Chapter 13

Navigating migration policies in Europe: insights from the field

Asuncion Fresnoza-Flot

13.1. *Introduction*

In 2015, more than one million migrants arrived in Europe by crossing the Mediterranean Sea.¹ Most of them came from Syria, but there were also a considerable number of migrants who originated from Iraq and Afghanistan.² In the same year, more than 3,000 people lost their life in the sea during their crossing on the way to Europe.³ Despite the dangers present in their paths, the high financial cost of their cross-border movement, and the tightened border controls in their desired country of destination, many people from war-stricken, politically unstable and developing countries continue to embark on a migration journey towards Europe. How do these migrants succeed in overcoming the macro-level hurdles to their spatial mobility, notably the restrictive migration policies of many European countries? What are the impacts of these hurdles on their individual and familial lives?

The present chapter addresses these questions by examining the micro dimension of migration in Europe, that is, migrants' experiences of and interactions with state policies. Focusing on the perspectives of these social actors, this chapter aims to shed light on the governmentality of the state, i.e. the way it manages its population through the 'ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics, that allow the exercise of this specific albeit complex form of power'.⁴ It also intends to highlight the subjectivities that the governmentality of the state creates as well as the

1 UNHCR (2016), Refugees/Migrants Emergency Response – Mediterranean. Regional overview, <data.unhcr.org/mediterranean/regional.php> [12 August 2016].

2 UNHCR (2016).

3 IOM (2016), *IOM Counts 3,771 Migrant Fatalities in Mediterranean in 2015*, <www.iom.int/news/iom-counts-3771-migrant-fatalities-mediterranean-2015> [12 August 2016].

4 Foucault, 1991, p. 102.

agency it entails among its subjects. Informed by the phenomenological approach to the study of social phenomena, this chapter argues that to grasp state's power, logics and limitations, it is important to look at not only the impact of state's actions on its subjects, but also how they respond to its instruments of governmentality such as policies. The idea behind this argument is that the relationship between the state and the people inhabiting its territory is neither static nor straightforward, but is continuously in the making and is mutually constructed.

To attain the objectives of this chapter, I scrutinize three types of movements from South-east Asia to Europe, namely maternal migration, marriage migration, and children migration.⁵ I specifically examine the experiences of Filipino and Thai migrants residing in France and in Belgium, respectively. Contrary to refugees and asylum seekers from the Middle East and in Africa, who enter Europe by boat or by foot, these Southeast Asian migrants arrived by plane, as is the case of many migrants in the region. As Frontex data of 2016 show, international airports serve as 'one of the biggest entry routes for migrants into the European Union'. This is notably the case for Filipino and Thai migrants, given the geographical distance between their region of origin and Europe. These migrants are predominantly women, which sets them apart from asylum seekers in the region who are mostly young men.⁶

The ethnographic data presented in this chapter originated from three different studies that I conducted between 2004 and 2015: a doctoral research on Filipino migrant mothers in France and on their transnational families (2005-2008), a collaborative study on 1.5-generation Filipinos in France (2009-2015), and a postdoctoral project on children of Filipino and Thai migrants growing up in ethnically mixed families in Belgium (2012-2015). These qualitative studies were mainly based on observations and interviews of migrants and their family members. During the first study, 35 migrant mothers and 40 members of their families left in their country of origin were interviewed. For the second study, I interviewed 52 persons including 21 young people of the '1.5 generation' who migrated to their receiving country before reaching majority.⁷ The third study relied on 142 interviews, including 19 Thai women. Despite their varying focus and objectives, these researches provide complementary insights about the

5 I refer here to the following countries that are members of the Association of Southeast Asian Nations (ASEAN): Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

6 Eurostat, 2017.

7 Nagasaka & Fresnoza-Flot, 2015.

power of state policies in structuring individual lives and aspirations as well as about the way individuals respond to its intricacies.

Before investigating the migration cases of Filipino and Thai migrants in Europe, I first position the present chapter within the migration studies literature focusing on how migrants respond to the governmentality of the state. After this, I explain the analytical framework of the chapter, and then describe the context within which the spatial movements of Southeast Asians take place. I conclude by reflecting on the emerging views of migrants about Europe, their agency as subjects of the state, and the importance of their perspectives.

13.2. *Migrants' agency in the face of the state*

Migration studies scholarship has documented through time the different phases, dimensions, and processes of life of migrants from varying viewpoints and perspectives. One of the most widely held approaches is one that values migrants' points of view and examines their lived experiences of migration.⁸ The works in this line of thought reveal how migrants interact with the states of their country of origin and/or immigration⁹ by living with, navigating, or contesting their policies, notably migration-related ones.

Living with migration policies means not attempting to counter them, although it does not imply accepting them or agreeing with them. For instance, under the sponsorship (*kafala*) system in many countries in the Middle East, employers keep the travel documents of migrant domestic workers, thereby restricting their spatial and professional mobilities.¹⁰ Despite being tied to their labour contract, many migrants find a way to survive with-in this system. However, when their working and living conditions become intolerable for them, they escape their employers and look for another employment in the domestic service sector.¹¹ Others escape when they are brought abroad during their employer's travel and become undocumented migrants.¹² In both cases, the *kafala* system remains unaffected. Migrants in these cases may appear as 'powerless victims', but their way of living with migration policies is often a strategy in itself to attain their personal objectives, such supporting economically their families in their countries of origin. We can also cite the example of people who 'settled in

8 E.g., the classic work of Thomas & Znaniecki, 1958.

9 Basch et al., 1994; Sayad, 1999.

10 Bajracharya & Sijapati, 2012.

11 Pande, 2013.

12 Anderson, 2000; Fresnoza-Flot, 2009.

mobility¹³ due to their legal statuses in two or more countries.¹⁴ They learn to live with the migration policies of these countries, thereby gaining mobility and economic opportunities.

Navigating the law is another response of migrants to state policies, notably restrictive ones. Similar to the first approach, it does not involve contestations. Nevertheless, it is about following and using policies to realize one's personal aims. One example is the case of irregular migrants in Europe. They are well aware that they do not have the 'legal right' to stay in their receiving countries, and they follow this line of thought by staying away as much as possible from the eyes of the authorities while waiting an amnesty or a possibility to regularize their situation. Many work in the domestic service sector¹⁵ and do not participate in undocumented migrants' movement.¹⁶ Making themselves socially invisible is how they navigate the law. Another example is marriage migrant Filipinas in Japan, whose legal status depends on their marriage with their Japanese husband, or if they divorce, on their Japanese children. Many of these women are able to continue staying legally in the country by deciding not to divorce their husbands but instead to run away from their problematic conjugal relationships.¹⁷

Finally, migrants react to policies by contesting them, mostly through collective mobilizations and protests. A rich literature on this topic shows its transnational character. For instance, migrant domestic workers' activism has challenged many discriminatory policies concerning their labour and living conditions.¹⁸ One of its successes is the signing of the Domestic Workers Convention (no. 189) in 2011 by the International Labour Organisation, which specifies the rights of domestic workers and provides them legal protection. At the national level, domestic workers in Hong Kong remain very active in their associations. The Internet offers possibilities to these migrants to communicate their grievances, reveals their predicament, and call for a change in policies affecting their lives. Contesting the state is the obvious way of responding to state policies, its power and hegemony. While many migrants are living with or navigating policies, at some point of the migratory process some of them become tired and start to be vocal and fight for their rights. We observe this among migrant Filipinas in

13 Morocvasic, 2004.

14 See also Michalon, 2003.

15 Kilkey, Lutz & Palenga-Möllénbeck, 2010; Shinozaki, 2015.

16 Fresnoza-Flot, 2010.

17 Faier, 2009.

18 E.g., Anderson, 2001; Schwenken, 2003; Sim, 2009.

France (notably irregular migrants) who have started to join labour unions in the country.¹⁹

Based on these migrants' responses to the state, it is evident that they do have different ways of expressing their agency. Their living with, navigating or contesting policies may take place one at a time or overlap with one another during the migration process. Nonetheless, it is unclear how connected these responses are to migrants' views about the state and family lives, which this chapter attempts to elucidate.

13.3. *The state and its subjects: a phenomenological approach*²⁰

A social phenomenon such as migration is imbedded in unequal power relationships. In order to understand it, we need to identify the key players concerned and the dynamics of their interactions. In the context of migration, these key actors are the state and (potential) migrants, the interconnectedness of which can be highlighted using a phenomenological approach stressing the links between individuals and their 'life world' as well as the latter's subjective experiences.²¹ This implies looking at what and how the top (the *state*) thinks about or does concerning the bottom (the *people*), and the other way around.

Starting from the top, we observe at least two tendencies among European states. On the one hand, the tendency to establish and reinforce an 'immobility regime' generally characterizes the so-called 'enclave societies'.²² 'Enclavement' in this regime is a state's 'primary expression of sovereignty in excluding aliens without and undesirables within'.²³ In the European 'immobility regime', it takes the form of segregation (e.g. refugee camps), containment, and detention. As states exercise their power through their respective regime of immobility, they create what the Italian philosopher Giorgio Agamben calls 'spaces of exception',²⁴ in which people with 'bare life' are treated as not worthy of basic human rights and of the privilege of being recognized as one of 'us'. 'Bare life' implies being excluded from all forms of life (the *bios*) and of the natural life (the *zoë*). The deaths of those migrants during their attempts to cross the Mediterranean Sea to

¹⁹ Ito, 2015.

²⁰ Some parts of this section are drawn from a paper that I presented during the international seminar "Towards a European theological ethics of migration and its implications for Catholic social thought" at the Katholieke Universiteit Leuven in Belgium on 31 October 2015

²¹ Ritzer & Goodman, 2004.

²² Turner, 2007.

²³ Turner, 2007, p. 295.

²⁴ Agamben, 1998.

reach Europe illustrate what ‘bare life’ means. On the other hand, the states also tend to engage in the ‘disciplining of mobility’.²⁵ Through their governmentality, they attempt to create ‘ideal’ subjects who control themselves and conform to what is legally expected from them.²⁶ From this perspective, we can say that a system of ‘compensation’ and ‘punishment’ is put in place to reinforce such disciplining.²⁷ For those who abide and become disciplined subjects, the reward comes in the form of entry visa, residence permits, access to citizenship, and other entitlements. On the contrary, those who disobey and are caught become often criminalized for their lack of legal migration documents (e.g. detention and imprisonment), barred from access to many social entitlements, or kicked out of the political community (e.g. deportation).

Alongside these two tendencies, we also observe in Europe how migrants as legal subjects face different migration and ‘immobility’ regimes and find alternative routes (notably irregular) to realize their migration projects. This behaviour of migrants does not appear out of the blue, but is rather fashioned by their knowledge of how the system in place works and what are the gaps within it that may serve as spaces of contestation and empowerment. In short, these migrants possess ‘legal consciousness’, that is, are able to understand and interpret the laws governing them.²⁸ This consciousness shapes human ‘tactics’, called *la perruque* (the wig) by the French philosopher Michel de Certeau.²⁹ Tactics are individual moves and actions seen from the outside as non-deviant and obeying the established rules and norms. They are means to dance with the flow but with an objective different from what outsiders believe. In this chapter, I pay attention to migrants’ legal consciousness and to their tactics to illuminate the relationality between their behaviour and the actions of the state.

13.4. *The Southeast Asia-Europe migration corridor*

Dynamic migratory waves from Southeast Asia to Europe have taken place since the breakdown of the European colonial power in the region. Many Vietnamese, Indonesians, and Filipinos mi-grated to their countries’ former colonial administrators: France, the Netherlands, and Spain, respectively. During the Cold War years, Vietnamese refugees settled in European countries, particularly the

²⁵ Pécoud, 2012.

²⁶ Pécoud, 2012.

²⁷ Foucault, 1997.

²⁸ Ewick & Silbey, 1998.

²⁹ De Certeau 1988.

UK and the Czech Republic. Since the 1980s, a feminine migratory wave has started to reinforce the links between Southeast Asia and Europe.

This women-dominated movement has been oriented towards the reproductive markets (labour and marriage),³⁰ wherein Filipino and Thai women occupy important places and play a key role in their reinforcement. In 2012, there were 768,326 Filipinos in Europe, which represents 7.3 % of the total Filipino migrant population in the world (CFO, 2013). On the same year, the Thai Ministry of Foreign Affairs reported 249,855 Thais living or working in Europe, representing 24 % of the 1,039,032 Thais abroad.³¹ Filipino women usually arrived in the region to look for work and other economic opportunities. They are mainly concentrated in the service sector where they work as nannies, caregivers, and health professionals. On the other hand, Thai women generally migrated to Europe as brides or spouses of European men.³² There are also women who entered Europe to work in massage parlours, bars, or restaurants. The movement of Filipino and Thai women to Europe has been part of their respective countries' migration regimes, which focus on the exportation of labour. These migration regimes became explicit in the Philippines in early 1970s when a labour migration programme was introduced and in Thailand in early 1980s when a similar programme was put forth in the country's Fifth Economic Development Plan. In the 1980s the Philippines observed the feminisation of its migration outflows, whereas Thailand experienced the same thing in the 1990s.³³ Unlike Thailand, the Philippine state established different agencies to promote, manage, facilitate, and control the outflow of its migrant workers. The state has also liberalized the labour exportation market, which has led to the emergence of the so-called 'black market of emigration' composed of private migration agencies.³⁴ These actors play an important role in concretizing the migration projects of individuals and families in the Philippines.

Concerning marriage migration, Germany and the UK are the leading destinations of Filipinos,³⁵ whereas Germany is the major receiving country of Thais.³⁶ Meeting and marriages between these women and men of economically developed countries (such as in Europe) are facilitated by their social networks,

30 There is also a dynamic student migration from Southeast Asia to Europe, and the United Kingdom is one of its popular destination country.

31 Kanchanachitra *et al.*, 2014.

32 Suksomboon, 2009; Ruenkaew, 2003.

33 Kang, 2012.

34 Massey *et al.*, 2005.

35 CFO, 2014.

36 Kanchanachitra *et al.*, 2014.

by technological means of communication such as the Internet, by the increased availability of low-cost ways of transportation, and by matchmaking agencies.³⁷ In the Philippines, the state regulates its citizens' international marriages and relationships by prohibiting the so-called 'Mail-Order Bride' (MOB) marriages, by its anti-trafficking measures, and by organizing Pre-Departure Orientation Seminars (PDOS)³⁸ for departing Filipino brides and spouses of foreign nationals. In Thailand, there is no law prohibiting specific MOB marriages, but the government has adopted anti-trafficking measures to protect women and children. Although there is no such thing as PDOS in Thailand, the government in collaboration with non-governmental organisations and Thai migrant women abroad has held awareness-raising activities about the possible difficulties of getting married with a *farang* (foreigner).³⁹ With the aim of discouraging young girls and women who are wishing to marry one day a *farang*, these activities mainly take place in the Northeast of Thailand, where many marriage migrants originate from.

Furthermore, the Southeast Asia-Europe migration corridor does not only involve one directional movement from the former to the latter, but also include a reverse flow. In the Philippines and Thailand, British and German nationals are more numerous than nationals of other countries.⁴⁰ Although these migration flows are also dynamic and display interesting characteristics, the present chapter concentrates on the Southeast Asia-to-Europe migration direction.

13.5. *Accessing Europe: the ways and means of the subaltern*

The regimes of immobility and the disciplining of mobility in Europe do not automatically create immobile subjects. As shown below, Filipino and Thai migrants mostly navigate the law rather than living with or contesting it. This response to state policies requires both legal consciousness and tactics.

37 Fresnoza-Flot & Ricordeau, forthcoming.

38 This pre-departure orientation seminar is country-specific and departing migrant domestic workers are obliged to take part in it to obtain socio-cultural knowledge about their receiving country and other practical information. Young migrants aged between 13 and 19, on the other hand, are required to attend the Peer Counselling Seminar instead.

39 Information about these awareness-raising activities came from my interview in 2014 with one Thai migrant woman from the Netherlands who actively took part in it.

40 Asis & Battistella, 2014; Kanchanachitra *et al.*, 2014.

13.5.1. *The tourist visa route via the 'black market of migration':
The case of Filipino mothers*

Maternal migration is one of the dynamic migratory outflows from Southeast Asia (specifically from Indonesia and the Philippines) to Europe. It is composed of lone mothers who left their families (children and husband) in their countries of origin and came to work in the domestic service sector, generally to fulfil the basic needs of their family and to support the schooling of their children.⁴¹

This is for example the case of Francisca, 60 years old and mother of four. I met her in Paris where she was working as a home cleaner and she told me during her interview the reason why she had decided to migrate to France.

Because of the eruption of the Pinatubo, I decided to go abroad at that time [1991]. I told to myself 'if I don't go abroad [to work], nothing will happen to us' [...] I said 'how about my children? They will not be able to study if I don't go abroad.

Francisca arrived in Paris in 1991 with a tourist visa through the help of an illegal migration agency disguised as a travel agency in the Philippines. She knew that there was no other way to reach France than through a tourist visa. Like other Filipino migrants, Francisca sought assistance from the 'black market of migration'.⁴² She paid 80,000 pesos (about 1,500 euros) to a disguised travel agency that took care of her visa, airplane tickets and accommodation on her way to France. She was part of a group that first did tourism in Casablanca, then went to Germany, and finally to Amsterdam from where they proceeded to their final destination country. Francisca chose France and took the train to go to Paris to meet a Filipino friend there who offered her place to stay and later helped her find a job. Francisca's reliance on a travel agency facilitated her legal entry in Europe, a tactic that helped her overcome the bureaucratic hurdles to migration. What facilitated Francisca's settlement in France were her ethnic networks, a social capital that provided her with housing and employment opportunities. In France, once her visa expired Francisca became an irregular migrant. Because of her status, she was not able to visit her children back home during ten years. She shared with me her experience with the French migration regime:

My [regularization] application was not granted in 1998 because I lacked some papers. Since I just needed a few more years to reach my ten years [of residence in France], I decided not to return yet but to wait for the ten years.

⁴¹ Fresnoza-Flot, 2013; see also Mozère, 2005.

⁴² Massey *et al.*, 2005.

What she meant here by ‘ten years’ was the required length of residence in France to be able to apply for regularization under the former Chevènement Law. During my fieldworks in France between 2005 and 2013, I met many Filipino migrant mothers who had adopted this tactic of staying without going back for ten years or more in order to be regularized, at which time they became able to work legally and to visit their family regularly in their home country. The emerging pattern of their responses to state policies is that they navigate them through the tourist visa route and via the tactic of staying for years without ever going back to their country, in the hope of being regularised. The lives of these migrants were shaped by the migration policy of their receiving country in Europe. Maternal migration results in longer family separation because of this state policy that influences migrant mothers’ decision to prolong their stay in order to secure economic resources.

13.5.2. *The ‘intimate’ route: the case of Thai migrant women*

As explained earlier, another strong migratory wave from Southeast Asia to Europe is marriage migration. Aside from Filipino women, many Thais come to this region to look for a partner, to get married, or to legally cohabit with their European partner. The two tales below of Thai migrant women in Belgium demonstrate the role of this ‘intimate route’ to enter and settle in Europe.

The first tale narrates how Thai women use binational union, in the form of marriage or legal co-residence, to stay in migration. Migrating to Europe through the work channel appears difficult for Thais. According to Kanchanachitra and colleagues,⁴³ ‘the proportion of Thai workers’ in Europe compared to that in Asia ‘is not high due to laws and regulations and labour demand of the destination countries as well as the mismatch between available work and the workers’ qualifications’. Binational union before or after one’s entry to Europe has become a popular migration channel these days for Thai women. For example, Pailin (60 years old at the time of the interview) arrived as a tourist in Belgium in 1989 to meet a Belgian man that her Thai friend had sent her a picture of:

I came with my [Thai woman] friend here. [...] I only saw his [her present husband’s] photo. My friend showed it to me. She said ‘he’s a good man’ and yeah I believed her.

Though Pailin did not know well the man, she decided to tie the knot with him as her Thai friend vouched for the man’s good character. Thanks to her marriage with this man, Pailin did not need to return to Thailand after her tourist visa expired. Pailin’s story is not exceptional, as more and more Thai women are

43 Kanchanachitra *et al.* 2014.

arriving in Europe with a tourist visa then look for a prospective partner to extend their stay in the country. This tactic of using first the tourist visa channel resembles that of Filipino migrant mothers in France. What differentiates the two groups from each other is that Thais tend to adopt the tactic of immediately looking for a partner in order to prolong their legal stay in Belgium, whereas Filipinos, notably adults, become irregular mi-grants then try to avoid police arrest and deportation by concentrating in the domestic service sector. Their paid work in this sector invisibilizes them in some way, as they exercise it in the home of their employers. They then wait for regularization opportunities to legalize their migration status.

A Thai friend of mine narrated to me a second tale when we were talking about Thai women's migration to Belgium. It tells the story of a Thai woman married to a Belgian who went to Finland to meet a prospective 'next' partner through the matchmaking effort of her Thai friend who was already living there. The arrangement was that she would date the man during three days and at the end she would decide whether to pursue a relationship with him or not. This story suggests how binational union formation has become an effective means of not only prolonging one's migration in Europe, but also of legitimizing one's presence in the region. This practice is shaped by the awareness of Thai women of the difficulty to uphold their legal status in Europe, particularly when their binational union on which this status depends breaks down. As Williams remarks:⁴⁴

local policies set the tone for the interaction of migrant spouses with the general population. The attitudes of society in general are influenced by the citizenship policies of the state, and most spouses crossing borders experience a probationary period short of citizenship during which their connection to their citizen partners and families grants them their rights.

Thai women's experience of this 'probationary period' made them conscious of their un-stable legal status in their receiving country and of the importance of being closely connected to an insider citizen to gain stability in one's status. Living together with an insider citizen appears to be a viable solution for these migrants to address the legal insecurity they are feeling. Besides, the relationship between insider men citizen and migrant women are most often seen by the court as less risky than that between a woman citizen and a migrant man.⁴⁵ Taking the 'intimate' route to access and settle in Europe represents Thai women's way to navigate the strict migration policies in the region.

⁴⁴ Williams, 2010, p.191.

⁴⁵ De Hart, 2009.

13.5.3. *The tourist visa route via the Schengen space:
the case of Filipino migrant children*

Migration of children from Southeast Asia to Europe takes place side-by-side with the migratory movements of adults. These young people usually migrate with or following their parents. This is the case of 1.5-generation Filipino children who experienced ‘mobile childhoods’,⁴⁶ meaning spatial, temporal and contextual movements during their child-hood years due to the migration of one or more members of their family or due to their own migration. Movements across contexts refer to migrant children’s experiences of changes from one familial arrangement to another, from one school system to another, or from one legal framework to another.

This happened to Tina, a 20-year-old university student in Paris. She was five years old when her mother went to France using the tourist visa route, and it was her father who took care of her and her sister. Three years after, her father decided to follow her mother to France, again through the tourist visa channel. This time, her maternal grandparents acted as caregivers for her and her sister. When Tina was diagnosed with a congenital heart disease, her parents decided to make her come to France to be treated there. Since her parents were irregular migrants, they used the tourist visa route in Schengen space for their daughter to come to France:

What I knew is that my parents had no papers at that time [2004]. So, my mother’s friend in Sweden who had I think Swedish nationality was the one who invited me. I arrived in Sweden and after that I came here to France by airplane. It was legal be-cause I had a Schengen visa.

The difficulty to regularize one’s migration status in France for undocumented migrants and to meet the requirements of the family reunion program for regular migrants leads many Filipino parents like Tina’s to choose the tourist visa route via the Schengen space for their children.⁴⁷ Migrant parents hope that by using this route, their children will be able to legally enter in France and live with them there. Knowing how difficult it is to obtain a tourist visa at the French embassy in the Philippines, many Filipino parents turn to other Schengen country to realize their family reunion project. This tactic obviously stems from their legal consciousness that one can travel easily within the Schengen area using a tourist visa obtained in one Schengen country. At that time when she arrived in France at the age of fifteen, Tina had been separated for ten years from her migrant

⁴⁶ Fresnoza-Flot and Nagasaka 2015.

⁴⁷ This area is composed of 26 European countries including France and Belgium (see: <ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen>).

mother and for seven years from her migrant father. Asked whether she was happy about the family reunification, she confided that she actually did not like to migrate to France:

I actually didn't like to come here, because all of my friends were in the Philippines. My grandmother was also there with me. I was used to be with her. I didn't like to leave her. That's why when I arrived here, my parents really had a hard time with me.

Tina's involuntary migration can partly explain her conflictual relation with her parents, notably with her mother. Filipino migrant parents' decision to make their children follow them in France is shaped by their legal consciousness that in their receiving country minors can access schooling and health care without fearing deportation, unlike undocumented adult migrants. However, when children reach majority, they experience the same feeling of insecurity as their parents due to their irregular migration status. In the migration of Filipino 1.5-generation children, familial-context mobility takes place as children find themselves in a new family arrangement, being reunited with their parents after long years of separation. These children also experience political-context mobility, as they become aware of what visa, residence permits, citizenship and irregularity mean when they migrate to their receiving country. They also undergo downward social class mobility, as they lived in a comfortable life in the Philippines thanks to their parents' remittances and then suddenly find themselves living in the small apartment of their parents who are working in the domestic service sector in France. Generational irregularity is common among Filipino migrants in this country, attesting to the structuring power of state's governmentality across generations of migrants.

What is interesting in the case of Filipino migrant children is that it is their parents and not them who prepared and chose the route to take to enter Europe. It is their parents who navigate the law for them, which can be attributed to their desire for family reunification and to their awareness of the legal framework in Europe, how it works, and how to use it to their advantage. De facto tourism is a sort of camouflage of their real intention, which is family reunification. Through their adopted tactics, Filipino migrants are able to navigate the law but cannot avoid the undesirable consequences of their migration such as family separation and long-term irregular migration status.

13.6. *Discussion and conclusion*

The cases examined in this chapter provide interesting insights on how Filipino and Thai migrants succeed in overcoming the hurdles imposed by migration

policies to their movement to Europe and the way those obstacles affect their lives. This suggests that migrants and the state are closely interlinked and the way they behave appear to result from their dynamic interactions.

As their response to migration policies, the migrants in this chapter adopt tactics to navigate them but not to contest or live with them. This can be partly explained by the logic of their migration, which is mostly family-related as it aims to support their family back home (in the case of Filipinos) or to form their own family (in the case of Thais). By navigating the law, they maximize their chance to attain their desired objectives in a minimal amount of time. Their legal consciousness guide them how to do so, which results in different tactics such as using the tourist visa route to access Europe and getting involved in binational union with an insider citizen. The behaviour of Filipino and Thai migrants vis-à-vis migration policies suggests that they view the state as a powerful entity with a system of rewards and punishments. Their chosen response of navigating the law is their discrete way to turn the governmentality of the state to their own advantage. However, they could not impede its strong impact on their familial lives such as long family separation, parent-child emotional gap, and mobile childhoods among their children. This represents the limitation of their capacity to deal with the state and its policies that continuously structure their possibilities, aspirations, and tactics.

At the macro-level, the case studies presented here show that the countries of origin and of destination of migrants such as Filipinos and Thais play very important roles in shaping the Southeast Asian migration corridor. The influence of state policies 'here' and 'there' is well illustrated by the alternative channels, tourist visa, or binational union formation that potential migrants or migrants' family members take to reach Europe. Restrictions 'here' and 'there' often collide with labour market demands in the domestic service sector, which creates spaces of opportunities for migrants such as Filipinos who despite their irregular migration status are able to remain in Europe and later have their children reunite with them. The cases of Filipino and Thai migrants are examples of how the 'disciplining of mobility'⁴⁸ in Europe creates certain groups of obedient subjects who take legal migration routes to enter Europe. These routes entail expensive migration fees, family separation and long periods of irregular status in the receiving country, and are continuously alimented by the 'black market of migration',⁴⁹ the existence of which attests to the power of human agency over constraining structures.

48 Pécoud, 2012.

49 Massey *et al.*, 2005.

Nowadays, states in the EU are responding back to migrants' tactics as we can observe from their actions to prevent irregular migration and how they deal with the present refugee crisis. Taking into account voices from below or the voices of those De Certeau calls 'ordinary people' appears important in policy-making. The states and their subjects are in a continuous positioning in relation to each other, a repeated and dynamic process during which ethical, human rights, and security issues may collide. The question is what happens next when migrants (regular or irregular) settle in their receiving country in Europe. Some migrants do succeed to socially integrate themselves in their country of immigration through labour market participation or 'mixed' family formation with their European partners. Nevertheless, in terms of political participation, some migrants remain 'lost in integration', as they struggle to obtain residence permits, master the language of their receiving country, or confront negative stereotypes and discriminatory attitudes of the majority population. The challenge to be socially incorporated is obviously different from that to enter their destination country, but the repercussions on migrants' well-being appear the same. The case studies examined in this paper suggest that the success of the state's 'disciplining of mobility'⁵⁰ and its 'regime of immobility'⁵¹ lies not in creating and reinforcing borders and control, but in understanding the way its subjects react to such disciplining, how it affects their lives (notably in the long term), and how they respond to it.

References

- Agamben, G. (1998), *Homo sacer: sovereign power and bare life*, Stanford (Cal.): Stanford California Press.
- Anderson, B. (2000), *Doing the dirty work? The global politics of domestic labour*, London: Zed Books.
- Anderson, B. (2001), 'Different roots in common ground: Transnationalism and migrant domestic workers in London', *Journal of Ethnic and Migration Studies*, 27(4), p.673-683.
- Asis, M. & Battistella, G. (2014), 'Flows and patterns of temporary transnational migration: The Philippine case', In: P. Pitkänen & M. Korpela (eds.), *Characteristics of temporary transnational migration. Collected working papers from the EURA-NET project*, Tampere, Finland: University of Tampere, p.267-296.

⁵⁰ Pécoud, 2012.

⁵¹ Turner, 2007.

- Bajracharya, R. & Sijapati, B. (2012), *The kafala system and its implications for Nepali domestic workers*, Policy Brief 2012/1, Kathmandu (Nepal): Centre for the study of labour and mobility.
- Basch, L.G., N. Glick Schiller & C. Szanton Blanc (1994), *Nations unbound. Transnational projects, postcolonial predicaments, and deterritorialized nation-states*, Langhorne (Phi.): Gordon and Breach.
- De Hart, B. (2009), 'Love thy neighbour: family reunification and the rights of insiders', *European Journal of Migration and Law*, 11(3), p.235-252.
- CFO (2014), 'Number of Filipino spouses and other partners of foreign nationals by sex: 1989-2013', <www.cfo.gov.ph/images/stories/pdf/gender8913.pdf> [30 November 2014].
- CFO (2013), 'Stock estimate of overseas Filipinos as of December 2012', <www.cfo.gov.ph/images/statistics/stock_estimate/StockEstimate2012.pdf> [12 August 2016].
- De Certeau, M. (1988), *The practice of everyday life*, Berkeley: University of California Press.
- Ewick, P. & Silbey, S. (1998), *The common place of law: stories from everyday life*, Chicago: University of Chicago Press.
- Eurostat (2016), 'Asylum statistics', <ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics> [12 August 2016].
- Faier, L. (2009), *Intimate encounters: Filipina migrants remake rural Japan*, Berkeley: University of California Press.
- Fresnoza-Flot, A. (2009), 'Le rôle de l'Église et des associations dans la structuration de la population immigrée philippine en France' [The role of the Church and associations in structuring the Filipino immigrant population in France], *Migrations Société*, 21(123-124), p.65-82.
- Fresnoza-Flot, A. (2013), *Mères migrantes sans frontières. La dimension invisible de l'immigration philippine en France* [Migrant mothers without borders. The invisible dimension of Filipino immigration to France], Paris: L'Harmattan.
- Fresnoza-Flot, A. (2010), 'The Catholic Church in the lives of irregular migrant Filipinas in France: Identity formation, empowerment and social control', *The Asia Pacific Journal of Anthropology*, 11(3-4), p.345-36.
- Fresnoza-Flot, A. (2015), 'A secular viewpoint on the expert seminar', Paper presented at the seminar Towards a European theological ethics of migration and its implications for Catholic social thought, Katholieke Universiteit Leuven, 31 October.
- Fresnoza-Flot, A. & I. Nagasaka (2015), 'Conceptualizing childhoods in transnational families: the 'mobile childhoods' lens', in: I. Nagasaka & A. Fresnoza-Flot (eds.), *Mobile childhoods in Filipino transnational families*.

- Children of immigrants with similar roots in different routes*, Basingstoke: Palgrave Macmillan, p.23-41.
- Fresnoza-Flot, A. & G. Ricordeau (forthcoming), *International marriages and marital citizenship: Southeast Asians on the move*, Abingdon: Routledge.
- Foucault, M. (1991), 'Governmentality', In: G. Burchell, C. Gordon & P. Miller (eds.), *The Foucault effect: studies in governmentality*, Chicago: The University of Chicago Press, p.87-104.
- Foucault M. (1997), '*Il faut défendre la société*', *Cours au Collège de France 1975-1976* ['We must defend the society'. Lectures at the College of France], Paris: Seuil/Gallimard.
- Frontex (2016), *Migratory routes map 26 January*, <frontex.europa.eu/trends-and-routes/migratory-routes-map> [15 February 2016].
- IOM (2016), *IOM Counts 3,771 Migrant Fatalities in Mediterranean in 2015*, <www.iom.int/news/iom-counts-3771-migrant-fatalities-mediterranean-2015> [12 August 2016].
- Ito, R. (2015), 'Negotiating partial citizenship under neoliberalism: regularization struggles among Filipino domestic workers in France (2008–2012)', *International Journal of Japanese Sociology*, 25 p.69-84.
- Kanchanachitra, M., N. Sakkarin, & P. Sureeporn (2014), 'Characteristic features of temporary migration to and from Thailand', in: P. Pitkänen & M. Korpela, (eds.), *Characteristics of temporary transnational migration. Collected working papers from the EURA-NET project*, Tampere, Finland: University of Tampere, p.270-291.
- Kang, X. (2012), 'Migration policies of Thai nationals abroad and evaluation of migration policy effect', First Thai-Chinese strategic research seminar, 24-26 August, Bangkok.
- Kilkey, M., H. Lutz, & E. Palenga-Möllenberg (2010), 'Introduction: domestic and care work at the intersection of welfare, gender and migration regimes: some European experiences', *Social Policy and Society*, 9(03), p.379-384.
- Massey, D., J. Durand, & N.J. Malone (2005), 'Principles of operation: theories of international migration', in: M. Suárez-Orozco, C. Suárez-Orozco & D.B. Qin, (eds.), *The new immigration. An interdisciplinary reader*, New York and East Sussex: Brunner-Routledge, p.21-33.
- Michalon, B. (2003), 'Circuler entre Roumanie et Allemagne' Les Saxons de Transylvanie, de l'émigration ethnique au va-et-vient. *Balkanologie*, VII(1): p.19-42.
- Morokvasic, M. (2004), 'Settled in mobility: engendering post-wall migration in Europe', *Feminist Review*, 77, p.7-25.

- Mozère, L. (2005), 'Filipina women as domestic workers in Paris. A transnational labour market enabling the fulfilment of a life project?', in: E. Spaan, F. Hillmann, & T. van Naerssen (eds.), *Asian migrants and European labour markets. Patterns and processes of immigrant labour market insertion in Europe*, Oxon: Routledge, p.177-194.
- Pande, A. (2013), "The paper that you have in your hand is my freedom": migrants domestic work and the sponsorship (kafala) system in Lebanon', *International Migration Review*, 47(2), p.414-441.
- Pécoud, A. (2012), 'Introduction: disciplining the transnational mobility of people', In: M. Geiger & A. Pécoud (eds.), *Disciplining the transnational mobility of people*, Basingstoke: Palgrave Macmillan, p.1-14.
- Ritzer, G. & D.J. Goodman (2004), *Modern sociological theory*, New York: McGraw-Hill.
- Ruenkaew, P. (2003), *Heirat nach Deutschland. Motive und Hintergründe thailändisch-deutscher Eheschließungen* [Marriage to Germany. Motives and backgrounds of Thai-German marriages], Frankfurt: Campus Verlag.
- Sayad, A. (1999), *La double absence: des illusions de l'émigré aux souffrances de l'immigré* [The double absence: From emigrant's illusions to immigrant's sufferings], Paris: Seuil.
- Schwenken, H. (2003), 'RESPECT for all: female migrant domestic workers in the European Union', *Refuge*, 21(3), p.45-52.
- Shinozaki, K. (2015), *Migrant citizenship from below. Family, domestic work, and social activism in irregular migration*, New York: Palgrave Macmillan.
- Sim, A. (2009), 'Women versus the state: organizing resistance and contesting exploitation in Indonesian labor migration to Hong Kong', *Asian and Pacific Migration Journal*, 18(1), p.47-75.
- Suksomboon, P. (2009), *Thai migrant women in the Netherlands: cross cultural marriages and families*, dissertation, University of Leiden. Ede: Ponsen & Looijen.
- Thomas, W. I. & F. Znaniecki (1958), *The Polish peasant in Europe and America*, New York: Dover Publications.
- Turner, B. (2007), 'The enclave society: towards a sociology of immobility', *European Journal of Social Theory*, 10(2), p.287-303.
- UNHCR (2016), *Refugees/Migrants Emergency Response – Mediterranean. Regional overview*, <data.unhcr.org/mediterranean/regional.php> [12 August 2016].
- Williams, L. (2010), *Global marriage. Cross-border marriage migration in global context*, London: Palgrave Macmillan.