitment of Nepalese in British Army was formalized after which Nepal young men fought in first and second world wars from the side of British government. Recruitment of Nepali youth in British Army and Indian Army, as 'Gurkhas' is still prevailing (Sjapati and Limbu, 2012).

Nepal-India Treaty of Peace and Friendship 1950 provided the avenue for India as the destination for Nepalese as a job market. Foreign Employment Act in 1985, opened the way for labour migration beyond India which was ignited with the economic liberalization after 1990's democratic restoration resulting into Gulf countries and Malaysia as the major destination.

Brustle (2010) argues that the reasons for international labor migration in Nepal can be traced beyond "push and pull" factors as the Gurkha migration is taken as the norms by the Gurungs in the middle part of Nepal and Rai, Limbus, Magars and Gurungs in eastern region of the country.

According to the theory of international migration, geographic differences in the supply of and demand for labor induce migration where countries with a large endowment of labor relative to capital have a low equilibrium market wage, while countries with a limited endowment of labor relative to capital are characterized by a high market wage, as depicted graphically by the familiar interaction of labor supply and demand curves. (Lewis, 1954; Ranis and Fei, 1961; Harris and Todaro, 1970; Todaro, 1976)

Microeconomic model of individual choice (Sjaastad, 1962; Todaro, 1969, 1976, 1989; Todaro and Maruszko, 1987) argue that individual rational actors decide to migrate because a cost-benefit calculation leads them to expect a positive net return, usually monetary, from movement.

A "new economics of migration" approaches that migration decisions are not made by isolated individual actors, but by larger units of related people- typically families or households-in which people act collectively not only to maximize expected income, but also to minimize risks and to loosen constraints associated with a variety of market failures, apart from those in the labor market (Stark and Levhari, 1982; Stark, 1984; Katz and Stark, 1986; Lauby and Stark, 1988; Taylor, 1986; Stark, 1991).

Unlike individuals, households are in a position to control risks to their economic well-being by diversifying the allocation of household resources, such as family labor. While some family members can be assigned economic activities in the local economy, others may be sent to work in foreign labor markets where wages and employment conditions are negatively correlated or weakly correlated with those in the local area.

Piore, (1979) argues immigration is not caused by push factors in sending countries (low wages or high unemployment), but by pull factors in receiving countries (a chronic and unavoidable need for foreign).

National Mechanism and Policies for FLM

The Foreign Employment Act 2042, matters relating to foreign employment, which was first amended on 2049 B.S. Dealing with license process of employment agency and foreign employment enterprises, provision of prior permission to be taken by the license holder employment agency, public information to the potential migrant workers through the advertisement and information on geographical location, culture, labour laws as well as economic, political and social conditions of the concerned country, compulsory involvement of government representatives during the selection process of the workers, contract mechanism between the recruitment agency and the worker and Complain Mechanism are the basic features of the act.

National Labour Policy (NLP) 1999 deals with labour issues where the issue regarding the promotion and reliability of international labour migration is concerned.

Policy section of NLP, under the "Employment Promotion, Trainings and Human Resource Development" states "to increase foreign employment and to make reliability on it, appropriate

Changes and amendment on prevailing Foreign Employment Act and Policy to encourage foreign employment company shall be adopted".

Nepalese Migration Trend

Until the late 1990s, most studies of Nepal emphasized the importance of agriculture in the national economy, and the National Planning Commission (NPC) deemed agriculture to be the key to the rural development (NIDS: 2004).

"Current trend of international labour migration in India, Middle East, South East Asian countries and Europe and America is grown-up form of traditional migration as "Lahure" in Indian and British Army and domestic workers in India. Generally, migrant workers do the work in the country of destination that is not usually done by the people from the concerned country. By observing the trend and nature of current international labor migration, it can be separated on the basis of "Class" of the people.

The poor and vulnerable group of people of society is migrating to India and they are only able to expense a little money for their trip. The second type of migrant workers are from little bit well up family, but not educated (in most of the cases) and able to find money up to 1,00,000 rupees (either taking loan or selling parental properties). They are attracted to migrate as a foreign labour towards Middle East and Malaysia. The third types of people are from the middle or higher middle class family who are motivated to migrate in East Asian countries like Japan and South Korea. They have the capability to spend 400,000-700,000 rupees and ready to bare higher risk for higher income. The fourth types of people are from well up family who are motivated to migrate in Europe, America and other developed countries in Asia Pacific region. They can spend more than one million rupees and also earn highest amount of money than others".(Bhattarai Prakash, 2005)

Foreign labour migration being a complex phenomenon impacts women and men differently. Experiences also differ in the context of caste, class, ethnicity, geography, the country of employment, employment sector, nature of job, etc. The current trend shows that people who are undocumented and are leaving for foreign employment through the irregular process are the most vulnerable to various forms of abuse and exploitation. Women comprise 90% of such undocumented workers. The vulnerability of women gets exacerbated as majority of the Nepali women migrant workers are working in informal “care” economy as domestic help in Gulf countries. (Bhadra, 2013)

Table: Distribution of Foreign Labor Migrants on the basis of year and number in Nepal:

FY Country	Malaysia	Qatar	Saudi Arabia	UAE	Kuwait	Bahrain	Oman	South Korea	Lebanon	Israel	Afghanistan	Japan	Other	Total
050/051	0	391	2290	132	361	91	43	0	0	0	0	0	297	3605
051/52	0	245	1041	0	13	0	0	0	0	0	0	0	860	2159
052/53	0	505	1469	23	18	0	0	0	0	0	0	0	119	2134
053/54	0	477	1959	95	107	0	0	0	0	0	0	0	621	3259
054/55	89	1802	4825	284	137	111	7	0	0	0	0	0	490	7745
055/56	151	9030	14948	1417	609	787	90	0	0	0	0	0	764	27796
056/57	171	8791	17867	6360	465	583	32	0	0	0	0	0	1274	35543
057/58	11306	14086	17966	8950	885	904	68	0	0	10	0	0	850	55025
058/59	52926	19895	21094	8411	378	695	96	0	0	16	0	0	1225	104736
059/60	43812	26850	17990	12650	907	818	44	0	0	55	72	0	1845	105043
060/61	45760	24128	16875	12760	3194	606	73	0	0	433	327	0	2504	106660

061/62	66291	42394	13366	12726	1789	536	330	0	0	815	0	0	1471	139718
062/63	75526	55892	15813	15317	640	540	28	0	0	876	32	0	588	165252
063/64	74029	59705	39279	25172	2441	1200	509	765	0	405	182	0	846	204533
064/65	50554	85442	42394	45342	1967	5099	2626	146	2563	110	1400	1306	10102	249051
065/66	35070	76175	48749	31688	2291	6360	4247	2909	3379	3378	1538	1827	2354	219965
066/67	113982	55940	63400	33188	8255	4234	3285	2532	3788	316	735	516	3923	294094
067/68	105906	102966	71116	44464	15187	4647	2442	3728	151	273	655	603	2578	354716
068/69	98367	105681	80455	54482	24575	5865	3163	5627	243	574	823	1144	3666	384665
Total	773940	690395	492896	313461	64219	33076	17083	15707	10124	7261	5764	5396	36377	2465699

Source: Department of Foreign Employment, 2013

The table shows that, Malaysia is the country with highest number of Nepali migrant workers. The significant number of migrants has been found to be increased by the fiscal year 2058/59, which was the period escalation phase of armed conflict between the Government of Nepal and the than CPN(Maoist). The data also reveals that the trend has been continuously increasing.

Impact on Families

As the impact of foreign labour migration, married life is affected. The migrants marry between the few days of their holidays and should return immediately. The newly married wife will meet their husband only after waiting a couple of years (Brusle, 2010).

The wives of migrants leave the rural house and live in urban areas for better education of the children and old parents left behind in the village making the elders' living standard more fragile. The foreign labour migration trend has resulted in increased divorced rates, broken families with a high number of children resorting to drugs due to lack of proper parental guidance. (Uprety, 2013)

A large proportion of short term migrant labour of both males and females rise from poverty stricken families. The reason behind the migration is purely to achieve a better livelihood for the family's education. Generally males and females going abroad are semiskilled or unskilled since any vocational education and training is not provided and the specific nature of work to be performed is also not identified prior except the term 'Labor'. Unskilled labour consists of females who migrate as housemaids. Contract migration requires a temporary separation from the family, and living in a culturally, ethnically and religiously different environment in the host country. Neither male nor female migrants to the Middle East are usually accompanied by their families.

Evidence of stress and strain is becoming increasingly manifest in marital and family relationships. Successive empirical investigations have demonstrated that the price paid by families was in the form of disruption of family life and disorientation of matrimonial and social relationships. Incidents of family break-up due to migration are reported to be increasing. Sociologists have found a high potential towards bigamy or polygamy as a result of separation of married couples through migration. (Dias 1984; Eckenrode and Gore,1990).

Reports on Demographic and Social Trends affecting Families in the South and Central Asian Region show the impact of the incompatible socio-cultural experience of the returnee migrant member on the traditional family life as an adverse social consequence of overseas migration, particularly, among poorer migrants. "The long absence from home and exposure to a totally different economic and social situation and cultural milieu - while increasing the levels of income of the migrating partner and the family – has contributed to upsetting traditional family relationships. The importance of the family as a component part of the migratory process has not received the policy attention it deserves. Migration of family members can have favorable or adverse effects depending on the circumstances. Provisions made by households to cope with the void created by the migration of a family member are a dimension which has a far reaching social impact."

The National Census Report 2011 shows that the number of rented housing units is 20363; 489,289; and 184,410 in the Mountain, Hill and Terai region respectively. The rented housing unit reveals the largest number in the hill area with the families of migrant people.

Remittance culture of Economy

Nepal Living Standard Survey 2010/11 shows that the average income transfer in the form of remittances is Rs 80,436 (in nominal terms) per recipient household. Per capita nominal remittance when the whole population is considered stands at NRs. 9,245. About two in three households in the Tarai receive remittances and the proportion for both the hills and the mountains are roughly one in two households. Similarly the per capita remittance received in the Tarai is about two and a half times to what the households in the mountains are receiving on average. In the same way more rural households receive remittances than urban households but the per capita remittance received is higher for urban areas than for rural areas. Among the analytical domains, it is interesting to note that though the proportion of households receiving remittances in the Kathmandu valley urban areas is the lowest (34 percent), the average amount and per capita amount received are the highest second only to the rural mid and far western Tarai. This shows that the size of remittances received in nominal terms is better in this area than in other places. About 79 percent of the total remittances received by the households is used for daily consumption while 7 percent is used for loans repayment. Other uses are – to acquire household property (5 percent) and for education (4 percent). Only a small percentage of the remittances (2 percent) is used for capital formation and the remaining (3 percent) is used for other purposes. (NLSS, 2010/11)

Table: Description Nepal Living Standards Survey

	1995/96	2003/04	2010/11
Percent of all households receiving remittances	23.4	31.9	55.8
Nominal average amount of remittance per recipient household (NRs.)	15,160	34,698	80,436
Share of total amount of remittances received by household			
From within Nepal	44.7	23.5	19.6

From India	32.9	23.2	11.3
From other countries	22.4	53.3	69.1

Source: NLSS, (2010/011)

The increase in remittance economy and increase no. of households receiving remittance has been found to be a growing trend.

A Report on *The impact of Foreign Labour Migration to Enhance Economic Security and Address VAW among Nepali Women Migrant Workers and Responsiveness of Local Governance to Ensure Safe Migration (2013)* submitted to government of Nepal tries to measure changes in the level of violence against migrant women within the family and the society. Five types of violence against women (physical, psychological, emotional, economic and social) were measured in different stages of migration. This test was also meant to link economic empowerment to reduction of violence against women based on the assumption that those with successful migration have reduction in their domestic and other forms of violence and/or after the assurance of income (assuming economic empowerment) through the reintegration programme domestic and social violence against migrant women has been reduced." (Bhadra, 2013)

Vicious Circle in Jhapa and Grass root level Impact in Gorkha

Jhapa and Gorkha are the two districts in Eastern and Western region of Nepal. The two districts are taken here on the basis of recent dissertation and report on foreign labour migration in these districts.

Upreti (2013) in his Master's dissertation, "Vicious Cycle of Foreign Labour Migration: Causes and Consequences, a Case of Surunga VDC, Jhapa" concludes that the peer pressure rather than economic problem induces the foreign labor migration. He further writes, "When the foreign labour migrant returns no money is saved for productive investment, agriculture is left already and cannot do other small works in the country because of low economy and low prestige in the society. All the options are closed remaining returning again as a foreign labor migrant and the person is trapped in this vicious cycle of foreign labour migration." The trend might induce 'pseudo immigration' challenging the integration of family and creating a culture of guest in the rented house in the cities.

Dahal (2013), in the research report entitled 'Impact of ForeignLabourMigration at Grassroots Level' of Taplejung VDC in Gorkha assess the impact of foreign labour migration on economic condition of the family and on household cohesion. His findings states:

"Majority of the respondents said that Foreign Labour Migration (FLM) has played significant role in women's empowerment. The perception of some 9 percent women respondents from returnees' and dependents' category and the perception of some 30 percent women from general respondents category said that they are empowered enough to lead the decision making process in the household affairs due to the absence of male members.

Though FLM is found to have contributed to women's empowerment, there was unequivocally the same opinion coming from all women respondents that the absence of male members from the family due ot FLM has also greatly increased their work burden and undermined their freedom and health. Respondents from the category of general respondents have replied that women have left their villages for cities after their husbands started sending remittances from abroad."

Conclusion

The traditional norms and values related to Nepalese family structure are shifting from joint family to family departed from the permanent house to a rented one creating a new intimate neighbors from different locality. A ten-year long armed conflict in Nepal since 1996 to 2006 also created larger momentum for migration. A three-generation family composition of Nepali society has been divided into three folds: home of origin dwelled by old age parents, rented home culture dwelled by women and children and abroad as work place inhabited by productive aged man. The cultural aspect of belongingness, respect and care rooted in the eastern power exercise has been challenged by the newly developed dense and volatile communities in the urban side. The deterioration of family values has created vulnerabilities of family disputes, loss of rural culture, heightened expectation, urban poverty, and increased tendency of divorce. The exact quantitative figure in the family disintegration due to migration has not been calculated.

Among Fertility, Change in age at marriage and age at first birth, Change in Mortality, Change in size and structure of household, Female headed households, Marriage dissolution and women's participation as the determinants of change in family structure, in the Nepalese case size and structure of households and women empowerment has been found to be significant.

References

- Bhadra, C. (2013). *The Impact of Foreign Labour Migration to Enhance Economic Security and Address VAW among Nepali Women Migrant Workers and Responsiveness of Local Governance to Ensure Safe Migration*. Final report submitted to Ministry of Women; Children and Social Welfare; Ministry of Labour and Employment; Ministry of Federal Affairs and Local Development; Government of Nepal.
- Bhattarai, P. (2005). *Migration of Nepalese Youth for Foreign Employment: Problems and Prospects (A Review of Existing Government Policies and Programmes)*. Kathmandu: Youth Action Nepal (YOAC).
- Brusle, T. (2010). Who is in Labour Camp? A Socioeconomic Analysis of Nepalese migrants in Qatar. In Sellers, B. (Ed.), *European Bulletin of Himalayan Research* (pp. 154-202). London: School of Oriental and African Studies.
- CBS (2011). *National Population and Housing Census 2011 (National Report, Volume 01, NPHC 2011)*. Kathmandu: Central Bureau of Statistics.
- _____. (2011). *Nepal Living Standards Survey 2010/11 (Statistical Report Volume Two)*. Kathmandu: Central Bureau of Statistics.
- Dahal, R. (2013). *The Impact of Foreign Labor Migration at Grassroot Level: A Case of Thalajung Village Development Committee, Gorkha District, Nepal*. An Unpublished Report Submitted to the Department of Conflict Peace and Development Studies, Tribhuvan University.
- Delgado, W.R. & Marquez, H. (2009), 'Understanding the relationship between migration and development: toward a new theoretical approach', *Social Analysis*, 53 (3), 85-105.
- Goldstein, M.C., & Beall, C.M. (1986). Family Change, Caste and the Elderly in a Rural Locale in Nepal. *Journal of Cross-Cultural Gerontology*, 305-316.
- Gurung, G. (2002). *Patterns in Foreign Employment and Vulnerability of Migrant Workers*. Kathmandu: NIDS.
- Gurung, G., & Seddon, D. (2003). *New Lahures*. Kathmandu: NIDS.
- HMG/Nepal (1985). *Foreign Employment Act-2042*. Kathmandu: Available at www.labournepal.org
- HMG/Nepal (1999). *National Labour Policy*. (Kathmandu: Available at www.labournepal.org)

- Massey, D. S., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A., & Taylor, J.E. (1993). Theories of International Migration: A Review and Appraisal. *Population and Development Review*, 19(3), 431-466.
- Mitchell, C. M. (2009). Three Essays on Worldviews, Autonomy and the Family in Nepal. Ph.D. (Sociology) dissertation. The University of Michigan.
- Phizalacklea, A. (1983). *One Way Ticket: Migration and Female Labour*. London: Routledge and Kegan Paul
- Piore, M.J. (1979). *Birds of Passage: Migrant Labor and Industrial Societies*. New York: Cambridge University Press
- Sharma, P. R. (1983). Nepali Culture and Society: A Historical Perspective. *Contribution to Nepalese Studies*, 10 (1 & 2).
- Sijapati, B., & Limbu, A. (2012). *Governing Labor Migration in Nepal*. Kathmandu: Himal Books
- Simon, R.J. & Brettel, C.B. (1986). *International Migration: The Female Perspective*. Totowa, NJ: Rowman and Allanheld.
- Universal Declaration on Human Rights, Resolution 217A(III), (1948). New York: United Nations General Assembly.
- Uprety, D. (2013). Vicious Cycle of Foreign Labour Migration: Causes and Consequences, A Case of Surunga VDC Jhapa. Unpublished Masters Dissertation submitted to the Department of Conflict Peace and Development Studies Tribhuvan University.
- Wagle, U. R. (2009). *Experience of Nepali Families with Foreign Remittance: Evidence from the Nepal Living Standard Survey*. Michigan: School of Public Affairs and Administration, Western Michigan University. www.un.org/esa/socdev/family/Publications/mtdesilva.pdf retrieved on December 1, 2013.

Factors Determining Migration among Hill Tribe People in Northern Thailand

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Abstract

In Thailand, internal migration research has recently been of marginal investigation. Yet, this study is of the notion of the need to keep it on track of interest, particularly from the perspective of the public and intimate spheres. While rural development program since the 1997 economic crisis has contributed to a rise of return migration from urban to rural areas, there are certain parts of Thailand where there is an on-going flow of rural-urban migration of labor. This is particularly the case for vulnerable and marginalized hill-tribe people. Besides the problem of children and elderly left behind, the prospects of their sustained economic and social development are also expected to be jeopardized. This study focuses on the Karen community, the largest community of hill tribes in Thailand. This is based on a comparative case study of migrants and non-migrants in Pateung Catholic Community in northern Thailand, where there is a very high rate of migration of up to nearly 30%.

The study adopts participatory observation and in-depth interview approaches of qualitative investigation to comparatively study the experience of individual movers and non-movers, from the perspective of the household members of the family of both migrants and non-migrants. To seek an understanding of the characteristics of migrants and non-migrants, their family background, as well as of what has caused the out-migration stream and non-migratory phenomena in the area of investigation, the study examines push, pull, and prohibiting factors –affecting the decision to migrate or not, along neo-classical economic theory and new economics of migration. This study is expected to come up with an appropriate approach to help the minorities and their family to achieve sustainable ways of lives while contributing to sustainable demographic dividend in the community.

1. Introduction

In the present era of globalization, studies of migration in Thailand, a middle income country in Southeast Asia, have largely focused on transnational migration. This is in response to that fact that Thailand has, as 2011 Thailand Migration Report (Huguet and Chamratrithirong, eds. 2011) put it, evolved into “a global and regional migration hub for outgoing, incoming and transiting migrants” in Southeast Asia. This compares to a declining trend of research in internal migration, which has turned into, as a scholar puts it, “a problem of the past” (Chamratrithirong 2007: 10). Part of the explanation is a declining trend of internal migration from one region to another, from one province to another, particularly to Bangkok, the capital city of Thailand, and the tendency for return migration from urban to rural areas to surpass rural-urban job-seeking migration, according to the National Statistical Office (2012). It is so despite an increasing trend of migration from rural places to urban growth in the same province, which can be expected to negatively affect the prospects for rural demographic dividend to contribute to appropriate rural development. The notion is essentially

challenges considering the poor prospects for marginalized ethnic minorities in remote and poor communities to enjoy economic security on their own. Their demographic movement has received relatively little attention in migration literatures in Thailand.

Northern Thailand provides an appropriate setting for an investigation into the demographic movements marginalized ethnic minorities. That part of Thailand has housed seven major tribes, namely Karen, Hmong, Yao, Lisu, Lahu, Lawa, and Akha. This is in addition to these rare and relatively small tribes: Palong, Khamu, Thin, and Mlabri. Many of them have migrated to this area for more than a century ago from neighboring countries. They have maintained their own culture, religion, language, and lifestyles, with little change of quite a long time.

The objective of the present study is to investigate into the demographic movements of marginalized ethnic minorities in Thailand. It specifically identifies the pattern of out-migration, the prospects for return migration, as well as the determinants and constraints of such demographic movements. This is based on the experience of individual migrants and non-migrants, from the perspective of the household members of the family of the migrants and the non-migrants themselves. The study is expected to come up with an appropriate approach to help the minorities and their family to achieve sustainable ways of lives while contributing to sustainable demographic dividend in the community.

This paper is divided into seven parts. After the introduction, which identifies the rational and the objectives of the study, the data and the setting of the study are provided in the second part of the paper. In the third part of the paper, the demographic and socio-economic characteristics of the migrants from Pateung Catholic Community to the City of Chiang Mai are elaborated comparatively with those of the non-migrants. This is followed by the patterns of migration, decision making and determinants of migrants, and possibility for return migration, in the fourth, fifth, and sixth parts, respectively. The final part serves as the synopsis.

2. Data and Setting

This study relies on the case study of the Karen people in Pateung Catholic Community in Chiang Mai in Northern Thailand. All of them are Thai citizens, and have secured their Thai citizen identification cards. Although all of them have become Catholic for quite a long time, they have still practiced animism and believed in the existence of a Lord of the Earth and Water, as the master of virtually all natural phenomena, the earth, rocks, trees, etc. This is given the fact that such a believed have been cultivated and transferred from one generation to another on a consecutive basis. The case study of Karen people is selected purposively for this present study. This is based on the notions that the Karen, though distributed in many provinces in western and northern Thailand, are considered the largest tribal group in Thailand, despite the widely varied estimates from one source to another,¹ particularly in Chiang Mai province where they are estimated to contribute up to 70.09% of all hill tribes there (Tribal Research Institute, 2004). According to the registration data provided by Chiang Mai Diocese Statistics in 2013, Pateung Catholic Community, which is located in Mae Jam District, Chiang Mai, consists of 1,579 Karen people. However, a preliminary survey by the authors in 2013 found that there are only 1,153 Karen people actually living there, and that 426 people or 26.97% of the total number of registered Karen population in this village have migrated in a short distance to

¹ According to Tribal Research Institute in Thailand, in 2004 there were about 438,131 Karen people in Thailand, constituting 47.45% of all Hill Tribes there, which are in Chiang Mai about 138,447 people or 70.09% of all Hill Tribes in Chiang Mai.

urban areas, most of which is the City of Chiang Mai, which is growing rapidly in tourism and agro-industry while serving as an education and healthcare hub in the north.

The study adopts a rapid assessment survey along non-participatory observation and structured face-to-face in-depth interview approaches of qualitative investigation to comparatively study the experience of individual movers and non-movers, from the perspective of the household members of the family of both migrants and non-migrants. Such an interview was carried out during October 2013 to November 2013 with 25 samples of the households with at least one working-age member being currently a migrant in the City of Chiang Mai, and 15 samples of working-age non-migrants. This is based on the notion of the demographic dividend framework, which highlights the productive contribution of the working-age population to the economy.

To identify while seeking an understanding of the demographic and socio-economic characteristics of migrants and non-migrants, the migration patterns, as well as of what has caused the out-migration stream and non-migratory phenomena in the area of investigation, the study examines a combination of factors affecting decision making to migrate and not to migrate, along neo-classical economic theory and new economics of migration.

3. Demographic and Socio-economic Characteristics of Migrants and Non-Migrants

The demographic and socio-economic characteristics of the migrants and non-migrants are presented in Tables 1 and 2, respectively. The study finds 5.53 years to be the average period of migration for the migrants from to migrate from Pateung Catholic Community, with the standard deviation of 4.80 years. From the gender and age perspectives, the study finds the migrants to be mainly male (68 %) and at the 31-40 years of age (40 %), followed by those of 20-30 years old (32 %). The average age is 30.68 years, with the standard deviation of 8.72 years. The majority of the migrants is married (64 %), with a higher proportion of those with children than without one. The case is not much different for the non-migrants. This is given that there are also more male (53 %) than female (47 %) at the average age of 30.53 years, with the standard deviation of 10.59 years. The proportion of married non-migrants is a bit higher (69%) than that of the migrants, while there is a slightly lower proportion of unmarried/single non-migrants than that of the migrants, 33 % and 36%, respectively. Moreover, the study finds one of the migrants and non-migrants is illiterate. More than half of the migrants and non-migrants have attained at least at the high school/ vocational level, 60 % and 66 %, respectively.

As one may expect, the migrants have earned more than the non-migrants. 16 % of the migrants have earned over TB 16,000 per month, comparing to only 7 % of the non-migrants having earned that much. At the same time, another 16 % of the migrants can earn only TB 7,000 or below, comparing to 27 % of the non-migrants. An explanation is that most (60 %) of the migrants are employed in the services and industrial sectors, and 16 % of them have established enough to run their own business in the City of Chiang Mai while another 16 % engaging in street trading and 8 % in a religious mission. This represents a great change from their ways of life back home. The majority (52 %) of the migrants were lack of job before migration, followed by those in the agricultural sector.

Yet, from the average monthly income perspective, the gap is not very wide. The income per month of the migrants is TB 13,832 on average, with the standard deviation of TB 7,330.40. This compares to average income per month of the non-migrants who have regularly earned (13 out of 15 persons) at TB 10,500, with the standard deviation of 5,439.06. There are 2 non-migrants (13 %) under investigation who have not regularly secured their income. The majority (73 %) of

them is self-employed in agricultural and handicraft sectors, while there are 13 % running their own small business and around 17 % in the government and religious services.

Background Characteristics of Respondents	Migrants				Non-migrants			
	N	%	Mean	SD	N	%	Mean	SD
1) <u>Gender</u>								
Male	17	68%			8	53.34%		
Female	8	32%			7	46.66%		
2) <u>Age</u>			30.68	8.72			30.53	10.59
20 or Below	4	16%			3	20%		
21-30	8	32%			5	33.34%		
31-40	10	40%			4	26.66%		
Over 40	3	12%			3	20%		
3) <u>Educational Background</u>								
No Education	-	0%			-	0%		
Primary School	3	12%			2	13.33%		
Secondary School	7	28%			3	20%		
High School/Vocational School	9	36%			8	53.34%		
College/University						3%		
Background Characteristics of Respondents	Migrants				Non-migrants			
	N	%	Mean	SD	N	%	Mean	SD
4) <u>Marital Status</u>								
Unmarried/Single	9	36%			5	33.34%		
Married with no child	6	24%			3	20%		
Married with child/children	10	40%			7	46.66%		
Number of Children								
1 Child	4	40%			2	28.58%		
2 Children	2	20%			3	42.86%		
3 Children	3	30%			1	14.28%		
More than 3	6	24%			2	13.33%		
5) <u>Period of Migration</u>			5.53	4.80	-	-	-	-
1 Year or Below	4	16%						
2-3 Years	5	20%						
4-5 Years	5	20%						
	6	24%						
6-7 Years	3	12%						
8-9 Years	2	8%						

6) <u>Average monthly income (Baht)</u>			13,832	7,330.40			10,500*	5,439.06*
7,000 or Below	4	16%			4	26.67%		
7,001 – 10,000	5	20%			4	26.67%		
10,001 – 13,000	6	24%			3	20%		
13,001 – 16,000	6	24%			1	6.66%		
Over 16,000	4	16%			1	6.66%		
					2	13.34%		
7) <u>Average Monthly remittance (Baht)</u>			4,112	3,348.67	-	-	-	-
2,000 or Below	4	16%						
2,001 – 4,000	9	36%						
4,001 – 6,000	6	24%						
6,001 – 8,000	4	16%						
8,001 – 10,000	1	4%						
Over 10,000	1	4%						
8) <u>Past Occupation in Original Area (Pateaung Catholic Community)</u>					-	-	-	-
Agriculture for subsistence	7	28%						
Agriculture for trading	3	12%						
Entrepreneur	1	4%						
Religion	1	4%						
	13	52%						
9) <u>Current Occupation in Chiang Mai City</u>					-	-	-	-
Services	7	28%						
Industrial Worker	8	32%						
Entrepreneur	4	16%						
Street Trading	4	16%						
Religion	2	8%						
10) <u>Occupation in Pateaung Catholic Community (Non-migrants)</u>	-	-	-	-				
Agriculture for trading					8	53.34%		
Entrepreneur					2	13.34%		
Handicrafts					3	20%		
Religion					1	6.66%		
Government Office					1	6.66%		

Notice (*) Average and Standard variation were calculated and shown only 13 non-migrants due to 2 respondents haven't got certain income.

[Table: Migrants and Non-migrants' Characteristics (Migrants N=25 and Non-migrants N=15)]

4. Patterns of Migration

The study finds that the migratory patterns of the Karen migrants from Pateung Catholic Community can be divided into these categories:

- Components of migratory stream: The movements of the Karen migrants under investigation can be divided into two migratory streams. One is that of an individual migrant; and another is that of a whole family. Among them, the former prevails. Some prefer to be alone while others share the accommodation with migrant workers from the same hometown or their working colleague.
- Migratory stream by gender: As earlier mentioned, the migratory stream from the Pateung Catholic Community is male dominated. Such a pattern is mainly attributable to the culture and norm in their home community where males are the head and the main supporter of the family while females are more associated with domestic work with a comparative advantage in taking care of the children and the elderly. This is also the case for the family migration stream, which involves female and child dependent migrants.

5. Decision making and Determinants of Migration

The family members of the Karen migrant workers provide different reasons for the latter to migrate to the City of Chiang Mai. They are: to attain better opportunity and wealth of their lives; for better recognition in the society; for a better job and higher income; to support their children and family; to have a chance for higher education; to distribute their traditional products to the city market; and because the family force them to go there. The first five reasons are mainly shared among migrants in all sectors under investigation: services sector, industrial sector, business owner, street trading sector, and religion services. Meanwhile, those in the industrial and street trading sectors are forced by their family to do so; and the distribution of their traditional products to the city market is another motivation behind those now running their own business in the City of Chiang Mai.

Meanwhile the non-migrants provide these reasons for them to stay in their home village in the Pateung Catholic Community: being satisfied that their job can make a good benefit; to stay close to their family; do not want to change their lifestyle; to contribute to the conservation of the hill tribe's culture; want to enjoy their life/ running a life for pleasure; to attain recognition in their home village; and to support their hometown. Among them, these reasons are shared by respondents in the agricultural and handicraft sectors as well as those running their own business: being satisfied that their job can make a good benefit; to stay close to their family; do not want to change their lifestyle; and want to enjoy their life/ running a life for pleasure.

This reflects in an interview with those who earn their living on agricultural produce and handicraft as well as those running their own business, those working in the government and religious sectors.

“In Pateaung, I can support and help my family to work. My family works in agriculture for trading. We cultivate along the sufficient economy philosophy bestowed by His Majesty the King Bhumiphol; and our village is close to Inthanon Royal Agriculture Station. The station has sent agricultural experts to support us and help distribute our agricultural produce. We can earn our income, can enjoy working in our hometown; and we can stay with our families. They are our best goal of lives”

(Pipat, Agriculture for trading, Interviewed on 24 October 2013)

“I can continue our tribal heritage and support our hometown to develop our quality of lives. If nobody did it, how it would happen? Our culture, our wisdom and our lifestyle will be lost for sure”

(Sombat, Handicrafts, Interviewed 24 October 2013)

At the same time, those in the handicraft sector also want to maintain the hill tribe's culture, while those in the governmental and religious services would like to attain recognition in their home village; and to support their hometown. Those in the governmental sector are also satisfied with job and would like to stay close to their family.

6. Possibility for Return Migration

The study finds 36 % of the migrants to be a permanent emigration from the Pateung Catholic Community for they have established their family life while enjoying their work and recognition from the people in the city, besides the notion that a city life is good for their children. This is particularly the case for those running their own business there. This compares 16 % to certainly return for the reason that they have succeeded in what they want in both financial and social terms and would like to contribute their success to their hometown. Meanwhile, there are 48 % the migrants to probably return to the Pateung Catholic Community. This is particularly the case for those who haven't attained their goal while weighing the costs and benefits of return migration.

7. Synopsis

Sample migrants and non-migrants seem to share, to a certain extent, their characteristics from the demographic and socio-economic perspectives. Given the migration under investigation is that from Karen's Pateung Catholic Community in Chiang Mai to the City of Chiang Mai, or rural-urban migration, one may expect from the push-pull perspective of migration elaborated initially in Ravenstein's (1885) Laws of Migration and subsequent neoclassical frameworks, that economic factors play the role as the main stimulus for their. Wealth, job, and income do serve as keywords identified by the respondents motivating such a rural-urban migration. In fact, there are also other reasons, which seem to vary from one migrant to another. When considering those three keywords with those other reasons, this study is of the notion that they can be even re-grouped into one, i.e. migration for a better life. Particularly, it reflects the notion of migration an investment towards a better life from a human capital perspective, as one may find in Sjaastad's (1962) and Becker's (1964) frameworks, through employment and the possibility for further educational attainment of the migrants.

From the decision-making process perspective, the migration of certain Karen migrants from Pateung Catholic Community to the City of Chiang Mai can be explained along the neoclassical frameworks, highlighting that migration is an individual choice of each migrant for utility-maximization or to mitigate misfortunes in the area of origin, while others are not. This is despite the notion that the family/household of the migrants does serve as the relevant decision making unit, as proposed in the Stark and Bloom's (1985) new economics of migration to overcome constraints on family production or consumption.

Yet, the study finds that such constraints are less attributable to market failures there, but more to the relative poor social status of the migrants, that a better recognition, which is interpreted in terms of an improvement of their social status, is the key hidden motivation for migration, as well as the long-term goal for the migrants as well as their family to attain.

The relatively poor social status of the migrants is interestingly found to be more subject to a double sphere of vulnerability, one with the community itself and another within the Thai state at large. While the latter refers to their status as ethnic minorities in less developed area, the former is the traditional norm of seniority in the community. This is given the fact that seniority applies in social status attainment. Traditionally, a high social status is limited only to the elderly, despite the fact that those at a younger age are relatively efficient to earn a living. This results in a limit for those at a younger age to move along their career path towards a respectable position. The sensitivity to such vulnerability varies from one to another. For some Karen migrants, the status as part of ethnic minorities is a dominant push factor to leave their village to work in an urban area, while others maintain that it was rather the traditional norm in the community itself that push them away. At the same time, both layers of vulnerability function as the push factors.

Both layers of vulnerability affect the local economy, the supply of infrastructure for transportation and fast communication, and the supply of social service facilities, particularly those for educational attainment. Authors' rapid assessment survey along a non-participatory observation approach finds many villagers work relying upon sufficient small-scale agriculture for living and to trading. It is so despite the abundance of natural resources. The migrants and their family consider it was impossible for the local economy to provide enough income. Such a rapid assessment survey also finds the community with only one secondary school. This reflects the problem of insufficient educational facilities in response to the demand of community's population despite the government's Compulsory Educational Policy applicable to all children – indigenous Thais, ethnic minorities, and non-citizens.

In other words, the Karen migrants choose to migrate to attain a better economic status, which they think would lead to a better social status, at least relatively equivalent to the indigenous Thai people in general. Along that path in a medium-term perspective, a higher educational attainment can lead to a better income and a better job. This reflects particularly among the Karen migrants who have not yet established in terms of job in both services and industrial sectors, and those of who can financially avail themselves for higher education. This compares to migrant workers in street trading, due to their relatively educational background and low income.

On the other hand, it is interesting to note that the non-migrants seem to enjoy an easy and peaceful life, considering that the sufficient economy, the society, and the culture are satisfactory to them, beside the possibility to be with their own family.

Authors' post-survey observation finds the possibility for an on-going trend of out-migration from the study site to the City of Chiang Mai, particularly among the population at a younger workforce age group. This trend is for further study after their graduation from the secondary school while also looking for a job. Given a number of migrants already established their family life and even their small-scale business in the City of Chiang Mai, one would expect those permanent migrant to serve as the migrant network to facilitate the flow, job searching, and even employment. Accordingly, this study is of the notion that the Pateung Catholic Community will be more and more vulnerable to lose the chance to maximize the benefits of a demographic dividend, a prominent notion raised in a RAND publication authored by Bloom et al. (2003) in time to provide resources for the future and may subject to a demographic onus instead.

To mollify against the possibility of losing the chance for the said demographic dividend, it is imperative for the Pateung Catholic Community to avoid permanent emigration while encouraging return migration of their working-age population. In this regards, the study is of the notion that, if the economy of the Pateung Catholic Community can provide a more variety of jobs for their population than it does now, the community will be able to retain and keep their workforce to

contribute productively to the local economy. In other words, creation of jobs is in need there for their population to attain a better quality of life and to earn a secured income on a regular basis.

To pave the way for such a prospect, there are several things urgently needed. Among others, it is imperative to supply the community with appropriate infrastructure for fast communication so that the people in the community can upgrade their knowledge, competences, resilience, and to be able to apply technology and innovation in response to the changing environment affecting the local economy, the society and the culture. This is particularly from the human capital perspective.

Moreover, expertise, research and development to increase agricultural productivity should be rendered to the Pateung Catholic Community from R&D facilities nearby on a proactive and regular basis so that the local people are equipped with competences to increase productivity, with knowledge of marketing and management, and the best farming practices, as well as to gain access to markets.

While agriculture can serve as the main source of income and food security, eco-tourism may serve as an option for extra income, to improve the well-being of local people, to reduce outflow of migration, and to motivate return migration.

Last but not least, social cohesion and intergenerational relationships are also to be strengthened in the Pateung Catholic Community while empowering younger generations to contribute with dignity to local economic restructuring and social development towards quality and sustainability.

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References

- Becker, Gary S. (1964). *Human Capital*. New York: National Bureau of Economic Research.
- Bloom, David, David Canning, and Jaypee Sevilla (2003). *The Demographic Dividend: A New Perspective on the Economic Consequences of Population Change*. Santa Monica, CA: RAND Corporation.
- Chamrathirong, Aphichat (2007). "Research on Internal Migration in Thailand: The State of Knowledge" *Journal of Population and Social Studies* Vol. 16. No. 1 (July): 1-20.
- Huguet and Chamrathirong, eds. (2011). *Thailand Migration Report 2011*. IOM Thailand. Bangkok: FSB Network Company Ltd.
- National Statistical Office (2012). *The 2011 Migration Survey*. Bangkok: IE All Digital Print Ltd.
- Ravenstein, Ernest George (1885). "The Laws of Migration." *Journal of the Royal Statistical Society* 48: 167-227.
- Sjaastad, Larry A. (1962). "The Costs and Returns of Human Migration." *Journal of Political Economy* 70 (5), Supplement: 80-93.
- Stark, Oded and David E. Bloom (1985). "The New Economics of Labor Migration." *The American Economic Review* 75 (2): 173-178.

Intermarriages: Love and Law in European Countries

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1. Introduction

In Europe, policies and administrative practices concerning binational families constitute multidisciplinary topics that present excellent opportunities for revisiting the interaction between intimate and public spheres.

In this article I shall focus on how some European States, using legal-administrative means, interfere with the intimate life of *binational couples*. By this expression the author means here a couple uniting a European Union (EU) citizen and a “Third-Country National” (TCN): that is, a citizen of a *non-European country* who resides in a European Member State, and as such is subjected to specific regulations and administrative practices, for instance the obligation of periodically renewing his or her residence permit. In the context of increasing pressures to immigration, the legal status of TCN, the status of being resident but not-citizen, which is called “denizenship” or “quasi-citizenship” (Groenendijk, 2006b) is more and more frequent and common. Temporary migrants, settlers and other figures are entitled to a limited range of rights in Europe, with slight differences according to the kind of permit to stay they have got. The same situation seems to be happening worldwide, for instance in Asia.

The issue examined here is the following: what happens when a European citizen living in Europe decides to form a couple, then a family with a “denizen”?

For my PhD of sociology (Odasso, 2013b), I have studied ‘mixed couples’ in Alsace and Venetia, and more specifically the effects of *stigmatization* on Europeans and their Arab partner in Alsace and Venetia.

According to the findings of my PhD research and of other European researches (Maskens *et alii.*, 2014; Salcedo Robledo, 2011; Ferran, 2009; etc.), the shaky legal status and the inquisitor administrative practices concerning these couples tend to deeply destabilize their family life. The paradox comes from the fact that destabilization comes from the same national or supranational authorities that proclaim to consider the right to family life as a basic human right.

In practice, one might ask which kind of family is protected by national authorities; and how citizenship or denizenship, how sex, social class or (perceived) ethnicity bear upon the intimate life of binational families within the public sphere.

After a brief statistical frame, the author will present a review of international and European conventions protecting family life in the first section of the article. In the second section, the author will give examples of laws and administrative practices to show how references to ‘national security’ in official texts put in danger not only the family rights of TCNs (Third Country Nationals), but *also* those of EU citizens themselves. Finally the author will present a case study, that shows how binational family members can *resist* institutional constraints in order to build a stable family life.

2. Biographical Policy Evaluation

In order to study the issue of intimacy in binational families I have used Elias’s *figurational sociology* ; this graphic method allows to grasp the relations of *interdependence* that necessarily connect families’ individual members and society structures at large. More precisely, Elias view of the interplay of ‘established’ and ‘outsider’ relationships (Elias and Scotson, 1997) with stigma

(Goffman, 1975) leads to deepen observation of social dynamics involving both EU *citizens* and *denizens* (TCN) in these family configurations.

Thus, so-called “tribal stigma” (nationality, religion and “race”) become operative tools to investigate differential treatment (Groenendijk, 2006a) towards binational couples and families in the public sphere. Moreover, the interactive notion proposed by Goffman allows considering differently the European spouse — the citizen — who as an “initiate” (Goffman, 1975, pp. 41-42) who is often in contact with stigmatized individuals — in this case denizens — runs the risk to see the stigma they have been burdened with be extended to her/him.

This has led us to wonder whether *both* members of a binational couple were experiencing a common experience of *migration*. For the TCN spouse who is coming from abroad, it is an obvious fact. But is not it so that the EU citizen spouse *also* experiences subjectively some process of “intimate migration” through sharing the life of an immigrant? I call this process as “inner migration” or migration of contact” (Odasso, 2013b & 2013c) by marrying a TCN, the EU citizen not only begins experiencing another culture, but moreover he/she starts sharing with her/his partner, quite concretely, the inner meaning of (the ‘how does it feel to’) being foreigner and migrant in another country.

As for the empirical methods the author has used for our fieldwork a combination of biographical interviewing (Bertaux, 1996; Delcroix, 1995), *multi-sited ethnography* (Marcus, 1995), and participant observation (Bastien, 2007 ; Tedlock, 1991) of binational family members, in particular their interactions with their immediate social surroundings, as well as with civil society organizations defending binational families and migrants’ rights. A lifelong perspective allows discovering how the *public* (entourage, laws, administrations, etc.) interferes with *private* family life, as well as how such interferences are being experienced by binational couples. On top of it, collecting life stories and family case studies greatly contributes to perceive the unintended effects that the implementation of a given particular policy may have on the situations and lives of those individuals and families it is applied to; which opens the way to the evaluation of such policies “from below”, from the effects it has on concrete cases. This is the method of “biographical policy evaluation” who has been put forward by some German colleagues (Apitzsch *et alii*. 2008; see also Delcroix, 2013).

3. Statistical Overview and Legal International Frame

As result of large-scale mobility, the number of binational families in Europe has rapidly grown. For instance, in the period 2008-2010 one marriage out of twelve united individuals of different nationalities (about 8 %). In France the rate of binational marriages rose from about 10% in 1996 to 16% in 2009. In 2004, 20% out of all marriages in Belgium involved a foreign spouse; the rate had been 12% until 1997. In Germany, 16% of all marriages concluded in 2004 were binational. In Austria, these marriages rose from 14% in 1998 to 28% in 2004 [Lanzieri, 2012; Collet, 2012]. It seems that it is in Mediterranean countries that this rate is rising the fastest: in Italy these marriages accounted for less than 5% out of the total in 1995; by 2009 their share had reached 14% (ISTAT, 2012).

Those figures consider only the number of marriages, without considering others form of unions. As a consequence of the augmentation of these rates and after blocking other ways of legal entry in Europe (where nowadays family migration represents 44% of total entries) restrictive migration policies are more and more concentrated on family reunification and binational couples and marriages. For the couples formed by a TCN and a EU citizen, the institutional formalization of the union is *compulsory* if they plan a stable family life; while among European citizens, marriage is

making way for other forms of informal unions. Cohabitations *more uxorio* or Civil partnerships normally are not enough for a TCN to obtain rights as almost-citizen.

The right to marry, as well as the respect of private and family life, is included among universal human rights. The article 16 of the *Universal Declaration on Human Rights* states: “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. And that they are entitled to equal rights as to marriage, during marriage and at its dissolution”; and point 3 states that every family “is entitled to protection by society and the State”. With similar expressions, the *International Covenant for Civil and Political Rights* (art. 23), the *European Convention on Human rights* (ECH, arts. 8 and 12) and the *Charter of Fundamental Rights of the European Union* (arts. 7 and 9) all state that *no public authority shall interfere with the exercise of the right to marry and to build a family*.

The ECH protects all EU residents, and this should mean TCNs too. However, article 12 underlines the exception to this norm: the case of non-genuine marriages to protect “(...)in a democratic society, the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others” (ECH, art. 12). Among those marriages – forced, arranged or of convenience – the last have moved into core position within the socio-political debate on migration. No reliable statistics are available to estimate their rate in Europe. For instance, in Belgium, in 2011, 10,728 marriages of convenience were reported by media and politicians; but it was shown later on that this figure merely resulted in extrapolating the findings of a limited number of police inquiries on some marriages that had been indeed suspected to have been celebrated solely as a matter of convenience. In fact no data has been published on the conclusion of those inquiries (Langhendries, 2013).

Furthermore, even if the EU Council Resolution 97/C 382/01 of December 4th, 1997 has attempted to define what is a marriage of convenience, suggesting at the same time some indicators to identify one, as well as measures to fight against those marriages, there is still some confusion around what a marriage of convenience actually is. Different implementations have been adopted in different EU states (de Hart, 2006; Pöyry, 2010). Once again, at the end of 2013, a EU Commission’s Communication (COM 837 of November 25th 2013) on free movement of EU citizens and their families has outlined, among the five concrete policies it proposed to promote, the fight against marriages of convenience.

4. Public Sphere: Laws and their Implementation

Marriage is a conjugal institution legally defined at the national level. Thus, in the process of transposing EU guidelines in every EU state, a progressive erosion of the human rights mentioned above takes place, differentially within each national State. This is evident in the tightening of requirements for celebrating a binational wedding, for establishing (and verifying) domiciliation, in requested police inquiries (and the delay for celebrating the marriage they imply), and in the length of time necessary for the TCN to acquire a stable residence permit, and eventually full citizenship.

Differential treatments by authorities are frequently reported concerning binational families including one member of *some* categories of TCNs, but not only those corresponding to the indicators mentioned in the EU Council Resolution of 1997. After observing and comparing the situation in France, Italy, and Belgium (but also in other European member states and in the United Kingdom) (d’Aoust, 2012), it seems possible to confirm that restrictive migration policies – as well as their *unintended consequences* – affect not only the TCN spouse him/herself, but also, in some

cases and quite unexpectedly, the EU spouse her/himself, whose freedom of choice in family life is directly threatened.

Twelve years ago, a “pilot project” financed by the European Commission, the Project FABIENNE, had been comparing the situation of binational couples in Germany, France, Suisse, Austria, and the Netherlands. It had already denounced legal and administrative difficulties encountered by binational couples and families (Verband, 2001). However, the legal, political and historical frames changed deeply after 2001; and migration laws in EU Member States were considerably hardened, making it much more difficult for TCNs to stay, to get a legal job, and to begin a family life in the European Union. TCN status is more and more jeopardized, and the long-term residence permit is becoming an exception (Koopmans *et alii.*, 2012; Guild, 2004).

For a long time migration has been a hot *political* topic fully exploited by some political groups during electoral periods. In the present international context of economic and financial crises, after the turbulent changes and on-going civil wars in formerly dictatorial regimes in the Arab world, and in a European context where classic European values are criticized by new populisms, extremisms, and a general loss of faith in politicians, stronger and stronger is becoming every day the rejection of migrants perceived not only through their different nationality, but also their different religion, their different culture, and so on; to the point of questioning their fundamental rights.

In public discourses, migration for family reasons, or just out of love, is an issue that mixes national paternalism¹ (Jackman, 1994) and the construction of differences (Delphy, 2011). Migration for care², highly qualified skilled migration or seasonal migration are welcomed and “selected” by European states; on the contrary, migrants who come to join their partner or decide to establish a family becoming settler migrants have to be contrasted as a form of “suffered” migration that the Union undergone as result (Salcedo Robledo, *in* Maskens, 2014, p. 95; Rodier and Therray, 2008)³. The strategies they developed to reach their goal vary depending of countries and national history, and they lead to different consequences. A comparison of the French and Italian situations is, from this point of view, quite impressive. The two countries have different migration histories (both of emigration and immigration), and different history as colonizing countries too, with consequences for the patterns of migrant communities installed. But in both countries, the migration laws have become tougher after 2000.

4.1 Italy

In Italy, in 2002, the law known as the “Bossi-Fini law”⁴ has linked the acquisition of a legal status for resident migrants to the condition of holding a regular job. That was a fundamental provision to get and to maintain a stable residence permit (art. 11 of the law). An unemployed migrant has six months to find a new job with a regular contract; the illegals must receive an administrative sanction and be expelled with by the Prefect. This new rule needs to be analysed in

¹Under the perspective of the sociologist Mary Jackman, paternalism is a “strong ideological frame” that offers efficient instruments for unequal inter-group social relations control (Jackman, 1994, pp. 9-10).

² The case of migrants employed for caring, so-called *badanti* in Italy, is emblematic: a special law for legalizing their status was promulgated in 2012.

³ The expressions “selected” and “suffered migration” are currently used in the debate on migration in France since 2003.

⁴The name of the law is due to the two major rightist politicians who promoted it: the leader of the populist party, *Lega Nord*, Umberto Bossi, at that time Ministry of Institutional Reforms and Decentralization, and of the leader of the right party, *Alleanza Nazionale*, Gianfranco Fini, at that time vice-president of the Council.

the context of the Italian labour market (illegal employees; moonlighting; short-term contracts, etc.). In 2007, the European directives 2003/86/EC on family reunification, and the 2004/38/CE concerning the right of free movement for UE citizen's family members, have been transposed in a restrictive way in the Italian legislation.

Even if these norms did not concern only binational couples, they indirectly affected those migrants that were in couple with an Italian citizen. For planning a common future they were obliged to marry to obtain a more stable permit of stay. In August 2009, the situation for migrants and binational families became worse: the Security law⁵ introduced the "crime of undocumented migration"⁶ and the *obligation* for all public officers to *denounce* the undocumented TCNs they were meeting during their daily administrative work. Furthermore, the law modified the Civil Code (art. 116): to obtain the permission to marry, any TCN had to attest his legal condition showing a regular residence permit to the civil registry. The delay to ask for citizenship passed from six months to two years and the conditions changed (common life, a tax of 200 euros, original documents are compulsory for the dossier, etc.). A decree implementing this law stated that the citizenship norm has to be applied *retroactively* opening the new risk for the request presented by not legal TCNs at the moment of the wedding to get turned down for retroactive reasons and for the TCN to get expelled. y. National authorities justified this actions with the necessity to fight against marriages of convenience, even if some requirements were already enacted in the precedent law (art. 30.1-bis law of 1998). The controls over the marriages may vary according to cities and to police prefectures. Normally they were limited to indirect inquiries (with neighbor, etc.) but intimate controls at home are reported too. Just two years later, in 2011, however, the Constitutional Court abolished the provision of legal stay for a TCN to get the possibility to marry (Sentence n. 245) but the other conditions remain.

In the Italian situation characterized by a kind of anarchy in migration laws between 1970 and 1990 and extreme interdictions in 2009, the TCNs and EU spouses started to be affected by these laws differently according to the TCN's category and the attitudes of the public officers that partners met (e.g.: interviewees in Venetia reported officers' racist attitudes in Treviso more than in Venice) (Spire, 2010). During the interviews, Italian partner often underlined similar feelings:

"It was really heavy to go to Treviso, each year to renew the permit. It was automatic; but the attitude there... they treat you as a beast! So racist! I proposed (my husband) to ask for citizenship, after two years he has got it!" (Miriam)

"Venice is another world! Here we have to go to Treviso prefecture, it's horrible!" (Francesco)

"They were waiting for giving us the OK for marring, thus her permit of stay will be expired!" (Angelo)

4.2 France

In France the situation seems worse than in Italy. The unconstitutionality of the interdiction to marry an undocumented migrant had been already debated in November 2003, after the emanation

⁵ The paper n. 19 of 07.08.2009 of the Minister of Interior summarizes a number of laws promulgated in 2008 and 2009: Law n. 125 of 24.07.2008 and law n. 94 of 15.07.2009.

⁶ The foreigner that enters or stays in Italy irregularly will be punished with a fee that can vary between 5 000 to 10 000 euros (art. 10-bis). Furthermore, he/she may be detained in the centers of identification and expulsion (CIE) for at most 124 days; the draft of the project of law has also proposed the infraction to be punished with a reclusion period from 6 months to 4 years, imprisonment in flagrant and immediate judgment.

of the so-called “Sarkozy⁷ law” (decision n. 2003-484 on November 20th). Even if the Constitutional Court sanctioned the unconstitutionality of that norm, but some attempts to introduce it has been recurrent, for instance the proposal of a new law including this norm has appeared again in July 2013.

In 2009, the suspicion, recurrent in rightist political discourses, weighting on binational marriages led to consider these kind of marriages the « *first source of immigration* » to quote M. Besson, Sarkozy Minister of Immigration, Integration, National Identity and Solidarity (Sarkozy had created a new Ministry with such a title). A new category of marriage was created, the “marriage of hidden convenience” called “grey marriage” (literary translation of the French expression: *mariage gris*) to contrast with the marriage of convenience commonly called “white marriage” (*mariage blanc*) (Salcedo, 2011). In this marriage, one partner “got ripped” by his/her foreign partner that wanted to marry him/her just to obtain the possibility to come and stay in France⁸. Out of the 278,600 marriages celebrated in France in 2004, 5,272 were transmitted to the Civil register officers to the police (1,9%) 737 were considered as not valid, out of which 444 were considered marriages of convenience. .

Controlling family reunifications and binational marriages is one of the priorities of the French migration policy since 2003, when the concession of a residence permit for a TCN married with a French citizen was conditioned to more than two years of common life after marrying. 2006 was the year of the law known as “Sarkozy II” and of the law n. 1376 November 14th 2006) on the control of marriage validity. To identify not-genuine marriages, the Civil register officer had to audit the future spouses together “*or, if necessary, separately*” (art. 63 Civil Code). If any indication of fraud existed, the officer could refuse to celebrate the wedding and ask to the Procurator to proceed with a deeper inquiry (Ferran, 2009). In practice, since 2004, if one of the spouses owns only a foreign document and not a regular French permit of residence, he/she is usually sent to the police for questioning, in order to provide further information to authorities about the planned marriage. These controls are not reserved to these particular cases of binational couples, but applied also often to couples formed by a regular documented TCN too.

Furthermore, after marrying, at each appointment for renewing TCN spouse’s residence permit, the French spouse – EU citizen – has to go along to the Prefecture in order to sign. Bills or common mails documents may be asked to certify the common family life. These procedures create everyday problems (*e.g.*: asking permission of absence from work, waiting in the prefecture for hours, etc.) and a relation of disapproval towards the French citizen that has decide to marry a TCN.

Moreover, the law states that when a TCN asks for citizenship by declaration, he has to justify of « *assimilation to the French community* » by showing a given level of language, some knowledge of rights and duties given by the nationality, and so on. Marriage by itself does not produce any automatic access to French nationality (art. 37 Code civil). The delay for asking for nationality after marrying has deeply changed: in 1984, it was of six months after wedding under the provision of communality of family life (art. 37.1 du Code civil); in 1993 it went up to two years

⁷ The name of the law is due to the Ministry of the Interior who promoted it, Nicolas Sarkozy.

⁸ The expression “*mariage gris*” defines a marriage between a foreigner and a French where the latter is in a situation of weakness and is abused by his/her foreigner spouse. “Gray” is used to mark the difference with the marriage of convenience, called “white” (*mariage blanc*), meaning a merely formal but not real marriage where the French partner is fully aware of the real intentions of her/his partner, and helps him/her to fool authorities. *Association nationale des victimes de l’insécurité* (ANVI) has created a website specialised on this issue: *Mariage Gris. Protéger le mariage mixte, lutter contre le mariage gris* ; and the number of blogs and forums to denounce « *mariages gris* » have risen (*e.g.*: MaRiaGe GriS, Arnaque Sentimentale M19, etc.) Cf. for instance in the daily newspaper *Libération* « Après les “mariages blancs”, Besson lance l’offensive contre les “mariages gris” », 20.11.2009, etc.

(one year only if the couple has a child, three years if the couple lives abroad) and nowadays it is of four years.

In 2006, the residence permit is no more given systematically. It may be asked after three years of marriage, but authorities have no obligation of giving it; and if the TCN spouse is undocumented at the moment of the marriage, they may ask retroactive evidence of his/her presence for several years (a long stay visa). Visa are quite difficult to get from French Consulates (Infantino and Rea, 2012). Consequently, for marriages celebrated in France there is an intensification of controls before and after the ceremony; and for those marriages contracted outside France, spouses have now to ask for the deliverance of the “certificate to be able to marry” (literary translation of the French item: *certificat de capacité à mariage*) after audition and inquiry by the Consular authorities (art. 171-2 du Code civil).

French partners of a TCN have reported cases of verbal violence and pressures on them that occurred during interviews in French Consulates, or during police controls in their own home. A French woman married to a Moroccan man, who was pregnant, when policemen came to her flat for control, reported that they told her: “*How can we be sure that (the baby) is his child, you know if you have a child, he can get the nationality quicker!*”. They also asked others people how many times they were having sex with the future spouse and whether they were taking contraception (Ferran, 2011) Family members of the EU partner are questioned by the police, even if the EU spouse has already reached adult age and can legally decide of his/her life choices.

4.3 After Marriage?

The French situation is one of the most critical in Europe, even if Belgium, Holland, Denmark, Austria, Spain, Germany have also legal norms and administrative practices that are similar in that they also aim to discourage binational marriages by putting the two spouses in a limbo of uncertainty and waiting. A number of studies conducted by civil society associations and juridical organizations, such as *Association des Droits des Étrangers* in Belgium, *La Cimade* in France, *Associazione di Studi giuridici sull’immigrazione* in Italy, have reported how these legal constraints affect both binational family partners in the celebration of their marriage (e.g.: changing legal requirements, delays in administrative procedures, delays in providing the required visa, etc.) (Langhendries, 2013; D’Aoust, 2012; Infantino & Rea, 2012, Ferran, 2009, Lecucq *et al.*, 2009, etc.).

There is however less information about what the situation becomes *after* celebration of the wedding and acquisition of citizenship. So, not only the genesis of laws, but also administrative practices, political and media discourses on the “risk of migrants’ invasion” or “immigration emergency” (*emergenza immigrazione*, to use some of the most frequently used Italian expressions) create an atmosphere of constant suspicion of fraud around binational marriages. This leads to the stigmatisation of the migrant partner, and – sort of by extension or – to a similar stigmatisation of the EU partner, the French or the Italian ones in our examples: she/he is suspected attempting national identity for the simple reason of his/her choice of partner (Ferran, 2009).

Furthermore, and quite unexpectedly, even after marriage, the TCN spouse has to overcome many legal obstacles (acquisition of a stable residence permit, of a work permit and later of citizenship). It may take *several years* to get all these documents. The discretionary power of public officers and the attempt on intimacy complicate the life course of these couples. The Stockholm Program has reaffirmed the Member States’ obligation to guarantee TCN's rights and obligations “comparable” to those of EU citizens. But *institutional racism* (Charmichael and Hamilton, 1967) or *governmental xenophobia* (Valluy, 2010) reappeared to affect TCN categories that were until now protected. This is the case of spouses of EU citizens and their children: according to the art. 6.4 EU

Convention on Nationality they should be among those groups whose application for citizenship is facilitated. Instead of that, these couples have to certify of a stable existence, of a common life and/or a common household before and during the marriage for a specified minimum number of years (Bauböck & al., 2006).

5. A Case Study

Interviewing both partners of mixed couples in Italy and France – actually in Veneto and Alsace –, couples where one of the spouses was Arab, I found out that in order to deal with the tightening of requirements after 2000, the increased complexity and the drawing out of delays to “get papers in order”, members of the binational couples were developing legal skills to resist *institutional racism*. Many participated in activities of those associations that possess competences to solve juridical cases; and in some cases these associations explicitly used their cases to carry out political lobbying. These active associations, such as *Les Amoureux au ban public* in France or *Tutto Stranieri* or *Stranieri in Italia* in Italy, promote *de facto* a form of direct bottom-up *citizenship capacity building*.

Cross analysis of the life stories of Alice and Mourad, a young couple from a city in Alsace, is useful to introduce the core idea that I would like to develop here. Alice started to tell me her life history as follows:

« *I am Alice, I'm French, [ironic laugh and deep sigh], I've never been particularly proud of it but since a while I feel **ashamed** of it [...]. You know, my dad is a fan of the French Revolution, the Age of Enlightenment when the bourgeoisie has had social ideas, of justice and so on, “liberté égalité fraternité”! I grew up with this idea of France, the Déclaration des Droits de l'Homme and so on ... I was dumbfounded you know, because I have already seen racism before against my friends when I was young and then I discovered that France is also pro-slavery and Nazi, and so maybe France is not so perfect... then there was colonialism, but then at that moment I was really.... it was against **me**.* » [Alice].

And then, later:

« *[my parents] are legal experts, my father is notary and my mum is judge, but I didn't want to study law, because I didn't want to do the same as they have done, you know, but when I am thinking about it, **if** I had studied law I probably would have been **better able to aid** the foreigners now, you know, ... but at that time, I've chosen a School of Management and Foreign Trade...* » (Alice)].

While listening to her history I discovered that she had to face many problems in order to get legally married with Mourad, a young Moroccan (and presently her husband). She got married in Morocco; but their request to get this marriage recognized by French authorities got completely blocked in the French administrative-bureaucratic system that suspected their marriage to be ‘de complaisance’ (of convenience). Such cases very frequently occur since in 2003 the new French migration law opened explicitly the fight against non-genuine marriages, redefining as a crime the marriage of convenience as well as participating in such a marriage (a norm to fight against marriages of convenience already exists in law n. 93-1417 December 30th 1993). Many mixed couples married in France, or abroad with a French partner, now fall under this suspicion. Once Alice and Mourad got married in Morocco, the problem arose to transcribe their marriage onto the French civil register in order to validate it in France. It was the only way for Mourad to get a visa and a permit of stay in France.

Again they were blocked in trying to do so. Such administrative process usually takes a ‘preventive delay’ of five months; but it can also last for years. After being interviewed several times

in Morocco by the Consular authorities, the young French woman, having come back to France, unexpectedly received at home the visit of the police and was interviewed for a long period as a criminal. Very intimate questions were asked to her. Alice actually remembered that already at the French consulate in Casablanca, she had been ‘discriminated’ for her physical appearance: *“They told me: “You are too skinny for a Moroccan!”. And when I went out of the office, a woman was crying in the entrance. She told to me that the officer asked her “Are you are too fat to have a French husband?”* (Alice). She remembers that back in France the policeman asked her if there were really no Frenchman she could have married. Moreover he was insisting that the future Moroccan spouse had already tried to enter French territory with a job contract; and it is only after Alice repeatedly stated that it was not true, and that when Mourad has asked for a visa to France it was to visit his uncle, thus for tourism not for working and stay, that the policeman admitted that in fact, in the document he had got for preparing the audition, the reason for asking the visa years ago was not mentioned

When finally her husband arrived in France, Alice discovered the French association called *Les Amoureux au ban public*⁹. It was born in Montpellier in late 2007 and spread quickly and spontaneously everywhere in France. After some years of activism it got transformed in 2010 into a formal association, the aim of which is to fight for the rights of mixed couples (associating a French and a foreign partner). Some mixed couples who were victims of the restrictive and discriminative politics decided to join this movement. Their decision was motivated by their wish to assure their right of defense that was threatened by the reinforcement of migration laws and by the subsequent administrative practices¹⁰. After having experienced such an embarrassing and difficult situation in her couple, Alice became an active member of the movement, working voluntarily for the group in her own region of Alsace. She said:

« I was online and I've read an urgent message of “Les Amoureux”, this is the way I've discovered them and I thought it's cool that people group together, you see, and it has made me feel less isolated. I've seen that what happens to us, to my husband and me, was not just only one case, but also that others have experienced that as well. It has alleviated my pain, my sense of desperation, and suddenly I've decided to contact the responsible of the association and there wasn't a group in Mulhouse and so I have created one, that's it! »
(Alice)

Analyzing her history, the difficulties and also the successes in her family reunification procedure (she is now living with her husband in France, and they plan to move to Morocco) it becomes easier to understand how and why this young French woman acquired a strong consciousness of her inner “biographical resources” (Delcroix, 2013), how and why she became a active citizen. It was important for her to take part in the mobilization to defend the right of mixed couples and of foreigners *in general*. The life history of Alice is also the history of an active member of *Les Amoureux au ban public*. Following her reasoning, and her doing ‘biographical

⁹ The movement defends the rights of binational couples informing by any means the members and supporting their actions in order to ensure the recognition of their right to have a family life in France. It acts for defending, promoting and reinforcing the recognition of these couples in the society. It fights against all forms of racism and discrimination, direct and indirect, and assists the victims of differential treatments. See the Internet website of the association: <http://amoureuxauban.net/>

¹⁰ Complains against marriages’ celebration, difficulties to transcribe marriages celebrated outside France, refusals of visa and of residence permits, expulsions of French partners, inquiries about the cohabitation that do not respect privacy, differences of treatment for married couples and couples that have chosen other forms of union, etc.

work'(Riemann and Schütze, 1991) on her life situation – as others person interviewed during my fieldwork are also doing – I could see how *emotions* and *love* can impulse and trigger individual actions, and how administrative and juridical challenges may lead to the development of forms of resistance to them.

Similar debates are spreading in Europe under the form of civil society events ; for instance through the *Coordination européenne pour le droit de vivre en famille*. Discrimination on the basis of *citizenship*, that is obviously where the binational marriage issue all begins, have led a group of Civil Society organizations in France to launch an appeal on behalf of universal citizenship, and of freedom of movement and settlement for everyone (*Organisation pour une citoyenneté universelle*).

6. Conclusion

Binational marriages are often presented without nuances; either as a (good) form of migrant integration – at least it has been so in some national discourses in the past –, or as a fraudulent form of love to be regarded with suspicion and to be punished (e.g.: strengthening national laws on binational marriages). Thus, even if respect for family life is among the fundamental rights safeguarded by international and European conventions, hardened national migration laws are resulting in the failure to fully protect binational family members: for instance, delaying and imposing strict conditions on the acquisition of citizenship by marriage, something that goes against the principles of *EU Convention on Nationality*.

Since 2000, European migration laws and consequent practices have hardened considerably, redefining the feeling of love that has led to these marriages as a pretence to be regarded with suspicion (e.g.: non-genuine marriages). The variability of applied norms according to governments, the discretionary power of public officers (e.g.: according to Registry Office, to Prefecture, to Consulate) resulting in attacks on intimacy, the development of corruption, all have been denounced by associations defending migrants' rights. Forms of *institutional racism* or *governmental xenophobia* seem to erode, in the lives of binational couples, the boundaries between the private and the public spheres. Planning their family life and future is thus put in jeopardy.

Furthermore, all these obstacles and requirements do *discriminate* in practice among different categories of TCNs on the basis of their country of origin or social status. Inevitably, these differential treatments impact on the EU citizen spouse too. Stigmatisation is addressed both to the TCN *and* to the European partner, who thus becomes a “stranger” in his/her own society. He/she is suspected of aggression to the national identity for his/her choice of a foreign partner (Varro, 2010; Ferran, 2009). The concept of “intimate migration” or “migration of contact” is particularly useful to define this situation.

Binational families with at least a TCN symbolize the fundamental contradiction that migration represents for the host country at a national and local level: Who is the “other”? (Bonjour *et alii.*, 2011; Delphy, 2011). Immigrants are “others”, but, paradoxically, EU citizens married to immigrants *become* “others” too. These attitudes create a lack of recognition of binational love that directly affects both spouses and, in the long-term, also their children. While these youths are part of the EU future, they are not considered as full UE citizens.

References

- Apitzsch, U., Inowlocki, L. and Kontos, M. (2008). The method of biographical policies evaluation, in Apitzsch, U. and Kontos, M. (Eds.), *Self-employment Activities of Women and Minorities. Their success or Failure in Relation to Social Citizenship Policies*, Heidelberg: Vs Verlag, pp. 12-18.

- Bastien, S. (2007). Observation participante ou participation observante ? Usages et justifications de la notion de participation observante en sciences sociales, *Recherches Qualitatives*, Vol. 27 (1), pp. 127-140.
- Bertaux, D. (1997). *Les Récits de vie. Perspective ethnosociologique*, Paris: Nathan Université.
- Bonjour, S., Rea, A. and Jacobs, D. (Eds.) (2011). *The Others in Europe*, Brussels: Ed. de l'ULB, IEE.
- Carmichael, S. Hamilton, C. V. (1967), *Black Power : the politics of liberation of America*, New York: Vintage Book.
- Collet, B. (2012). Mixed Couples in France. Statistics Facts, Definitions and Social Reality, *Revista de Sociologia*, Vol. 97 (1), pp. 61-77.
- d'Aoust, A.M. (2012). Les couples mixtes sous haute surveillance, *Plein droit* (95), pp. 15-18.
- de Hart, B. (2006), The Marriage of Convenience in European Migration Law, *European Journal of Migration and Law*, Vol. 8, pp. 251-262.
- Delcroix, C. (2013a). Dynamiques conjugales et dynamiques intergénérationnelles dans l'immigration marocaine en France, *Migrations et Société*, Vol. 145, pp. 79-90.
- Delcroix, C. (2013b), *Ombres et lumières de la famille Nour. Comment certains résistent à la précarité*, Paris, Payot & Rivages (1st éd. 2001)
- Delcroix, C. (1995). Des Récits de vie croisés aux histoires de famille, *Current Sociology*, Vol. 43 (2-3), pp. 61-69.
- Delphy, C. (2011), La fabrication de l'“Autre” par le pouvoir. Entretiens avec Christine Delphy, in Bertaux, D., Delcroix, C., et Pfefferkorn, R., Migrations, racismes, résistances, Dossier in *Migrations Société*, Vol. 23 (133), pp. 57-77.
- Elias, N. et Scotson, J. L. (1997), *Logiques de l'exclusion*, Paris: Fayard (1^{re} édition en anglais 1965).
- Ferran, N. (2011). *Les amoureux au ban public*, France, 117' (Movie).
- Ferran, N. (2009). La Politique d'immigration contre les couples mixtes, in Le Cour Grandmaison, O. (Ed.), *Douce France. Rafles, rétention, expulsions*, Paris: Seuil, coll. Essais, pp. 151-172.
- Groenendijk, K. (2006a). “Citizens and Third Country Nationals: differential treatment or discrimination?”, in Carlier, J. & Guild, E. (Eds.), *The Future of Free Movement of Persons in the UE*, Brussels, Bruylant, pp. 79-102.
- Groenendijk, K. (2006b). The Status of Quasi-Citizenship in EU member states: Why some states have “almost-citizens”?, in Bauböck, R., Ersbøll, E., Groenendijk, K. and Waldrauch, H. (Eds.), (2006). *Acquisition and Loss of Nationality. Policies and Trends in 15 European Countries*, Amsterdam: IMISCOE, Amsterdam University Press, pp. 411-429.
- Goffman, E. (1975, 1st ed. 1963). *Stigmaté. Les usages sociaux des handicaps*, Paris: Les éditions de Minuit.
- Guild, E. (2004). *The Legal Elements of European Identity. EU Citizenship and Migration Law*, The Hague: Kluwer Law International.
- Hajjat, A. (2010). Comment établir la preuve de discrimination en situation d'enquête sociologique: l'instruction des demandes de naturalisation en préfecture, in HALDE, *Les discriminations à l'épreuve des savoirs et des pratiques. Mieux connaître pour mieux combattre*, Paris, MiRe « Etudes & recherches », pp. 31-33
- Jackman, M.R. (1994). *The Velvet Glove. Paternalism and Conflict in Gender, Class and t Relations*, Berkeley: University of California Press.

- Infantino, F. & Rea, A. (2012). La mobilisation d'un savoir pratique local. Attribution des visas Schengen au Consulat Général de Belgique à Casablanca, *Sociologies pratiques*, Vol. 1 (24), pp. 67-78.
- ISTAT (2012). *Report 2011: Il matrimonio in Italia*, Roma: Istat. Available online at www.istat.it/it/archivio/75517
- Koopmans, R.; Michalowski, I. and Waibel, S. (2012). Citizenship rights for immigrants: National political processes and cross-national convergence in Western Europe, 1980-2008, *American Journal of Sociology*, Vol. 117 (4), pp. 1202-1245.
- Langhendries, B. (2013). La lutte contre les mariages de complaisance ou l'émotive course aux armements du gouvernement, *Newsletter* (89), Brussels: Association pour les Droits Des Etrangers.
- Lanzieri, G. (2012). Mixed marriages in Europe, 1990-2010, in Kim D. S. (Ed.), *Cross-Border Marriage: Global Trends and Diversity*, Seoul: Korea Institute for Health and Social Affairs, pp.81-121.
- Lecucq O. & Lemouland J. J. (2009). *La liberté fondamentale du mariage*, Aix-Marseille: PUAM.
- Marcus, G.E. (1995). Ethnography in/of the World System: The Emergence of Multi-Sited Ethnography, *Annual Review of Anthropology*, Vol. 24, pp. 95-117.
- Maskens, M. coord. (2013). Mariages et migrations : l'amour et ses frontières, Dossier, in *Migrations Société*, Vol. 25 (150), pp. 42-152.
- Norbert, E. and Scotson, J. (1997, 1st ed. 65). *Logiques de l'exclusion*, Paris : Agorà Fayard.
- Odasso, L. (2013a). From "biographical work" to "multi-sited ethnography". From couple life history to the association Les Amoureux au Ban Public: a case study, *International Sociological Association Newsletter RC 38*, pp. 13-19.
- Odasso, L. (2013b). The *mixité conjugale*: an experience of migration. A comparative studies of the effects of the stigmatization on natives and their Arab partners in Veneto (Italy) and Alsace (France), *PhD dissertation*, Venice, Strasbourg : University Ca' Foscari of Venice and University of Strasbourg, supervisors: Profs. C. Delcroix and E. Trevisan Semi.
- Odasso, L. (2013c), Les chemins de la mixité conjugale, *Migration Société*, Vol. 25 (147-148), pp. 11-31.
- Pöyry (2010). *Marriage of convenience a comparative studies. Rules and practices in Norway, Sweden, Germany, Denmark and the Netherlands*, Norwegian Directorate of Immigration, Oslo: Econ Pöyry
- Riemann, G. and Schutze, F. (1991), Trajectory as a Basic Theoretical Concept for Suffering and Disorderly Processes, in Maines, D.R. (dir.), *Social organisation and social process. Essays in the honour of Anselm Strauss*, New York: De Gruyter, pp. 333-335.
- Rodier, C. et Terray, E. (dirs.) (2008), *Immigration : fantasmes et réalités. Pour une alternative à la fermeture de frontières*, Paris: La Découverte.
- Salcedo Robledo M., (2011). Bleu, blanc, gris... la couleur des mariages. Stratégies de normalisation et enjeux de pouvoir, *L'Espace Politique*, Vol. 13 (1), <http://espacepolitique.revues.org/1869>
- Spire, A. (2010). La discrimination des étrangers au guichet, *Regards-Sociologiques*, (39), pp. 21-30.
- Tedlock, B. (1991). From Participant Observation to the Observation of Participation: The Emergence of Narrative Ethnography, *Journal of Anthropological Research*, Vol. 47 (1), pp. 59-94.
- Valluy, J. (2010). L'exportation de la xénophobie de gouvernement. De la politique européenne des frontières à la répression dans les pays limitrophes, in Fassin, D. (dir.), *Les nouvelles frontières de la société française*, Paris: La Découverte, pp. 175-196.

- Varro, G. (2010), Regards contradictoires sur la mixité, *in* De Tapia, S. et Muller, L. (dirs.), *Migrations et cultures de l'entre-deux*, Paris: L'Harmattan, coll. « Compétences Interculturelles », pp. 205-218.
- Verband binationaler Familien und Partnerschaften (2001). *Report project Familles et couples binationaux en Europe FABIENNE*, Brussels-Berlin: DG Employment and Research.