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Asylum, Immigration Restrictions and Exploitation: Hyper-precarity as a lens for understanding and tackling forced labour

Hannah Lewis and Louise Waite

Abstract

The topic of forced labour is receiving a growing amount of political and policy attention across the globe. This paper makes two clear contributions to emerging debates. First, we focus on a group who are seldom explicitly considered in forced labour debates: forced migrants who interact with the asylum system. We build an argument of the *production* of susceptibility to forced labour through the United Kingdom's (UK) asylum system, discussing the roles of compromised socio-legal status resulting from restrictive immigration policy, neoliberal labour market characteristics and migrants' own trajectories. Second, we argue that forced labour needs to be understood as part of, and an outcome of, widespread normalised precarious work. Precarity is a concept used to describe the rise of insecure, casualised and sub-contracted work and is useful in explaining labour market processes that are conducive to the production of forced labour. Using precarity as a lens to examine forced labour encourages the recognition of extreme forms of exploitation as part of a wider picture of systematic exploitation of migrants in the labour market. To understand the reasons why forced migrants might be drawn into severe labour exploitation in the UK, we introduce the concept of *hyper-precarity* to explain how multidimensional insecurities contribute to forced labour experiences, particularly among forced migrants in the global north. Viewing forced labour as connected to precarity also suggests that avenues and tools for tackling severe labour exploitation need to form part of the wider struggle for migrant labour rights.

Keywords: refugees, asylum seekers, irregular migrants, forced labour, precarity, immigration policy

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Introduction

Forced labour has received growing attention in the United Kingdom (UK) in recent years and due to the passage of the Modern Slavery Act 2015 through parliament. It was estimated that there were 3,000–4,000 people in forced labour in the UK in 2013,[1] and while one of the first successful prosecutions under the new Section 71, Coroners' and Justice Act 2009, offence of forced and compulsory labour, slavery and servitude, concerned British-born young men (the 'Connors' case), it is generally agreed that migrants are most susceptible to exploitation in forced labour. The Modern Slavery Act 2015, while offering the potential to overhaul UK approaches to tackling multiple forms of trafficking and forced labour, is dominated by a continued emphasis on the detection and criminalisation of individual traffickers, with little attention to prevention or partnerships between non-governmental organisations (NGOs) and state actors.

In this article we argue that forced labour, rather than being considered an exceptional event, needs to be understood as part of and an outcome of processes of widespread normalised low-paid, insecure precarious work. We suggest that migrants' susceptibility is produced by multidimensional insecurities that produce hyper-precarity. Precarity is a concept used to describe the rise of casual, flexible, sub-contracted, temporary, contingent and part-time work in a neoliberal economy, which can help explain labour market processes that are conducive to the production of forced labour. Precariousness is also understood as a condition or experience of (ontological)

1 A Geddes, personal communication by email, 17 April 2014, based on A Geddes, G Craig and S Scott with L Ackers, O Robinson and D Scullion, 'Forced Labour in the UK', Joseph Rowntree Foundation, 2013.

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insecurity[2] and as a platform to mobilise against insecurity.[3] Distinguished from other similar terms such as vulnerability in the way in which it has become a symbol of struggle and action for insecure workers,[4] precarity evokes the central role of forced labourers in resisting exploitation. This perspective offers the potential to connect efforts to tackle forced labour with the wider struggle for labour rights, avoiding the divisiveness and arguably counter-productive contradictions[5] inherent to the separation of a small number of 'deserving' victims protected under anti-trafficking measures which paradoxically promote heightened border controls.

The article draws on a recent Economic and Social Research Council-funded project[6] to understand experiences of forced labour among people who are seeking asylum in the UK. Hence, we also aim to highlight a migrant group not commonly considered under approaches to tackle trafficking and forced labour: refugees and people with a claim for asylum. Drawing on evidence gathered through in-depth interviews with thirty individuals at different stages of the asylum process with experiences of employment featuring forced labour practices, we outline how the situation of migrants at the intersection of precarious employment and immigration status can be understood as one of hyper-precarity.[7] We suggest that the constrained choices facing migrants seeking a livelihood under hyper-precarious conditions may leave them with few options but to engage in severely exploitative work that meets international definitions of forced labour.

A first section outlines the Precarious Lives study and methodology. In a second section we consider the relationships between socio-legal status, asylum and forced labour and provide a typology for understanding the intersection between forced migration and forced labour in UK immigration systems. In section three, this intersection is elaborated through exploration of four salient processes through which (compromised) socio-legal status operates to facilitate entry into or continuation in forced labour: destitution, employers' instrumental use of compromised rights as a tool of coercion, the precarity track for refugees, and the legacy of illegality. A fourth section expands this focus to suggest that socio-legal status is one of a number of overlapping insecurities which compound to produce situations of hyper-precarity alongside processes of neoliberal, deregulated labour markets and migrants' trajectories, social position and familial pressures. In this article we want to consider the consequences of viewing forced labour through the lens of hyper-precarity for efforts to tackle severe labour exploitation. Universal labour rights are identified as a focal solution, diverging from the current dominant approach to criminalisation in anti-trafficking efforts.

Precarious Lives Research

This article draws on research data from our Precarious Lives project carried out between 2010–12. Fieldwork was conducted in the Yorkshire and Humber region of the UK, underpinned by participant observation outreach with 400 contacts and interviews with twenty-three policymakers and practitioners working at local, regional and national levels in migrant or refugee support and advice, anti-trafficking, labour regulation and advocacy. We interviewed thirty individuals with experience of one of six International Labour Organization (ILO) indicators of forced labour (see Table 1) and a claim for asylum in the UK, comprising twelve women and eighteen men, aged between 21 and 58 years who came from seventeen countries in Africa, the Middle East, Central Europe and South and Central Asia. Interviews typically lasted between two and three hours and involved biographical accounts of migrating to the UK, entering the asylum system and experiences of work guided by semi-structured prompts. Research participants had the study explained on at least one occasion prior to interview, were given time to ask questions, and the approach to anonymity—use of pseudonyms, separating narratives from participant data on nationality and other identifying factors in research outputs—was discussed. Throughout the article, interviewees are referred to by a pseudonym of their choice.

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2 J Butler, *Precarious Life: The powers of mourning and violence,* Verso, London, 2004; M Oudenampsen and G Sullivan, 'Precarity and N/European Identity: (An interview with Alex Foti (ChainWorkers))', *Mute*, 2004, retrieved 20 August 2015, http://www.metamute.org/editorial/articles/precarity-and-neuropean-identity-interview-alex-foti-chainworkers

3 B Neilson and N Rossiter, 'FCJ-022 From Precarity to Precariousness and Back Again: Labour, life and unstable networks', *The Fibreculture Journal*, 2005, retrieved 15 August 2011, http://five.fibreculturejournal.org/fcj-022-from-precarity-to-precariousness-and-back-again-labour-life-and-unstable-networks/

4 L Waite, 'A Place and Space for a Critical Geography of Precarity?', *Geography Compass*, vol. 3, issue 1, 2008.

5 J O'Connell Davidson, 'New Slavery, Old Binaries: Human trafficking and the borders of "freedom"', *Global Networks*, vol. 10, issue 2, 2010; B Anderson, 'Where's the Harm in That? Immigration enforcement, trafficking, and the protection of migrants' rights', *American Behavioral Scientist*, 2012.

6 Economic and Social Research Council (ESRC), 'Precarious Lives: Asylum seekers and refugees' experiences of forced labour'.

7 H Lewis, P Dwyer, S Hodkinson and L Waite, 'Hyper-precarious Lives: Migrants, work and forced labour in the Global North', *Progress in Human Geography*, 2014, online, DOI: 10.1177/0309132514548303(2014)

We analysed the 107 labour situations our thirty interviewees told us about against an expanded list of eleven ILO indicators of forced labour (see Table 1), indecent work and unfreedom. Of 107 labour situations, seventy-eight featured one or more ILO forced labour indicators, fifty-nine had two or more, and twenty-six had at least four indicators. The most prevalent were abuse of vulnerability, withholding of wages, deception, excessive overtime, abusive working and living conditions and the threat of denunciation or other intimidation. These jobs were in employment sectors that reflect the wider picture from research and advocacy on forced labour in the UK. Three quarters of these labouring situations were in just six types of employment: making or serving fast food, domestic work, factory packing, care work, cleaning and food processing.

Table 1: ILO indicators of forced labour

ILO 6 indicators	ILO 11 indicators
Threats of actual physical or sexual violence	Physical and sexual violence
Restriction of movement of the worker or confinement to a very limited area	Restriction of movement
Debt bondage, where the worker works to pay off debt	Debt bondage
Withholding wages or refusing to pay the worker	Withholding of wages
Retention of passports and identity documents	Retention of identity documents
Threat of denunciation to the authorities	Intimidation and threats
	Isolation
	Abuse of vulnerability, when an employer takes advantage of a workers' vulnerable position
	Abusive working and living condition
	Excessive overtime, obligation to work hours beyond national legal limits
	Deception, failure to deliver what has been promised to the worker

Socio-Legal Status, Asylum, and Forced Labour

We sought to include three principle groups at different stages of the asylum system: asylum seekers (people who have made a claim for asylum and are awaiting a decision), refused asylum seekers (whose claim for asylum has been refused) and refugees (referring to people who have received leave to remain[8] after claiming asylum). We quickly found that these initial three groups did not reflect the complexity of migrant journeys at the intersection of forced migration and forced labour in UK immigration systems. The fieldwork and interviews revealed three different groups with a claim for asylum and experiences of forced labour based on migration into the UK and how this shaped entry into the labour market (sketched in the typology in Table 2): asylums seekers at entry, irregular migrants and trafficked migrants.

[8] Leave to remain in the UK includes a range of statuses. Four principle groups are: 'Refugee Status' granted for five years; 'Humanitarian Protection' offering limited leave to remain, often for less than five years; 'Discretionary Leave', also for a limited period; and 'Case Resolution Indefinite Leave to Remain', indefinite leave granted to those applicants who applied before 2007 and were part of an exercise to resolve a 'legacy' of cases. All of these groups are theoretically able to access work and claim benefits as per UK citizens, but only those with 'Refugee Status' are eligible for support with travel and documents for Family Reunification.

Table 2: Typology of the intersection of forced migration and forced labour

	Migration entry route	Factors affecting asylum process and labour market entry
Asylum seekers at entry	Individuals make an asylum claim at or soon after entry to the UK	Asylum applicants are moved through compulsory dispersal to cities/towns around the UK and supported with limited asylum support (50–70% of mainstream benefits) and housing. They are unlikely to enter work *during* their claim, though some do. Most enter work *after* their asylum claim. Asylum support is removed within twenty-one days if the claim is refused, or twenty-eight days if granted refugee status.
Irregular migrants	The majority of irregular migrants enter on a valid visa in a range of categories and overstay. Some enter clandestinely.	Likely to enter work *before* claiming asylum. They may later make a claim for asylum if they were originally escaping from persecution or the situation in their country changes and they face risks if returned.
Trafficked migrants[9]	Brought to the UK for the purposes of sexual, criminal or forced labour exploitation. Entry may be through a variety of routes and documents controlled by the trafficker/agent before, during or after arrival.	Past experiences of exploitation in country of origin or transit countries may lead to, and continue in, entry into forced labour in the UK. Poverty in country of origin may contribute to decisions to accept risky migration strategies.[10] Trafficked migrants from outside the European Union (EU) may be offered the chance to claim asylum *after* exiting forced labour.

Of our thirty participants, seventeen (four female; thirteen male) were *asylum seekers on entry,* fourteen of whom first entered the labour market after their asylum claim was refused, their support removed and they were left without rights to work or welfare. Seeking a livelihood in the informal economy can become a necessity for *refused asylum seekers* left destitute if charitable provision from faith organisations, NGOs or social networks is exhausted.[11] One first entered work only after being granted refugee status, and two worked while their claim was being processed. *Asylum seekers* without the right to work in the UK are unlikely to enter the paid labour market due to fears of jeopardising their asylum claim if found in unauthorised work. *Refugees* can theoretically access mainstream benefits and find work, but face bureaucratic delays and experience high unemployment levels and considerable barriers to decent employment, pushing many into low-paid, low-skilled and/or informal labour.[12] The work trajectories of all those who entered work to survive as destitute refused asylum seekers or irregular migrants typically involved movement between multiple short-term jobs, some of which featured forced labour practices.

Seven interviewees (three female; four male) were *irregular migrants* who entered or remained without permission from the state. Most irregular migrants do not have rights to residence, work or welfare. Three with visas offering work rights initially accessed 'decent work', sometimes highly skilled and well paid. All but one entered legally on visitor, spouse, student or work visas and overstayed, entering exploitative usually informal labour after their work and residence rights expired and before later claiming asylum to regularise their stay and due to fear of persecution if returned to their country of origin. One entered on false papers and remained undocumented for a number of years. Five experienced a respite from exploitative work while in receipt of support during their asylum claim, only to again face destitution and pressures to enter (exploitative) work when their claims were refused.

Finally, six interviewees (five female; one male) entered the UK as *trafficked migrants* whose travel to the UK was facilitated by individuals who used threat or deception to move them into situations of domestic servitude, labour or sexual exploitation or criminal activities. Two escaped relatively quickly some weeks after being brought to the UK, but four were in a single, protracted forced labour situations for 1.5 to 9 years. Four of the females had been in forced labour situations prior to entering the UK. Trafficked individuals from outside the EU enter the asylum

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9 United Nations General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, Article 3.

10 B Andrees, 'Forced Labour and Trafficking in Europe: How people are trapped in, live through and come out,' International Labour Office, 2008.

11 H Lewis, 'Destitution in Leeds: The experiences of people seeking asylum and supporting agencies', Joseph Rowntree Charitable Trust, 2007; J Burnett and D Whyte, 'The Wages of Fear: Risk, safety and undocumented work', Positive Action for Refugees and Asylum Seekers and the University of Liverpool, 2010.

12 A Bloch, 'Refugees in the UK Labour Market: The conflict between economic integration and policy-led labour market restriction', *Journal of Social Policy*, 37, 2008; Community Links and Refugee Council, 'Understanding the informal economic activity of refugees in London,' Community Links and Refugee Council, 2011.

system if they make a claim for asylum simultaneously when applying for recognition under the National Referral Mechanism (NRM) for suspected victims of trafficking. As there is virtually no other legal way for a national from a less developed country (from outside the EU) to regularise their status, making a claim for asylum can offer valuable time and basic support. If recognised as a victim of trafficking under the NRM, up to one year leave to remain may be granted; while successful recognition as a refugee offers five years' limited leave to remain. However, it is likely that applicants with trafficking-based claims have very low success rates in the asylum system.[13]

Further overlap exists between trafficking and forced migration or asylum claims. 'Galant' was trafficked through the asylum system, and directed by his trafficker to make a claim for asylum as a means of entry into the UK. A minor who believed he was seeking a safer and better future in Europe, Galant spent only a few months being supported as an unaccompanied asylum-seeking child before the man who arranged his long overland journey forced him into criminal activities.

> I met this guy, he had a nice car…He gave me a lot of money…It was a trick**.** I don't know when I realised. But now I know that I was trafficked for money, for illegal jobs, to make money for him.

'Abigail' was 14 years old when her mother, believing she was protecting her daughter from persecution due to her ethnicity, arranged a passport and travel to work as a domestic servant in an Arab state. There she worked twenty hours a day, was subjected to violent abuse, and was not paid. The family later brought her to the UK where she escaped and claimed asylum.

'Lydia', a refugee escaping imprisonment and torture, was assisted by a relative in the UK to escape. On arrival, the relative arranged work for her, retained her wages and regularly threatened her with denunciation to authorities and deportation to a country where he knew she faced risk of torture. Her urgent need to leave her country of origin was used by her relative to deceive her into forced labour in the UK, and the concrete threat of persecution used to as a tool of coercion. In these cases, we found a very direct link between trafficking, asylum and forced labour.

Considering the typology outlined in Table 2, the first point to emphasise is that people in the asylum system can be susceptible to forced labour. It is important to see the typology not as fixed, but as moments within fluid immigration trajectories that change over time resulting in shifts in concomitant rights and entitlements; and therefore affecting possibilities for protection, exit from forced labour or for securing a sustainable livelihood. Some of our participants, particularly those trafficked, had at different times occupied all three categories: trafficked, irregular and asylum seeker.

Socio-legal Status and Susceptibility to Forced Labour

The typology begins to tease out the complex relationships between human trafficking, forced labour, labour rights and asylum systems. But simply stating that migrants are susceptible to forced labour does not reveal why some migrants are more at risk at certain times, and leaves unexamined the question of how immigration controls contribute to an environment where forced labour can flourish.[14] To unpick some of these complex and multifaceted intersections, we identified in the narratives of our interviewees four salient ways in which socio-legal status contributes to susceptibility to forced labour: the intentional production of *destitution*; the *instrumental use* of compromised socio-legal status by employers; the *precarity track* refugees can struggle to get out of; and the legacy of *illegality*.

Destitution, resulting from lacking the right to work or access to any government support or benefits, was the primary driver into exploitative work for irregular migrants and refused asylum seekers in our study. They entered the paid labour market seeking cash for survival, to contribute to the households supporting them, and to raise funds for legal fees to regularise their immigration status. For refused asylum seekers, loss of asylum support and housing triggered homelessness and the urgent need to meet basic needs. 'Pascual', a child soldier, who entered the UK as a minor, was treated as an adult and had his asylum claim refused. Unable to speak English and with no information about possible sources of support, he slept rough in a train station where he encountered some people who spoke his language and helped him find a room and told him where early morning pick-ups for informal work

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13 Discussed further in A Stepnitz, 'A Lie More Disastrous than the Truth: Asylum and the identification of trafficked women in the UK', *Anti-Trafficking Review*, issue 1, 2012. There is a lack of available data. The Home Office claims NRM and asylum processes are managed in separate databases.

14 P Dwyer, H Lewis, L Scullion and L Waite, 'Forced Labour and UK Immigration Policy: Status matters?', Joseph Rowntree Foundation, 2011; L Scullion, H Lewis, P Dwyer, L Waite, 'Exploring the Link Between Forced Labor and Immigration Status in the United Kingdom' in K K Hoang and R Salazar Parreñas (eds.), *Human Trafficking Reconsidered*, The International Debate Association London, 2014.

were made. He spent the next seven months travelling an hour each way in a minibus to work slaughtering poultry in freezing conditions over 18-hour shifts with just one 15-minute break, seven days a week for GBP 80 (USD 185) a week (or 63 pence/98 US cents an hour):

> Why? Because I need to pay the rent first thing, second I needed to buy food for me. The third, I need to live, to be alive. If I don't do that, I cannot eat and I cannot drink, there is no one who can help me for that situation I was [in]. So indeed I have to force the body to do it. I remember one woman died. One woman died on the bus, because she was very tired.

With very limited social contacts, needing to find work without requisite authorisation and papers often means entering the labour market at the lowest point with no power to negotiate exploitative terms of employment. 'Mohamed' entered work in catering where he was paid half of that received by workers with 'papers', was shouted at and abused, and in one place told to conduct demeaning tasks such as washing the car of the manager and collecting meat from a far-away wholesaler on foot. However, he did this to get away from dangers he encountered when street homeless, including pressure to sell drugs:

> When I get homeless, when my support finished I was looking for a job. I went to [city]. Not [applying] on any website; just to knock on the door to ask the manager do you need any work here? I'm looking for a job.

Particularly relevant here is the notion of having 'no real or acceptable alternative' to exploitation, a context recognised more in approaches to trafficking than forced labour.[15] As mentioned above, jobs accessed by irregular migrants and refused asylum seekers without permission to work were typically short term, irregular and very low paid, existing in areas of the labour market where precarious work breaching maximum working hours and minimum pay is a normalised reality.

Within these already low-paid and exploitative labour-scapes, our interviewees encountered examples of treatment that pointed to the deliberate, instrumental and systematic use by employers of workers within secure socio-legal status to impose forced labour practices on irregular migrants and refused asylum seekers. The use of threats of denunciation to immigration authorities and intimidation—reminding workers of their expendability and heavy dependence on any kind of work—was a predominant tool of coercion used to discipline workers. These threats were frequently invoked by employers precisely at the moment where worsening conditions were imposed that pushed labour situations towards forced labour. Such threats often emerged in the narratives of our interviewees when they described pushing back and challenging the imposition of excessive working hours, withheld pay or other abusive working conditions. Those working without authorisation were acutely aware of their employers' impunity because the 'doctrine of illegality' creates both substantive legal barriers to workers securing any rights, and creates understandable reluctance among workers to challenge bad treatment due to the risks of exposure and likely imprisonment and deportation.

'Shahid' worked an initial two-week period in a shop unpaid, and was then offered a fraction of the wages initially promised:

> He knows very well [my refused asylum seeker status]. That's why people are in a position to exploit… this is where the fear is…. If I go to the police and say that I work for him and he do not pay me that money, will it be helpful for me? Will I get any protection?... No.

A set of generalised fears generated by insecure immigration status and associated constrained or non-existent rights to residence, welfare and work can thus operate both directly, in the case of employers making direct threats to denounce workers to immigration authorities, but also indirectly to discipline workers by closing down their ability or willingness to exit or seek help. The ever-present threat of destitution and homelessness forms a backdrop to labour relations that combine with fear of deportation and feelings of illegality, closing down possibilities for workers to challenge or exit from exploitative working conditions. For those working in the domestic sphere, acute isolation added to the sense of lack of any real or acceptable alternative leading to protracted situations of forced labour, as described here by 'Ivy', who was trafficked to the UK for domestic servitude:

> First of all I don't know anywhere to go, and secondly I don't know anybody so only this man and his wife. I was looking after the children for them; I would clean the house. But every day they would tell me that they are looking for the school for me and so be patient. Me, I was believe them because I don't know that they are lying to me you know. So up to three years.

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15 J O'Neill, 'Varieties of unfreedom', Manchester Papers in Political Economy, 2011.

For irregular migrants and refused asylum seekers without permission to work, the powerlessness associated with the fear of destitution or deportation was central to workers' engagement in and employers' imposition of situations of forced labour. While being granted leave to remain removes immediate fears of deportation, we found that barriers to accessing decent work and welfare nevertheless continued to structure refugees' entry to the workplace. Some interviewees endured work featuring forced labour practices even after gaining status, expressing that their weak labour market entry point resulted from language barriers, non-recognition of qualifications, not being able to explain long gaps in their *curriculum vitae* while banned from working during the lengthy asylum process, and being pressured into low-paid, low-skilled work by welfare-to-work schemes. A significant additional factor were familial expectations to remit money to relatives or raise funds to cover legal, travel and visa costs of family reunification, coupled with government requirements to demonstrate income levels, resources and housing sufficient to support joining family members. Hence, the intersection of socio-legal status and forced labour cannot be understood as a simply a product of irregularity. Periods of precarious status have a lasting and negative effect creating a 'precarity track'[16] that can be difficult for refugees to shift out of, while ongoing bureaucratic and financial barriers to family reunification create intense pressure to remain in work regardless of the conditions. It is for these reasons that we would include refugees, who theoretically have similar rights to citizens, in our consideration of 'hyper-precarity', discussed below. Their history of insecure status and worklessness while claiming asylum, barriers to decent employment and position as refugees, usually unable to return to their country of origin or facing the risk of removal when their five-year refugee status expires, is qualitatively different from that of citizens.

A further lasting effect of precarious socio-legal status are the effects of criminalisation if found using false documents or in unauthorised work. Fears of the effects on any pending appeal or new asylum claim, and the substantial cost involved, meant that the decision to use constructed or borrowed documents was seen as a last resort when all other avenues to accessing work were exhausted. A sharp moral distinction was drawn by several interviewees between unauthorised work for survival and the use of false papers or identities, highlighting the multifaceted nature of 'illegality'. However, faced with the treatment handed out to those who did not have permission to work, a small number of interviewees did decide to acquire false papers to access employment. Three interviewees faced the dire consequences of using false papers. Their subsequent criminalisation had long-term negative impacts on their ability to find and secure decent work, even after they had gained leave to remain. Current policy can be seen as encouraging the criminalisation of asylum seekers and stimulating an environment in which false papers, fake identities and shared documents are used to access paid work for survival in the absence of adequate welfare provision or the right to work.

Hyper-Precarity

For certain migrants in the UK who enter the asylum system through different routes, their compromised rights to residency, welfare and work within a complex hierarchy of socio-legal status structures their entry into, continuation in or preclusion of exit from situations of forced labour. The labour situations subsequently encountered by our interviewees can be situated within a continuum of exploitation.[17] Emphasising a continuum indicates how different exploitative labour situations may be judged to be at various points in a spectrum towards forced labour, but also emphasises how forced labour must be understood as a process. The deterioration of working conditions that may have started off as decent, through the abuse of vulnerabilities associated with immigration status, were discernable in the majority of our interviewees' accounts, as discussed above. Furthermore, the experiences of our thirty interviewees point to a broader environment of precarity and workplace abuses that makes movement along a continuum of exploitation to forced labour more likely. When coupled with ever-restrictive welfare and immigration regimes, the combination of precarious work and compromised immigration status creates an environment that favours unscrupulous employers and allows workplace abuses to flourish.

Placing severe labour exploitation within the continuum of exploitation highlights how it is connected to wider precarisation of work in the neoliberal labour market through the deregulation and the erosion of workers' rights. This relates to long-standing conceptual debates[18] on the question of whether unfree labour is an anomaly alongside or integral to the operation of (neoliberal) capitalism.[19] This approach distances from the construction of forced labour as an exceptional event at the hands of criminal or transgressive individuals. Rather, we argue, certain

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16 L Goldring and P Landolt, 'Caught in the Work–Citizenship Matrix: The lasting effects of precarious legal status on work for Toronto immigrants,' *Globalizations,* vol. 8, issue 3, 2011.

17 K Skrivankova, 'Between Decent Work and Forced Labour: Examining the continuum of exploitation', Joseph Rowntree Foundation, 2010.

18 T Brass, 'Debating Capitalist Dynamics and Unfree Labour: A missing link?', *The Journal of Development Studies*, vol. 50, issue 4, 2014.

19 F Corrigan, 'Feudal Relics or Capitalist Monuments? Notes on the sociology of unfree labour,' *Sociology*, vol. 11, no. 3, 1977; R Miles, *Capitalism and Unfree Labour: Anomaly or necessity?,* Tavistock Publications, London and New York, 1987.

migrants at particular times experience a compounding of multidimensional precarity[20] that results in entry into the labour market at the lowest point while under considerable livelihood pressures. Alongside weak positioning in a neoliberal labour market, and the corrosive effects of compromised socio-legal status, the narratives of our interviewees pointed to a third significant dimension that shaped their decisions to enter or remain in severely exploitative work: their wider migration trajectories or 'migrant project', encompassing familial obligations, gendered social position, social expectations and pressures to remit money to family. Pressure to send money to support family was a significant factor for the few participants who had worked while in receipt of asylum support and awaiting the outcome of their asylum claim, for example. This compounding of compromised socio-legal status, adverse incorporation[21] in the neoliberal labour market along with unequal social position, gender dimensions and indebtedness and/or social and familial obligations differentiates exploited migrants from a wider population of workers argued to be part of a global precariat.[22] We therefore suggest that the lives of those migrants at the nexus of the ongoing interplay of neoliberal labour markets and highly restrictive immigration regimes can be better conceptualised as 'hyper-precarious'.[23] Hyper-precarity can offer a way to understand not only how forced labour is produced and facilitated, but also points towards a different set of solutions and actions to tackle forced labour.

Tackling forced labour

Viewing forced labour as part of, and a product of, wider, normalised precarious work practices and experiences has significant consequences for how we understand and respond to the task of tackling forced labour. This points to a significant dimension of migrants' forced labour experiences which are often overlooked in human-trafficking-focused responses that prioritise tackling the extreme practices perpetrated by particularly errant or malicious employers. Forced labour can form part of livelihood strategies for individuals experiencing multidimensional precarity when they face multiple, overlapping insecurities that result from the interplay of compromised socio-legal status, weak labour market position and migration trajectories.

We found that exit from more extreme forms of exploitation in forced labour, in many cases, amounted only to movement away from one instance of severe exploitation into other precarious livelihoods within a continuum of unfreedom. Unless one or more persistent insecurity is altered or resolved, racialised and gendered migration, work and welfare regimes and neoliberalism combine to create an ongoing 'precarity trap' for migrant forced labourers.[24] For these reasons, a singular focus on 'rescue' from any one particular forced labour situation is unlikely to offer a durable solution unless other insecurities contributing to the 'precarity trap' are addressed. This requires a rethinking of the focus on detection and interception of individual situations of forced labour as a singular response to the putative growth of human trafficking and forced labour. The approach contained in the much-heralded UK Modern Slavery Act 2015 appears to continue in the vein of many current anti-trafficking programmes by focusing on the criminalisation of workers, employers and smugglers, and on the 'rescue' of 'victims'. Alternative analyses that emphasise the importance of the creation of durable livelihoods to secure better outcomes for forced labourers and the role of immigration controls in facilitating forced labour are invisible in such approaches. Further, the financial and moral investment in criminalisation and 'rescue' infers the prioritisation of tackling forced labour and trafficking while closing down both practical access to resources and space for discussion of neoliberal capital and restrictive migration regimes as causes.

Underpinning our study of forced labour among refugees and asylum seekers with the concept of precarity meant that we asked about participants' awareness of others in similar situations and examples of any mobilisation against exploitation. Participants largely did not know their experience as one of 'forced labour', which is not surprising for two reasons: first, forced labour is a relatively new term in support and enforcement; and secondly, we interviewed people with a wide range of experiences that ranged across spectrums of force, coercion, deception and confinement. The exceptions were four who had been supported into applying for protection as victims of trafficking, and one who had pursued a human rights prosecution. The use of colloquially phrased ILO forced labour indicators (Table 1) to describe practices rather than relying on understandings of coercion was therefore vital to uncovering experiences that neither migrants, refugees or asylum seekers, nor volunteers and practitioners in support agencies would name as 'forced labour.'[25] Workers who experience forced labour practices may or may not

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20 S McGrath, 'Many Chains to Break: The multi-dimensional concept of slave labour in Brazil', *Antipode*, vol. 45, issue 4, 2013.

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view their experience as coercive, and use of the forced labour label in research and responses to severe labour exploitation raises many questions about how involuntariness in relation to migrant agency is understood and constructed. To access support and protection as a 'deserving victim', a 'trafficking narrative' is required involving the appropriation or co-option of the migrant project—to earn money abroad—for the benefit someone else,[26] while the role of states in producing multi-dimensional insecurities at the nexus of precarious immigration and employment is side-lined. Aside from any conceptual arguments about the difficulties of identifying force and coercion in the field, which inevitably exist within continuums of exploitation and unfreedom, these pragmatic concerns about how people themselves experience severe labour exploitation should be central to efforts to tackle forced labour. We share with critical, feminist anti-trafficking scholars a concern that agency in migration and labour processes must be considered and exposed[27] to move away from the characterisation of 'victims' in order to recognise the complex social positions of people in or exiting from forced labour and how they will play a central role in movements to tackle contemporary exploitation.[28]

The perspective of precarity, by linking severe forms of exploitation to more widespread abuses, offers the potential to link actions to tackle forced labour with the broader struggle for (migrant) workers' rights. This would involve broad-based action across unions, faith networks, and the statutory and third sector to engage in community-based labour organising and widespread basic rights information campaigns for migrant workers. This must be coupled with political campaigns to challenge root causes: restrictive immigration policies that routinely limit or remove migrants' rights while focusing enforcement efforts on individual immigrants rather than exploitative workplaces. The recognition and inclusion of migrants as transnational actors and activists must be central to this work. Understanding that forced labour exists within and moves along a continuum of exploitation demonstrates that *all* efforts to tackle precarious working conditions to secure decent work matter when trying to prevent severe exploitation.

Conclusion

Current UK asylum policy contributes to rendering asylum seekers susceptible to forced labour by systematically denying basic rights, especially the right to work, and by offering poverty-level support within the asylum system, or through operating an intentional policy of destitution for those refused asylum. This creates a legacy that generates an ongoing precarity track for refugees who continue to be at risk of entering severely exploitative work. Alternatively, for irregular migrants and trafficked persons, the asylum system potentially can offer, at least initially, a form of protection and way out of forced labour. However, this possibility for protection needs to be mediated by recognition that asylum support may only constitute a respite from the necessity to engage in severely exploitative work if an individual's claim is refused and they are left destitute. The role of immigration regimes in facilitating forced labour extends back into pre-migration contexts. The arrangement of risky and urgent migration strategies common in situations of forced migration to escape persecution can lead directly or indirectly to subsequent exploitation in forced labour. This inculcates the 'externalisation' of the EU's border enforcement to neighbouring countries; militarised border patrols on land and sea; quota driven-deportations; and greater use of detention in the production of trafficking and forced labour by closing down safe routes for movement.

A migrants' rights approach needs to be integral if the struggle to tackle forced labour is to be successful in addressing systematic forms of severe exploitation of migrants in general, and particularly of those intentionally weakened by removal of their rights to legally support themselves with work or welfare. The perspective of precarity could allow scholars, activists, practitioners, and, we hope, governments and state actors not only to understand and explain the existence of forced labour in the heart of advanced economies of the global north, but also to combat forced labour with a new direction and set of tools.

Hannah Lewis is Vice Chancellor's Fellow at the University of Sheffield, United Kingdom. Her research focuses on lived experiences of immigration status and the intersections of citizenship, insecurity, cohesion and multiculturalism. Her research interests include migration and refugee studies, forced labour, precarity, community and food. Email: h.j.lewis@leeds.ac.uk

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[28] See for example: R Andrijasevic, *Migration, Agency and Citizenship in Sex Trafficking*, Palgrave Macmillan, Basingstoke, 2010; D Brennan, *Life Interrupted: Trafficking into forced labor in the United States*, Duke University Press, Durham, 2014.

Louise Waite is Associate Professor in Human Geography at the University of Leeds, United Kingdom (UK). Her research interests span migration, citizenship and belonging, with a particular focus on unfree/forced labour and exploitative work among asylum seekers and refugees in the UK. Email: l.waite@leeds.ac.uk