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The American University in Cairo

School of Global Affairs and Public Policy

**A Study of Migrant Domestic Workers in New York City and  
their Fight for Equality**

A Thesis submitted by

Heba Abdella

Submitted to the Cynthia Nelson Institute for Gender and Women's Studies

June 2015

In partial fulfillment of the requirements for  
the degree of Master of Arts in Gender and Women's Studies  
in Middle East/ North Africa

Gender and Justice specialization

has been approved by

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## ABSTRACT

This thesis takes an in-depth look into the racialization and gendering of the job of migrant domestic labor. It explores the migrant domestic women and the organizations that represent their movement to obtain equal civil and labor rights. The thesis argues that domestic labor is a gendered occupation and is used as a tool to create and maintain hierarchies of social class, based on gender and race. The thesis investigates the cases and examples of migrant domestic labor in the United States to explore the social dynamics that take place within the new environment as well as the evolution that takes place in terms of identity as they live and work in the US as migrant domestic workers. The thesis presents evidence of a systematic racialization and gendering of transnational domestic labor market and argues that it is state-sponsored and sanctioned/legitimized by international human and labor rights and immigration regulations; as well as supported/sustained by societies' gender norms and boundaries.

This thesis presents the case that this is not merely a consequence of social norms, laxity in legislation and economic opportunities, but rather enforcement of systematic national policies addressing this field on the social, economic and nationalistic levels. This systematic effort is legitimized by the half-hearted efforts of international non-governmental organizations as well as national and international immigration and labor policies. The thesis will look at these contriving efforts of national rhetoric, international policies and social regulations and norms to reveal the existing patterns and structures that keep this gendered and racialized role intact.

This thesis explores the issues that migrant domestic workers confront and how these translate to their civil and labor rights, and their identity with their origin nation and the US. The thesis investigates this subject through the case of migrant domestic laborer and their representative organizations operating in New York City, USA. The research focuses on women from the Caribbean region, Philippines, and Nepali-speaking women working with organizations that aim to eliminate civil and labor inequalities in the US.

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## 1. Chapter One – Introduction

I am a survivor of human trafficking. Now, I am doing this work with Damayan Migrant Workers Association and I am a board member with the National Domestic Workers Alliance. I want to help my community. I want to take what I have and direct it to my community. Now that I am here and I have been through the training of how to be a leader, I want to use this and share this. We don't need to just be suffering. We have rights and we have community that we can be with. (Damayan, personal communication, October 28, 2013).

### 1.1. Overview

The subject of my thesis is women migrant domestic laborers in New York City and their fight to gain equal civil and labor rights in the US, as well as their fight against the racialization and gendering of women migrant domestic laborers. I explore this subject through investigating how racialization of migrant domestic workers is produced and maintained by the nation-state of the sending country and the receiving country, coupled with the demands of today's capitalist market. This is the core of the investigation of this thesis. The thesis further investigates how this racialization is sustained by nationalistic and cultural identities that exist across territorial boundaries in sending and receiving societies and within the behaviors of the migrating individuals themselves. Oppositional to this force is the actions of the women migrant domestic workers aiming to legitimize their civil and labor rights through changing policy, building communities and networks, and reframing their

own space within the new environment. This thesis investigates these forces through looking into the individual actions of the women interviewed prior to migrating and after migrating, as well as the organized acts of the migrant domestic worker organizations that represent them.

The thesis also investigates the role of civil and labor regulations and asks what degree of impact do they have in bringing about change. Is this a necessary step of the process towards social and economic equality or is it merely an affirmation of immigrants' abidance to a fundamentally flawed model of citizenship. This conflict is investigated throughout the thesis by observing the actions of women migrant domestic workers in New York City and their engagement with New York's legislative system alongside examining the women's relationship with their social environment and communities.

The women aim to gain equal civil and labor legislation and are fighting against the racialization of migrant domestic workers, yet the women as individuals and the organizations that represent them, exist and operate as part of a neoliberal model that repeatedly oppresses these aims in exchange for acquiring more economic wealth. In this relationship the moments of fighting for equality, cannot be separate from compliance to the demands of the neoliberal model. This self-embodied contradiction between fighting for equality yet restricted to the boundaries of the very system that restricts equal rights is another of the critical areas explored throughout the thesis. The aim for social inclusion in the new environment alongside cultural preservation of the originating country, further complicates the engagement of the women migrant domestic workers and their organizations. This is another important area of investigation that threads itself throughout the thesis.



The thesis investigates the subject through the case of migrant domestic workers in New York City, USA and the organizations that represent them. These organizations are non-governmental organizations established by migrant domestic workers themselves and are established primarily on the basis of origin nationality/region. The groups aim to eliminate labor inequalities and the classism and racism associated with migrant domestic work in the United States. The organizations in this research have been established based upon the categories of: the Philippines; Nepali speaking migrants; and the Caribbean region. The following section will introduce the three origin countries covered in this thesis and the significance of these countries in relation to migrant domestic workers migrating to the United States from these nations.

### **Caribbean:**

Large waves of migration from the Caribbean region to New York City have been taking place for over 100 years establishing a very strong connection between people from the Caribbean and New York City and it was this long established migration pattern that I was eager to investigate (Foner, 2000). As the investigation went forward and I learned of the stories of women from the Caribbean countries, and Asian countries alongside the literature covered I found more interest in what bound the women together to organize and what that implied about transglobalism, and the identity of women migrant domestic workers themselves. It is important though to reflect on the origin nationalities of the various organizations in terms of cultural norms and their national histories.

The Caribbean countries grouped together have more people migrating than any other region in the world; few families have not been touched in some way, with migration and transnational life (Ho, 1999). Furthermore, there is a very strong connection between people from the Caribbean region and New York City (Foner, 2000). According to a census from 1990, one out of every three immigrants to New York were from the Caribbean, and the same census stated that Caribbean people, grouped under the fourteen commonwealth Caribbean nationalities, are the largest 'new' immigrant group in the city, accounting for approximately 12% of the post 1964-arrivals (Foner, 2000).

The Caribbean societies have had a long history of international migration. Forced migration due to colonization by the Europeans, followed by slavery in sub-Saharan Africa began as early as the 16<sup>th</sup> century (Thomas, 2012). After the end of slavery in the British Caribbean during the 1830s, large waves of voluntary migration movements began to take place (Thomas, 2012). Furthermore, the United States became much more of a major destination for black Caribbean migrants after the Spanish-American War of 1898. "For much of the past two centuries, Caribbean immigration to the United States has also been influenced by America's hegemonic relationship with countries in the region, since most of them, with the important exception of Jamaica, have been under US political control at some point in their history" (Thomas, 2012:6).

"To Caribbean immigrants, New York is often synonymous with America. The city is salient in Caribbean immigrants' mental map as a center of North American influence and power and as a logical entry point into the

country” (Foner, 2000:34). The majority of immigrants from the Caribbean “are admitted based on family ties” (Thomas, 2012:1). The issue of citizenship is critical for all immigrant workers, as it defines and shapes ethnic differences within social reproduction since citizenship regulates access to state programs as well as legal protection (Mattingly, 2001). Similar to other migrating labor export countries, the Caribbean region’s governments rely heavily on migrant labor to address surplus of labor, and rely on remittances for their national economies as well as managing foreign currency (Ho, 1999). At the same time, in the United States, the labor market is steered by deregulation and requires cheap labor prices to satisfy demand (Ho, 1999):

One consequence of these changes in the spatiotemporal reproduction of the global labor force has been the general undermining of labor power and the "casualization" of labor, converting workers with fixed salaries, relative job security, and fringe benefits into temporary workers with no such privileges. (Ho, 1999:35).

### **Philippines:**

Emigration is an integral part of the Philippine society. Over half of Filipinos have either migrated or have a family member who has migrated, news of migrants abroad or stories of their experiences are reported in the press on a daily basis and “...their homecomings are depicted in novels and dramatized in movies” (Martin, Abella, Midgley, 2004:1544). They are treated with respect and reverence and as national heroes (Martin, Abella, Midgley,

2004). In the case of the Filipina migrant domestic laborer, these women have a reputation for being the 'top' of the profession. They are very much desired as a laborer and their financial value is set relatively high, compared to women from other nations. Most women from the Philippines migrate to work in domestic labor and remittances are one of the most crucial parts of the Philippine economy. The Philippine nation-state has wide ranging training programs for domestic labor duties, as well as bilateral agreements for the migration of women working in domestic labor. The nation-state delivers an overall message of duty and pride in women migrating for the purpose of domestic labor.

Several factors influence the Filipina's choice of destination, including recruitment agencies and social networks and the ease of facilitation to the destination country. Recruitment agencies play a large role in satisfying the demand of domestic workers needed, yet there are also other factors such as the existence of family already there, how well they are established and the ability to bring other family members (Parreñas, 2001). Migrants typically migrate either through a recruitment agency from their origin country, or an agency from the destination company that is scouting for employers in the host country, or by word of mouth through family members in the host destination (Parreñas, 2001). In the case of hearing from family members many times it is an assessment of potential opportunity rather than a specific job, in which case it is common for the migrant to enter the country on a tourist visa and begin her search there.

## **Nepal:**

Geographically located between China and India, Nepal's history, culture and economy is intrinsically influenced by its neighbors. "The caste system, which is the basis of feudalistic economic structure with the system of individual ownership system, did not exist prior to the arrival of Indians...in Nepal," (<http://www.gonepal.eu>). Hindu ideology offers a low social status for women, demonstrated through areas of gender inequalities in inheritance, level of health care and educational care (Cameron, 1995). The overall image or portrait of the Hindu woman within this ideology is one of impurity, the impure female, with lower castes referred to as 'the untouchables' (Cameron, 1995). Nepal's rural communities, labor and wages are intricately linked by gender and caste (Cameron, 1995).

Nepal's government is currently operating on a multi-party system that came about as a result of the revolt steered by the Maoist movement, which overthrew the existing monarchy. One of the least developed countries in South Asia, with difficulties including extreme poverty, unemployment, scarcity of natural resources, segregation through gender, caste and class, alongside political instability; migration is becoming more and more a way out for Nepalese. (Kollmair, Manandhar, Subedi, Thieme, 2006). The involvement of women in the Maoist revolt has been one of the most discussed factors of the movement. This was initially uncovered to the rest of the world during the time between 1998 and 2001 where Maoists organized tours for local and foreign journalists to witness the areas of Maoist control and journalists came back reporting the incredible sight of large numbers of

women dressed in combat fatigues and carrying guns in a very “casual manner” (Hutt, 2004:152).

Nepali migrant domestic workers are notoriously associated with grave abuses and violations, particularly in India and the Gulf region. The media has frequently reported of incidents of violence and human rights violations against Nepali migrant domestic workers. Furthermore the financial value of the work of Nepali migrant women is considerably less than women migrating from other nations. The contradiction of images of the strong fierce ‘comrade’ juxtaposed to the abused domestic migrant brings to the table very critical questions of class, race, gender and how they are translated through the migrant within the existing nationalistic, capitalist powers.

### **United States:**

My fieldwork is initiated through an internship with the National Domestic Workers Alliance (NDWA), an organization established in the United States to bring about fair and equal civil and labor rights for domestic workers. The fieldwork includes extended interviews with migrant domestic workers and representatives of the organizations as well as observation participation and participation at fundraising events. The thesis explores state-sponsored policies through fieldwork and literature and examines how they influence the situation of the migrant domestic laborers in their lives and their professions.

The thesis and the fieldwork are guided by the review of literature on examples of migrant domestic labor in other parts of the world, namely Caribbean, Nepali, Filipino and South African women migrant domestic workers.

The literature review explores the role of government with regards to migrant domestic workers and its imposition of nationalistic identities on women migrant domestic workers in order to maintain control of its citizens and resources and at the same time reaping the economic benefits from the existing patterns of migrant domestic workers.

The immigrant population in the US provides a unique framework for the investigation with regards to nationalism, migration and civil rights. There are interesting dynamics in the US and New York in particular with regard to these factors, creating a push and pull between the various forces that at a closer look offers insight into the larger challenges faced with globalization and neoliberalism and rights. On the other hand there exists in the US a force that actively categorizes its inhabitants in terms of citizen status and assigns to them categories corresponding to civil rights. As illustrated in the chapters of this thesis, this oppression of civil liberties due to citizen status is further exasperated by discriminations of race, gender and socio-economic class. US immigration policies that categorize domestic work as an allowable migration as long as it is temporary and controlled ensures that the migrant domestic laborer is secured in the private domain and left outside of the regular workforce (Miranda, 2007). For example the US's 1935 National Labor Relations Act excluded the jobs of domestic and farm workers (Maestas, 2012). The specificity of excluding these two areas, which were occupied by black workers was a racial exclusion and an affirmation of white domination (Maestas, 2012). Domestic laborers were also excluded from the Fair Labor Standards Act that would allow them to receive overtime and are excluded from the protection of the Occupational Safety and Health Act (Maestas,

2012). In her study *Exploring Themes in the Scholarship on Twentieth Domestic Work in Canada and the United States*, Susana P. Miranda (2007) argues that it is generally recognized as a job of a lower social status in North America, something its citizens do not wish to perform, and it is increasingly associated with women and women of color (Miranda, 2007). In “*The Home and the World: Domestic Service and International Networks of Caring Labor*”, Doreeen Mattingly argues that:

In the history of the U.S., the relations of domestic service have made possible a cult of domesticity among white women, which has elevated their status as wives and mothers while contributing to the invisibility and degraded status of women of color. As immigrants from Asia, Latin America, and the Caribbean have replaced native-born women of color in the occupation, analysis of domestic service has increasingly investigated the role of the occupation in shaping new immigrant communities and identities. (Mattingly, 2001:373).

Transnational migrants, both women and men, represent a pool of vulnerable, feminized labor in the lowest wage sectors of the world's wealthiest economies...as sweatshop garment sewers, restaurant workers, domestic servants, and day laborers they provide the undervalued services essential to maintaining both the structures and symbols of global economic power and privilege. (Beth, 2003:45).



She argues that this is evident in the international market for domestic servants, citing among the examples “Caribbean nannies in New York; Filipina caregivers in Los Angeles, Rome, in Hong Kong and in Malaysia... [and] Sri Lankan maids in Saudi Arabia” (Beth, 2003:45). In an analysis of migration policies of the US and Canada, Miranda (2007) argues the immigration policies coupled with the lack of labor regulations promote domestic labor in its racialized form (Miranda, 2007). She argues that the categorization of domestic work as an allowable migration policy as long as it is temporary and controlled, ensures that the migrant domestic laborer is secured in the private domain and left outside of the regular workforce (Miranda, 2007). Furthermore, Miranda (2007) argues that it is generally recognized as a job of a lower social status in North America, something its citizens do not wish to perform, and it is increasingly associated with women and women of color (Miranda, 2007).

## 1.2. Introduction

The onset of this thesis began with the purpose to better understand racial and gender discrimination and how it produces individual and collected behaviors of oppression. I asked myself why does society repeatedly choose to group certain characteristics as unfavorable, assign them to a certain image, and then proceed to seemingly punish those that possess such features. Perhaps even more distressing, is the subtlety by which it happens in certain cases. While instances of blatant oppression are often rejected by group leaders and national representatives, subtle ways of discrimination not only go unnoticed, but appear at closer observation, to be intentional and systematic.

Throughout the course of studies and discussions within the Gender and Women's Studies (GWST) program, it became apparent that women migrant domestic workers embody a distinctive example of the ways and forms by which society discriminates. Part of what makes the category of women migrant domestic workers distinctive is the complexity of the discrimination against them; namely discrimination associated with gender, as well as civil, labor and socio-economic statuses; all of which coincide and intertwine. Furthermore, the job is performed in the private space of the home not subject to the same rules as jobs performed in the public space; and it is performed in an intimate setting where the worker engages with the employer's personal space and family.

There is a large amount of evidence citing abuse against migrant domestic workers from all different nationalities and in all different parts of the world. Abuse fueled by racial discrimination, as well as sexism, nationalism, and classism. Because of this, it seemed to me that if the thesis unravels this complex mix of discrimination, then such insight would bring a better understanding of discrimination. After proceeding to investigate the stories of abuse, the proclaimed abusers, theories and justifications rationalizing the causes for discriminatory behavior, I was nowhere near a better understanding of the questions put forward, on the contrary, I felt my thought process becoming part of the complicity of discrimination in the sense of continuing the victimizing narrative of women migrant domestic workers.

As a result I redirected the investigation towards the woman migrant domestic worker herself, not as a victim but as a strategic and civil leader for change. My investigation is composed of researching, interviewing, and ob-

serving migrant domestic workers in New York City, having migrated from different parts of the world to work in New York. The thesis aims to gain a better understanding of migrant domestic workers through investigating these women as well as the labor and civil rights organizations they have formed to represent them. With this understanding the thesis aims to add to an alternative narrative of women migrant domestic workers, one which explores their motivations, their conflicts and their steering for change within the neoliberal model. It is critical that abuses and inequalities against migrant domestic workers are addressed and in that process of understanding how these abuses come to exist, the woman migrant domestic worker must be the focal point of the investigation, not as a victim but as an individual with desires, decision and power.

It is also intended that the research offers a greater understanding of the broader issue at hand, which is what aspects or functionalities of society produce an environment that breeds discrimination based on race, gender, nationality and socio-economic class, what ways can this be reversed or challenged, and what actions permit it to continue. How does neoliberalism play into the actions of the migrant domestic workers, how does their 'nationalistic' identity and the gender identity position their 'duties' as a migrant domestic worker, and how are these aspects of her identity reshaped in her new environment.

### 1.3. Literature Review

There is an abundance of literature and research data available on the subject of migrant domestic workers. This includes the economic impact from migration and remittances, social and cultural changes related to trans-

nationalism, issues of citizenship, migration patterns as well as labor rights for migrant domestic workers. For the purpose of this thesis, the pool of literature used revolves around conceptual and theoretical tackling of the subject of woman migrant domestic labor as outlined in the introduction, case studies on specific national or cultural cases of women migrant domestic workers, and data regarding migration and remittances from different parts of the world. This data is intended to provide a deeper understanding of the subject being investigated as well as supporting evidence to the arguments presented in the research.

This thesis investigates discrimination against women migrant domestic workers with relation to gender, race, nationality, and socio-economic class. These categories have been chosen for the investigation because of their repeated occurrence as categories of exclusion throughout the fieldwork as well as in the literature. These categories are prevalent areas whereby society groups and discriminates against migrant domestic workers and they are also areas of focus for the women as they reshape their identities in the new environment. In the work of Shu-Ju Ada Cheng, *Labour Migration: Women on the Move* (2004), Cheng argues that in the neoliberal model, with increasing globalization, domestic services have a clear and direct association with 'the transnational labor force' and within that frame there is one force aiming to maintain the presubscribed gender definitions for this job, and an opposing force coming from the women being liberated, earning money, and redefining their identities. Women migrate for purposes of income and find themselves in a discriminating, foreign environment; their coping of that moment and the formation of resistance to that discrimination

and oppression is a direct oppositional force to the presubscribed gender definitions that placed them in the position of migrant domestic worker to begin with. These opposing definitions of gender are one of the essential conflicts with regard to women migrant domestic laborers and it is addressed throughout the thesis.

In her work Cheng (2004) unravels the structured and reinforced social 'othering' of Filipina domestics in Taiwan and the 'legal' 'othering' through state policies. She points out how the social perception of Southeast Asian foreigners is less desirable than foreigners from the West for example (Cheng, 2004). Cheng (2004) argues that the perception of Southeast Asian migrants is shaped as one that lacks education, ethics, and performs acts of criminal behavior. The legislative structuring reaffirms these perceptions of society and legitimizes the behavior of the Taiwanese employers (Cheng, 2004). Cheng (2004) argues that the national and labor legislations allow Taiwanese employers to "naturalize the otherness of foreign domestics, utilizing national identities, racial characteristics, and nationally based class difference" (Cheng, 2004:46). "These differences, integral to the racialization of foreign domestics, are central not only to the persistence of their servitude at home but also to their social and political marginalization in the host society as a whole" (Cheng, 2004:46).

Hardt and Negri (2000) argue that 'difference' is absorbed; empire sees no difference between race, culture and color, in comparison to imperialism that could only manage through creating hierarchies out of differences, of class, race, etc. Where then does the migrant fall in empire? Hardt and Negri (2000) recognized that this reconstitution of space falls short when it comes

to the migrant, the migrant does not have the power to decide sovereignty of power; sovereignty as access to not only knowledge and power, but also citizenship, and this is where the migrant is excluded, while the classical case is the refugee the issues of sovereignty hold true to all forms of migrants (Hardt and Negri, 2000).

The work and theoretical approach of Leah Briones is utilized as a guide for this thesis. In her book, *Empowering Migrant Women: Why Agency and Rights are not Enough*, Briones (2009) argues that the continued focus on women migrant domestic workers as victims requiring protection is a rhetoric that in actuality denies women of their agency. Briones (2009) argues that rather than empowering women it places them in a more vulnerable position. She suggests that instead we need to recognize the agency of women enacted through the choices they make and enhance their access to resources thereby strengthening their capabilities (Briones, 2009). “In contrast to the structural-based studies, agency-centered studies underscore the individual migrant’s decisions to pursue livelihood opportunities in the global labor market and underscore the migrant’s social and financial gains from international labor migration,” (Briones, 2009:5).

This thesis aims to support Briones’ theory by demonstrating the acts of resistance enforced by women migrant domestic workers in New York. The migrant domestic workers interviewed and researched for this thesis have actively engaged in their communities as well as formed social, labor and civil rights networks. Through these networks the women have successfully impacted state and national legislation in the US and internationally. As is presented in this thesis, these changes are not made through the leader-

ship of governmental or non-governmental organizations but rather through grassroots movements initiated and developed by women migrant domestic workers themselves.

The narrative of victimhood not only fails to recognize the achievements and potential of women migrant domestic workers to enact their own change, it is destructive to this potential. Are we further victimizing migrant domestic workers when we present and reproduce the narrative of victimhood, or is this narrative necessary to bring attention to the discrimination that exists to a vulnerable group. It is the contention of this thesis that the continued narrative of victimhood is harmful to the plight of women migrant domestic workers not only because it belittles the power that they possess and highlights weakness, but also because it takes away their role of leadership as well as their public voice.

Rhacel Salazar Parreñas' work on migrant women and domestic labor is a fundamental compass for the argument of this thesis. Parreñas is "known for her work on women's labor and migration in economic globalization" (USC University of South Carolina). Her work is recognized and valued by academic institutions from around the world, news and media outlets, governmental, non-governmental organizations as well as research think tanks (USC University of South Carolina). Parreñas has done extensive work on migration of Filipina domestic workers and her 'dislocations' approach to investigating the subject of race, gender and class discrimination towards migrant domestic workers is used as a framework for the unfolding of the research.

In addition to the work of Briones and Parreñas, the thesis is guided by a long list of academic persons that have published extensive thought and research on the subject of discrimination against women migrant domestic workers. Notable theorists with regard to the development of this thesis include: Makau Mutua, Darcy Du Toit, and E. Rodriguez. These theorists have brought invaluable insight into specific situations of migrant domestic workers that help support the argument of the thesis; namely, issues concerning the personal identity of women migrant domestic laborers and the evolution of this identity; power dynamics within the home, especially with regard to women employers and their relationship with women migrant domestic workers; implications of the historical relationship between colonizing nations and colonized populations and how neoliberalism influences contemporary patterns of migration, specifically of unskilled labor.

Data and research dealing with remittance flows and their influence on national migration policies and labor legislation are referenced throughout the thesis. Much of the cause for governmental and institutional attention towards issues related to migrant domestic workers is due to the huge significance of remittances on national economies and the global economy. A considerable amount of these transfers are made through unofficial channels resulting in a heightened interest in capturing the patterns and flows and gaining access to the transfer of remittances. The inclusion of women in the labor force due to global capitalism has stirred many debates regarding if the inclusion into the labor force has enhanced the overall status of women (Ho, 1999) The reasons for women's paid employment are many, chief among them being the greater unemployment, underemployment, and declining



wages of men that make it necessary for women to be either substitute or supplementary wage earners. However, the "feminization" of the labor force has only been in the low-wage, low-skill sectors (Ho, 1999:42). In addition, literature and data published by international non-governmental organizations (INGOs) such as Human Rights Watch (HRW) and the International Labour Office (ILO) are used to provide statistical evidence of migration flows, remittances, legislation related to migrant domestic labor, and human rights debates regarding migrant domestic workers.

Lastly, yet perhaps most fundamental to the investigation of this thesis are the works of Foucault namely, Foucault's "*The Archaeology of Knowledge*" (1982) and "*Discipline and Punish and the Birth of the Prison*" (1977). Foucault's theories dealing with the making of the subject and the process of power internalization inspire the questions asked in this research. The literature review will include cases of migrant domestic labor of women migrating from the Caribbean, Nepal, Philippines and South Africa. The insights derived from the literature review are used to support the overall thesis and to compliment and guide the research of women migrant domestic workers in New York. The cases used in the literature review provide particular perspectives with regards to the relationship between the nation-state and the migrant domestic laborer originating from that country as well as the patterns of migration of women migrant domestic workers from one nation or region to another.

As touched on earlier in this chapter with the work of Leah Briones, it is critical that we better understand the mechanisms of the migrant woman when analyzing issues of racialization and gendering of migrant domestic

workers. Examining the case without recognizing the enablement of the woman and the power that she possesses throughout her process, results in a weakening of her position and in turn propels the problem. Contrarily, witnessing the woman's full position in the moment she is in, adds to her possession of her own power. The investigation of women migrant domestic workers in New York and the organizations that represent them, alongside the supporting literature, present a case that argues for a new narrative, one that highlights the power, leadership and strategic direction of migrant domestic women. It is the intention of this thesis that with this alternative narrative, migrant domestic workers are supported and further enabled to gain equal civil and labor rights and social inclusion, rather than exclusion and isolation.

#### 1.4. Theoretical Framework

In her method of inquiry, Parreñas (2001) aims to identify what she refers to as the 'dislocations' of the migrant woman using a 3-stage process of investigation: (1) macro-level, (2) intermediate and the level of the (3) subject. According to Parreñas, the macro-level clarifies our understanding of the structural processes that determine patterns of migration and settlement; the intermediate documents the institutional transformations and shifts in social relations that are engendered in migration; and the subject level broadens our understanding of migratory experiences by examining the positioning of migrants within institutional processes (Parreñas, 2001:24). I will utilize Parreñas' 3-stage process in the analysis of the subject through the themes outlined in the introduction: (1) Domestic Labor and Neoliberalism (2)

Women Migrant Domestic Workers, and (3) Legislation and Civil Resistance. Each of these themes aims to narrow in on a particular facet of the phenomena of race, gender, and socio-economic categorizations of women migrant domestic workers, and in totality, they aim to grasp a better understanding and deeper insight into the subject. The main themes are outlined in more detail below.

#### 1.1.1. Domestic Labor and Neoliberalism

The characteristics of the neoliberal market impose a particular dynamic between economically developing and developed countries which in turn has a heavy bearing on the decisions of women migrant domestic workers to migrate for domestic work. This research investigates this relationship between neoliberalism and migrant domestic labor through investigating the women participants and their organizations with regards to the rationale for the decision to migrate for domestic work and the perceptions and values placed on income, livelihood and their profession. The investigation will be presented in Chapter 2. The research investigates the behaviors of the women migrant domestic laborers and the organizations that represent them to better interpret the influence of neoliberalism on the actions of the women and the organizations. How do the ideas of national pride coupled with capitalist desires resonate with migrant domestic workers in the US and how is it demonstrated in their actions and in the actions of the representative organizations. The thesis investigates how these decision are valued in the present moment: What is the value placed in the earned income; what is their per-

ception of their profession in the US and what are the symbols of the influence of neoliberalism witnessed through the women and the organizations. What does this imply about the neoliberal model and is how does the neoliberal model limit and dilute the liberties of women migrant domestic workers.

### 1.1.2. Women Migrant Domestic Workers

In Chapter 3 the thesis will explore the actions and behaviors of the women migrant domestic workers and their organizations in terms of their social and cultural behaviors in their professional and social environment. This chapter of the thesis will investigate how the women behave with other women in their group, other women in the other organizations, and how they deal with the relationship between their new culture versus their origin culture. What takes place in their transition of national identity from one nation to another and where are the signs of liberation and where are the signs of oppression. What do these actions and signs imply about the identities of the women migrant domestic workers in their new environment and how does this resonate on a broader level with regards to gender and racial equality.

### 1.1.3. Legislation and Civil Resistance

The women investigated in this research are all active members of organized resistance movements aimed to bring equal civil and labor rights for migrant domestic workers in the US. The strategies set forth and the civil actions of protests and marches are organized and enforced by the women

and their supporters. Chapter 4 of the thesis investigates these movements and explores what impact they have in obtaining equal civil and labor rights for migrant domestic work as well as self-empowerment. This section will analyze the ways by which the women and the organizations work to acquire equal rights and the significance of the grassroots approach on the overall movement and women migrant domestic workers themselves.

### 1.5. Methodology

I found that a qualitative approach to the research would be the best methodology to help unravel the questions at hand. Contrary to quantitative approaches, qualitative methodologies allow for deeper understandings of specific social occurrences and dynamics, as was needed in this study of women migrant domestic workers in New York City (Richards, 2005)(Creswell, Plano Clark, 2004)(Schutt, 2012). Documentation of statistics gathered and analyzed to better understand patterns of migrant domestic labor is extensive, and are referenced throughout the thesis. The research uses a combination of participant observation and semi-structured interviews. This includes observations of behavior as well as material indicators such as office space, marketing materials, and the way events are organized as well as their location. The fieldwork took place from September 25th until November 15th through a full time internship with the National Domestic Workers Alliance (NDWA), with attendance to two events after the completion of the internship where the observations of which were included in the thesis' analysis. The NDWA linked me to Domestic Workers United (Caribbean migrant domestic workers), Damayan Migrant Workers Associa-

tion (Philippine migrant workers), and Adhikaar Workers (Nepali speaking migrant domestic workers). Through these organizations I was able to gain access to migrant domestic workers who are members of the organizations. I was also given access to email communications, progress reports, strategy papers and invited to take part in events and fundraisers.

The fact that the research took place in the offices and spaces of the migrant domestic worker organizations added to the level of comfort the women had in sharing their experiences and thoughts and in turn produced what seemed to me to be a more genuine and truthful account of their stories. The migrant domestic workers seemed comfortable with my presence and with my investigation and this is a very critical aspect of the research. Contrary to interviewing women migrant domestic workers outside organized unions, women within these unions are choosing to openly acquire leverage in their fight against inequalities. While it is understood that because they are exceptional in this case, that they have organized and are working towards certain rights through this institution of organization, this also helps in the fact that these women tend to be more open to discuss the problems of migrant domestic work and migrant communities. Women not part of such unions are more difficult to access and require much more time to gain trust enough for them to share with me any information.

With regard to the interviews it was critical that I was perceived as someone who is to be trusted and will add to the efforts of the migrant domestic workers and the non-profit organizations. I aimed to present myself as an investigator that is part of the team rather than a researcher who is there for the sole purpose to extract information. My familiarity with the of-

face space and with the women allowed me to view the participants with a more intimate perspective, being able to exchange simple stories and day to day occurrences outside the realm of the research. Without the internship the research would have been greatly lacking. The participant observation provided a solid relationship between researcher and interviewee. As will be explained later on in this chapter in the section detailing the semi-structured interviews, the fact that the interviews took place after I was part of the organization and worked on assignments with the members allowed for a more transparent discussion during the interview. In most cases I asked the first question and the interviewees shared with me thoughtful insights and experiences that at times seemed to be emotional moments for the women, even in the present time. Without being considered a part of the team, I do not think this would have been possible.

## 1.6. Materials and Fieldwork

The fieldwork revolves around women migrant domestic workers living in New York City coming from different parts of the world. The women interviewed are leaders and members of membership based organizations, associated with their native countries, that work to gain civil and labor rights for migrant domestic workers in New York specifically, and the United States in general. These associations have been created and are run by migrant domestic workers and demonstrate a strength that is rarely discussed or evaluated in the current narrative on women migrant domestic workers. The offices of the organizations are all in New York City, specifically Manhattan (mid-town and garment district) and Queens. One of the reasons I chose

New York is because of the legislative gains achieved through lobby and pressure groups, led by migrant domestic workers and their supporters. An integral question of this thesis asks what role does legislation have in acquiring equal civil and labor rights for women migrant domestic workers. In the past ten to fifteen years, there have been significant advances towards legislating labor policies specific to the field of domestic labor and New York State has been one of the leaders of these movements. For example, in 2010, New York was the first US state to pass labor protection specifically for domestic workers, under the title, the “Domestic Workers Bill of Rights” (NDWA, 2013). The Domestic Workers Bill of Rights addresses issues such as poor working conditions of domestic workers, and offers legislation that regulates overtime, breaks during the working day, and requiring written contracts for domestic workers versus oral agreements (Maestas, 2012).

In terms of accessibility, New York was a good opportunity for my investigation. Having grown up in the United States, with English as my first language, it is the language I am most comfortable in to perform my research. At the same time it is one of the languages by which the organization and its members use in the professional context. Due to the fact that the organizations and women participants were from various countries with different languages that I am not able to speak, English was the common factor that we were all able to communicate in. Furthermore I am familiar with the environment both socially and logistically so this eased the procedures needed for the investigation. It also eased the process of becoming part of the team during my internship without any gaps to understand the primary rules of engagement within the American setting. During my internship I was



living in New Jersey and was able to easily access going to the offices and attend fundraising events.

The participant observation took course over a seven week period of full time internship. All three of the associations I met with are membership-based organizations composed of the migrant domestic workers, with minor exceptions working in administrative duties in the office. The NDWA, founded in 2007, is a network of organizations across the United States working towards equality of rights for laborers in the care market ([www.domesticworkers.org](http://www.domesticworkers.org)). It was established by a coalition of membership-based domestic worker groups and has now reached 35 affiliate organizations of over 10,000 domestic workers across the country (Burnham and Theodore, 2012). Part of this network includes the other two organizations I worked with, Adhikaar and Damayan. Each of the entities operates following its own agenda, yet as part of the alliance they share information with each other and collaborate in many areas including lobbying, protests, fundraising, and project implementation in joint initiatives. The NDWA is active in campaigns in collaboration with these member organizations. For example Domestic Workers United (DWU) and NDWA collaborated with regards to the Domestic Workers Bill of Rights and the founder of DWU also works with the NDWA office which allowed me to meet with her and interview her. The Beyond Survival Project, an anti-trafficking campaign being developed by NDWA and one of the projects I was assigned to, includes both Damayan and Adhikaar as anchor organizations. This allowed me to meet with members and representatives from both these organizations. I also worked with Damayan on its own individual fundraising campaigns.

Through the correspondence and the initial meeting as well as the allocation of my work, it was my understanding that my professional experience, coupled with my studies on gender and women issues and more specifically migrant domestic labor, offered a good opportunity for the organization. I did not require the guidance of a supervisor to lead me through the process as many interns may need if they have not yet had any work experience and I felt this eased my inclusion in the program. It also allowed for me to set my own work schedule and manage my time accordingly between the different organizations and its members, which helped me greatly in the investigation.

The NDWA works on a range of projects, entailing research, organizing, fundraising, and campaigning for policy change. They work with organizations as anchor organizations in their campaigns, as is the case with Damayan and Adhikaar with the Beyond Survival project. Their projects also work with the elderly, one of their more recently launched initiatives for example “advocates for a system of a quality, dignified care.” (NDWA, 2013). The campaign, *Caring Across Generations*, is described as a project that “aims to bring together aging Americans, people with disabilities, workers and their families to protect all Americans’ right to choose the care and support the need to live with dignity” (NDWA, 2013). NDWA works to propose a “set of policy solutions” including additional public funding, reforming the private sector long term insurance programs and Medicaid (NDWA, 2013).

Their offices have an administration of approximately twenty-five people, relatively large in comparison to the other groups, and are located in midtown Manhattan. This also differs considerably from the size and location

of the offices of the other organizations. NDWA also has an office in Washington, which is where the Beyond Survival, as well as other campaigns work out of in terms of administration. My correspondence with the Beyond Survival campaign with regard to NDWA, the lead for the project, was out of the Washington D.C. office.

Founded in 2000, DWU “is an organization of Caribbean, Latina and African nannies, housekeepers, and elderly caregivers in New York, organizing for power, respect, fair labor standards and to help build a movement to end exploitation and oppression for all” ([www.domesticworkersunited.org](http://www.domesticworkersunited.org)). DWU was a major engineer of the Domestic Workers Bill of Rights that was signed into law in 2010 as the New York Domestic Workers Bill of Rights, the first state in the country to do so (Nola, 2012). I met several times the founder and member of this organization as well as interviewed her as one of the participants in the semi-structured interviews. She was working out of the NDWA office during those times. I was not able to see the work place of DWU.

Damayan, which translates to mean “help each other”, is a “grass-roots organization for Filipino immigrant workers led by Filipino women domestic workers.” (<http://www.damayanmigrants.org>). During my fieldwork I was able to become very familiar with the team at Damayan. They were extremely friendly and open and considerate to me throughout the internship period. Their office is located in the garment district in Manhattan, in a small apartment office in a two-story building. During my time in the Damayan office, my assignments varied according to their needs. Some of the work that I did included working on their social media, preparing a fund-raising kit (e-

mailing list, e-payments, and announcement emails). I also worked on their database, as well as helped with dismantling demonstration signs and posters. Towards the end of my time I worked on a positioning paper with regards to gender with regards to human trafficking, for sex labor and for domestic labor and the position and arguments for the position for each. This was submitted in draft form upon my departure and I offered my time in the revision phase post the internship period.

Adhikaar is an organization that addresses issues of Nepali speaking migrant domestic workers. Established in 2005, they are “committed to improving the lives of Nepali-speaking communities towards social justice” (<http://www.adhikaar.org>). Adhikaar is one of the anchor organizations for Beyond Survival and I was introduced to them through my work on this project. I introduced myself as an intern for NDWA and explained the work I was asked to do for the Beyond Survival project as well as explained the research I was undertaking for my thesis. I asked if I could visit at a later time to interview members of the organization of which they agreed for me to attend a meeting that was taking place with a group of the members the following week. The office of Adhikaar is located in Queens, New York an area that has a concentration of Nepali speaking migrants, according to Adhikaar (Adhikaar, Personal Communication, October 15 2013).

My fieldwork included semi-structured interviews with six participants from three organizations. Each interview took approximately 45 minutes. I interviewed a representative from Damayan as well as a member, a representative from Adhikaar as well as two members, and the founder and member of Domestic Workers United. The member from Damayan was traf-

ficked from the Philippines to New York under the guise of a religious organization that sold itself as performing the work of god in the US, while in actuality they traffic Philippine women and men for the purpose of domestic labor and other services. The migrant domestic worker later joined Damayan and is now in addition to being a member, she is on the board of the NDWA and one of the very active members of Damayan. The two members from Adhikaar are both from Nepal and work as domestic workers. And the founder of DWU is a woman from the Caribbean region who migrated to New York and has been fighting for fair labor rights for domestic workers, alongside her work as a domestic worker until just recently (DWU, Personal Communication, October 3 2013).

Through the interviews with the members of the organizations, I hoped to gain insight into the personal experiences of the women who migrated and are now working in New York. At the same time I wanted to avoid a presumptuous structure of the interview. The interview questions I designed were limited to five questions and worded in a broad manner. The set of questions are attached in Annex 1. The simplicity of the wording of the questions being asked was aimed to allow for the interview to progress according to the desired direction of the participant. I wanted to avoid the formality of the process due to the sensitivity of the issues being addressed, I did not want to appear to be nor behave in a way that was insensitive to that. The members interviewed were trafficked victims and the representatives of the organizations were individuals who worked extensively with trafficked cases. I did not want to show any lack of regard or lack of respect for the seriousness of this fact.

Through the interview of the representatives, I hoped to gain a better understanding in the systems, procedural issues, and policy issues in dealing with migrant domestic workers. The questions I asked were the same, yet the framing of the interview questions allowed for responses to be made according to the area of work or familiarity of the participant. For example, the first question was “Can you please tell me your experience and insight with regards to domestic workers working in New York?” In the response of both the migrant domestic worker from Damayan as well as from DWU, this question led into their generously sharing their migrating experience with me, which I was extremely grateful for and interested to hear. In the case of the representatives, their response was more a combination of personal experience as well as barriers and challenges in work.

The interviews of the participants took place towards the end of my internship period. This was the case for all except DWU, which took place earlier on. I hoped to gain a sense of trust before the interviews took place. I could not do this with the representative from DWU as her time was very limited and I worried that if I waited it would be a missed opportunity. This did not affect her openness though as she seemed to be very comfortable with me in sharing her experience as well as her hopes for the future. The interviews all took place in the location of each of the organization’s office. I do not think I could have gained the same depth of insight through a larger pool of participants covered in a less intimate setting. I felt they were comfortable with me, and I with them and this added to the interview process. The list of participants is attached in Annex 2.

The observations entailed my surroundings in terms of the offices, the supplies, the process by which the organization operates (i.e. the level of formality), their printed material and how this is designed produced, what does their day constitute, how do they communicate with each other, and how do they hold their meetings, how do they make decisions. I also observed people entering and exiting the office, the hours of the office and the staff, who appears to be paid and who are volunteers, the overall ethos of the organization as well as how they interact with me.

Another critical area of observation was with regards to events. This is with regards to the preparation for the event and the event itself. This includes NDWA's fundraising event titled "A Season for Change" celebrating the recent successes in passing domestic workers labor rights in New York followed by California. Adhikaar had a member's meeting of brainstorming and preparations for work interviews. And in the case of Damayan, I took part in the organization as well as the actual event, which took place after the completion of my internship. I attended as a volunteer for the event helping with registering guests and showing them to their seated tables.

## 1.7. Chapter Outline

The above chapter was intended to present an overview of my thesis subject and an introduction into the theoretical and conceptual approaches used in the thesis. The following Chapters 2, 3 and 4 will present the research analysis under the themes described earlier, Domestic Labor and Neoliberalism, Women Migrant Domestic Workers, and Legislation and Civil Resistance. Chapter 5 will present concluding thoughts on the thesis and remaining questions on the subject of women migrant domestic workers.

## 2. Chapter Two - Domestic Labor and Neoliberalism

You know they used to tell me don't think about materialistic things, this is spiritual don't be thinking about money. We were raised that way. But I left and met my husband and I started looking for a future. I went to a high-class salon in Long Island and so I was making 70 dollars a day. (Damayan, Personal Communication, October 28, 2013).

### 1.1. The Influence of Capitalism on Migration Patterns

In the neoliberal model, the demands for continued economic growth take precedence, rendering the well-being of individuals and society of secondary importance. While globalization claims to 'liberate' the world from boundaries with the aim of developing a unified global society, human populations instead are faced with severe inequalities and violations based on gender, race, citizenship and socio-economic class. This is most evident in the case of women migrants working in the field of domestic service. As women migrate from countries with limited income opportunities, faced with economic hardships, they often find themselves searching for income in service-oriented jobs of unskilled labor. In the case of women this is predominately performed in the field of domestic and care-giving services as well as sex-labor. Although it is not possible to have exact numbers due to lack of documentation in many countries as well as undocumented migration and employment, it is estimated that there are over 100 million domestic



workers globally (Du Toit, 2010). Perceived by many societies as a job of low social value, domestic labor has several characteristics that place it at a disadvantage: It is for the larger part serving the middle and upper middle classes, it is performed in an isolated environment and in the private sphere; there is a relatively low level of sector organization and it is typically performed outside of legal regulation. Furthermore, domestic labor jobs are filled mostly by women migrants, typically from economically developing countries to industrialized countries, or from rural areas to urban areas within the same country.

The pattern for migration of women from the global south to the global north for purposes of domestic services is one of the more prevalent patterns and it is relevant to the women interviewed in this thesis. An increasing number of women are working outside the home in countries of the global north, causing an increased demand for domestic services. At the same time the limitation of income opportunities in the global south is leading many women to migrate to fill these jobs and earn income. These migrant women are in a vulnerable position in terms of race, gender, citizenship and socio-economic class. The working conditions range from poor to very poor and in extreme cases are psychologically and physically abusive. The International Labor Organization (ILO) describes domestic service sector as “undervalued and poorly regulated, and many domestic workers remain overworked, underpaid and unprotected” (2010:1).

Women interviewed for this research expressed how their decision to migrate was for the purpose of livelihood as an alternative to non existing job opportunities in their home country and lack of future prospects for liveli-

hoods. They pointed out how the move has led them to leave their families with no opportunities to visit because of associated costs. Other accounts highlighted the problems of expectations prior to migration versus the reality. Women spoke of being convinced to travel because of promises for a 'better' life and more money, and then found themselves in poor working conditions, poor income, limited mobility and feelings of isolation. Based on these accounts and the literature, it is important to ask if the definition of a 'better' life as is defined by the neoliberal model is one that serves the needs of women and their families, and society in general or does it harm. What is the image associated with a 'better life' and is that image one of material benefit or is it one that benefits society and humanity.

In the case of Damayan, one of the interviewed women, Lydia, who is a representative of the organization as well as a migrant domestic worker, said to me that the primary reason for migration was for women to find work because there is a lack of job opportunities in the Philippines (Damayan, Personal Communication, October 28, October 30, 2013). Linda came to the United States a trafficked individual under the premise that she was traveling with a church organization from the Philippines coming to the US on a mission, a religious mission. She was promised an opportunity to perform the work of 'god' by working with this organization in the United States. When she came to New York, she was instead situated in a living situation with cramped space and limited utilities with the rest of the group that she traveled with from the Philippines, All the documentation such as passports and visas were taken from the group upon arrival and kept with the leaders of the group. All the migrants were told not to trust anyone and to go do their work,

for god, come back, and not speak to anyone along the way or else they would be taken away by the American government. Lydia told me of her constant sense of fear and isolation (Damayan, Personal Communication, October 28, October 30, 2013).

There are approximately 3,000 Filipinos that leave overseas every day (Asis, 2008). Almost all instances of migration from the Philippines are migrants moving for economic reasons, versus other countries where there may be refugee movements (Opiniano, 2007). While it is very difficult to isolate the specific reason or category of migration since many reasons overlap along with lack of specification when migrating, we can categorize Filipino migrants in three main categorizations: (1) permanent immigrants, which are legal residents of another country or have been naturalized in another country, (2) temporary migrants who are Filipino citizens properly documented and staying in another country for a specific period of time for a specific purpose, such as work or school, and (3) 'irregular migrants' or 'undocumented migrants' which are migrants not properly documented or Filipinos that initially entered the host country on a visitor's visa and overstayed their limit (Opiniano, 2007).

For most Filipinos, migrating has become the better way to live, the future for the family. It is normal for at least one family member to migrate and it has become normal for this to be the dream for improving the Filipino's quality of life for themselves and their family. Around the time of the 1970s, the migration flows out of the Philippines began to make significant and specific geographical trends, with many Filipinos migrating to the Gulf countries, as did much of the rest of the world, to satisfy a strong demand for the

needed labor of these suddenly oil-rich countries, in the Philippines this movement was both “large scale and state organized” (Asis, 2008: 79). Later in the ‘80s Overseas Contract Workers (OCW) began migrating to newly industrialized countries in East and Southeast Asia and then later migration continued to increase to various parts of the world satisfying the demands of industries and service sectors in the capitalist developed countries of the world, resulting over time in what began as an option for Filipinos, became a commonality (Asis, 2008).

According to an article in the National published in August 2012, the Philippine government has a plan to phase out the “migration of maids, nannies and other household workers over the next five years”. This is according to a statement made in a Manila newspaper. Yet apparently this policy will only address specific countries, namely ones that have a strong record of abuse (Ruiz, 2012). Instead the government will “...aim to provide alternative jobs for household service workers, either in the Philippines or in approved countries overseas” (Ruiz, 2012). According to the Philippine Daily Inquirer “some types of domestic work, particularly in parts of Europe, were “high-paying and protective” and may be allowed to continue” (Ruiz, 2012). While the intention of this announcement is surely intended to be a positive policy move towards protecting the Philippine citizen, it is the contention of the arguments outlined in this paper that in reality, this policy is in reality geared to protect the Philippine nation-states’ asset, protecting the Filipina domestic service provider as a state asset is the objective of such legislation. Proven by the fact that there is no regard for providing a higher skilled job for the Filipina, a better plan for the Filipina and her family, but rather en-

uring physical safety. The Filipina is still promoted to migrate to other countries to work as a caregiver in someone else's home, yet the line is drawn, where she is physically harmed. This ignores the core issues faced by migrants and their families and only recognizes protection and preservation of the domestic labor industry and its members.

Lydia from Damayan spoke to me of her reasoning prior to migrating and how her family needed money and there were no opportunities available (Damayan, Personal Communication, October 28, 2013). In her case the opportunity to migrate came through a religious congregation yet she also told me of how common it was for people to migrate to the US from the Philippines, associating much of this with the labor export program enacted by Ferdinand as well as martial law being active in the Philippines: "...and the other thing is the martial law passed on 21 September in the Philippines and also Ferdinand makes this labor export program. So many people are coming from the Philippines now," (Damayan, personal communication, October 28, 2013).

Both migrant domestic workers interviewed in Adhikaar shared with me the same sentiments of the significance of livelihood as a motivator for migration (Adhikaar, Personal Communication, October 27, 2013). One woman whom we can call Shashi, told me that she came to New York to work as a domestic nanny three years ago, initially she had a very low salary but now it has improved, she told me "I feel better now because of my salary" (Adhikaar, Personal Communication, October 27, 2013). She was a teacher in Nepal but came to the US with the intention of working in domestic work.

The same held true for another woman interviewed from Adhikaar whom we can call Padma. Padma told me that she has been in New York for four years and came to join her husband who was already here (Adhikaar, Personal Communication, October 27, 2013). Padma was working in Nepal with her father's business and came to New York with her daughter and began working in the home of an Indian family (Adhikaar, Personal Communication, October 27, 2013). Living in Brooklyn and commuting to Long Island, after two years of an exhaustive and costly commute she was happy to leave this home, who did not treat her well or offer her good money, and instead work with another family that treated her much better and gave her better pay (Adhikaar, Personal Communication, October 27, 2013). She told me that now that she is here she has so much opportunity (Adhikaar, Personal Communication, October 27, 2013). The choice to migrate, as well as the increased level of satisfaction seemed to be primarily associated with opportunities for livelihood for herself and her family. The women also made several comments emphasizing the overall improvement of their lives. Statements of, "they treat me better", were said by both women. "I am happier now, I have learned English and now I understand everything" one woman said. "First when I came, I didn't know anything, now I know and I am happy."

With a population of about 30 million people, Nepal is made up of about 80% Hindus, and 10% Buddhists, with several ethnic groups composing the remaining 10% (<https://www.cia.gov>). Nepal's government is currently operating on a multi-party system that came about as a result of the

revolt steered by the Maoist movement, which overthrew the existing monarchy. One of the least developed countries in South Asia, with difficulties including extreme poverty, unemployment, scarcity of natural resources, segregation through gender, caste and class, alongside political instability; migration is becoming more and more a way out for Nepalese. (Kollmair, Manandhar, Subedi, Thieme, 2006).

The women migrant domestic workers interviewed in NDWA, Adhikaar and Damayan, as well as the representatives all appeared to subscribe to the belief that the location they were was limited in the opportunities available for livelihoods and for future opportunities for their families. Their migration was seen as a pathway to more opportunities for a better livelihood. Aside from the fact that the women migrated for the purpose of economic stability and opportunity they also found satisfaction in treatment as was explained by both Sashi and Lydia (Adhikaar, Personal Communication, October 27, 2013)(Damayan, Personal Communication, October 28, 2013). Sashi mentioned how she was unhappy with her initial employer because they treated her badly and the pay was poor (Adhikaar, Personal Communication, October 27, 2013). The same for Lydia, who complained that although her pay increased from no money to a “high-end” salon, they treated her poorly (Damayan, Personal Communication, October 28, 2013). Still one cannot detach the increased satisfaction that is derived from the increase in economic wealth and the socio-economic status that can be better attained with money. The women are able to purchase items and services that they had not been able to before. With these purchases they feel better able to present themselves in a society that values such marks of wealth. For example

Lydia spoke excitedly about her trip to the hair salon, the style of clothing of both Padma and Sashi seemed to emphasize value on indicating a certain status through material items such as brands of denim and brands of hand-bags. There is in this perception an association made with the increase of money, there is better access to a 'better' life. Can this be achieved without it being linked to financial wealth? Does the neoliberal model encourage the empowerment of woman migrant domestic laborer or does it only include them when they present value to the capitalist market economy.

According to recorded estimates of the World Bank, remittances reached "record highs" in terms of amounts being sent and the impact they have on the global economy (Harris, Provost, 2013). Officially recorded remittances in 2011 were over USD 500 billion and it is estimated that the true amount is considerably higher (Harris, Provost, 2013). According to the World Bank's Migration and Remittances Unit, the largest number of migrants are located in the US, about 14% of the US population, and the US is the highest single destination for sending out remittances with a recorded amount of over USD 110 billion in 2011; equivalent to 80% of the total global aid flows of that year (Harris, Provost, 2013). Recipient countries also depend on remittances, not only in terms of families and individuals, but the healthiness of their national economy. Ghana for example, one of the top five nations receiving remittances, was recorded as receiving over USD 119 million in 2011, bringing the government to set up initiatives and ministries to "increase remittances and investment from their diasporas" (Harris, Provost, 2013). In terms of GDP for example, Tajikstan tops the list with 50% of its GDP derived from remittances (Harris, Provost, 2013). These facts are being



laid out here in order to provide evidence of the importance of remittances on the national and global level and in turn the vested interest of policy makers with regard to migrant labor.

With regard to the women migrant domestic workers, is it the money that brought additional opportunities and comfort or is it the perception of the value of money and material wealth that makes one feel more confident, more successful and 'happier'. Does financial wealth provide access to a dignified self or is it that without a certain standard of material existence, there is no dignity afforded an individual by society. In both cases of the women from Adhikaar and Damayan happiness came with more money and better treatment. They were coupled together. Whether it was the money that made them happier, or the better treatment I do not know but I asked myself if it is possible in the existing neoliberal model for one to exist without the other. I also wondered how do these changes in the women migrant domestic workers relate to their own individual selves and how does it translate for future generations of women migrant domestic workers in New York City as well as the families in the origin countries.

## 1.2. Manipulations of the Nation State

In order for the nation state to protect and police its national borders and control the racial composition of its citizenry, it is forced to police its migrants' 'bodies and emotions' (Cheng, 2004). "Their otherness, based on inequality of gender, 'race', class, language, nationality, and citizenship, justifies their presumed natural predisposition for socially devalued work"

(Cheng, 2004:50). Women interviewed for this thesis have migrated to the US from the Philippines, Nepal and Caribbean countries and all relay similar dilemmas, including restricted social time, lack of communication of labor rights by exporting programs as well as employers, and an overall sense of confusion and fear. When initially migrating, most migrant domestic workers are completely unaware of the civil and labor rights afforded to both citizens and non-citizens in the US and in many cases this void of information persists. On the other side, national export programs such as the one implemented by the Philippine government further legitimizes this predicament, particularly from a nationalistic angle of identity. The Philippines surpasses all other nations in terms of the flow of migrating women out of the country, yet this is not reflected in the level of diversity of their newfound immigrant jobs (Parreñas, 2008). Rather, the government offers extensive skills training for domestic labor and care services and has established numerous bilateral agreements tailored for the immigration of domestic workers. “The government considers Overseas Filipino Workers (OFWs) as *bagong bayani* (the “new heroes”) in appreciation of the sacrifices they make to support their families and by extension, the nation’s economy” (Asis, 2008:79). In the neo-liberal context, the migrant domestic worker is seen as human capital being invested in. Everything done is about our financialized selves, our entrepreneurial selves and everything we are doing is a bettering of ourselves within that scope. It is within this context that the policies of nation-states invest in “their” human capital, with a complete disregard to the promotion of healthy societies and individuals.

The migrant domestic worker organizations researched in this thesis are established based on nations or geographical territories. In the case of NDWA, it is a national affiliation linked with the United States rather as a receiving country rather than an origin country or area of migrants. In the case of Damayan, they are linked with the country of the Philippines, Adhikaar is linked with Nepali-speaking individuals, Domestic Workers United works with individuals from the Caribbean region, and in the case of one of the researched organizations in New York City that I was not able to meet, Casa De Maryland, they work with domestic workers from South America. Based on the interviews of representatives and migrant domestic workers, it appeared to be absolutely critical for the success of the work, that that the organization be trusted. Most women joining hear about the work through other community members, they are told that they have helped so and so with this problem or that, including issues of documentation, wage theft, and escaping abusive situations. They hear about it through church communities, community centers, and parks in particular areas where women work, certain transportation routes, as well as areas of cohabitation. These trust networks are organized primarily around the nation that the migrants originated from, i.e. Filipino community, Nepali speaking, black Caribbean community. Language plays a large part as it allows for better communication and comprehension of whatever is being proposed yet this is not necessarily the defining character. There is also the issue of culture and familiarity. The representative from Damayan told me, “everyone in the Philippine community knows who we are and this helps us do our work because they trust us” (Damayan, Personal Communication, October 30, 2013). The trust is de-

pendent on the ability to communicate because of language but more significant to this thesis it is also based on trust linked with the familiarity of being from the same nation. What is it in their interpretation of the nation they came from that they are trusting and what is it in the new nation that they are suspicious of. It is not merely that it is a new environment, or else they would be suspicious of the entire environment. There is suspicion from the environment except for those from the origin country, or those related to the origin country.

The celebrations, the languages spoken and the reference to their native cultures voiced by the organizations and its members, emphasized specific tailored messages to their native community; to the Nepali speaking community, to the Filipino community, to the Caribbean community. The establishment of the organizations is based on a particular origin or nationality, which is also an indication of the role that race plays into the resistance movement.

What brings nationality to the forefront as an image of security and comfort and trust. Do the issues of migrant domestic workers require that they be addressed with regard to the specific origin in mind. Philippine migrant domestic laborers are the highest number of migrants from any other nation as mentioned earlier on and the Philippine government has extensive and advanced policies with regard to migrant domestic workers. Specific issues of Philippine migrant domestic workers in New York are different than the specific issues of women migrant domestic workers in New York arriving from the Caribbean region where they have been migrating for a much longer time and also have issues of color intertwined with nationality. Is it

that these organizations are required to address the specific problems in this specific way or are they creating a deeper division by addressing the issues through the categories that are being discriminated against. Can equality be achieved through an approach that within its own model discriminates. Prioritizing one nationality over others, one gender over the other, one community over another.

Migrante, a Filipino migrant rights group, welcomed moves by the Phillipine government to protect Filipino domestic migrants "yet emphasized that domestic workers should be consulted on the phase-out programme; adding that "[p]lans must be disclosed to answer the real root cause of the programme, which is poverty...the government should have a genuine solution to provide jobs in the country, instead of sending workers to other countries. (Ruiz, 2012).

The increasing pattern of migration from the Philippines is directly related to the demands of low-skilled labor from advanced capitalist markets. As mentioned earlier, the Philippines has the highest flow of labor out of the country, the majority of them are women, and the primary work they leave for is that of domestic services and labor. Yet the Filipina migrant domestic worker is restricted from obtaining her rights as a citizen. Rather she is utilized as an asset from her home country and treated as a service provider in the host country, with no provision of civil rights or civil liberties.

In the research by Geraldine Pratt (1999), she looks at the experience of Filipina migrants to Vancouver, Canada, often arriving with university educations and beginning as nurses through Canada's Live-in Caregiver Program, and then ultimately becoming domestic workers in Vancouver; profes-

sionally and socially positioned in an inferior position. This program requires that participants work first for a minimum of two years before being allowed an open visa, the problem being that after two years, you have cornered yourself professionally and finding an alternative to domestic or care work is nearly impossible (Pratt, 1999). "This is a particular, though extreme, case of a familiar immigrant story: deskilling through immigration, followed by ghettoization within marginal occupations." (Pratt, 1999: 216).

Pratt (1999) argues that it is through the realization of what you are not comes about the definition of what your identity is. This is why their entrance predisposes them becoming domestic workers. "The live-in caregiver is defined in relation and in opposition to the category Canadian citizen, and it is the noncitizen status of job occupants that structures the work conditions of live-in caregivers" (Pratt, 1999:220). In the pamphlet of the federal government in Canada it states "the Live-in Caregiver Program is a special program whose objective is to bring workers to Canada to do live-in work as caregivers when there are not enough Canadians available to fill the available positions..."(Pratt, 1999:220). Yet Pratt (1999:220) argues that this is not the case, according to a telephone interview she held with an administrator from the Live-in Caregiver Program in 1994, it was stated that "the reason [they need to be brought] from abroad is that the occupation is so poorly paid and no one wants to do it...the program is set up for the Canadian employer, to allow them to get on with their lives and get out to work."

This goes on to the government's regulations with regards to caregivers. Here there is another differentiation. In British Columbia, until 1995, live-in domestic workers were excluded from regulations concerning overtime

and number of work hours. Regulations were pushed for daily rates instead of hourly no hours of work protection for domestic laborers, in essence created a scenario where domestic workers could legally be hired as cheap labor (Pratt, 1999:220).

In the case of Lydia from Damayan, there was no legal protection that she was aware from in the United States, nor from the Philippines. Rather both nations appear to be in consortium over the need to have her migration proceed outside the legal protections of other citizens so that both nations receive her skills and remittances as is needed in their overall national plan. Lydia shared with me her struggle to get away from her employers several times before it working and explained how her husband in an effort to convince her to seek help was only able to do so when another member of Damayan, and in turn a member of the Filipino community in New York, explained to her that she has rights. In her story she told me that:

When they found me they told me you don't know how lucky you are and they made me believe I'm a sinner person. I went to a leader and he hit me. They want to send me home. Just like that, back with nothing. So I said to them I need to get my stuff and I tried to get away. I was so nervous. They asked my family at home if they knew where I was. I was very scared. I believed not only me but also my family would have a difficult time. (Damayan, Personal Communication, October 28, 2013)

Later, her husband was trying to help her “He kept telling me to go get help but I couldn’t do it....I fought with him and told him I can’t do this. He told me I have rights, but I didn’t believe him. I wasn’t ready. So he went to the office and said my wife is Philippine and she needs your help. Then they called me and explained that I have rights and they can help me. I began to work with them...” (Damayan, Personal Communication, October 28, 2013). In her account the issue of nationality was very important, she didn’t trust she could be helped until someone from her country stated that. The woman trusted her husband enough to be together in a relationship yet was not able to trust him with regard to addressing laws and civil rights. When she learned from a community member of the Philippine community she was able to better understand and accept that she did indeed have rights. She trusted someone from her origin nation with regards to her rights about this new nation. The relevance of national community is also very apparent in the chain of information passed and the networks created from this. Her husband, who is part of a Hispanic community, went to ask about help for his Philippine wife.

With regard to human trafficking victims, the women are accessed through the respective national community and they only feel comfortable accessing help through their national community. Damayan’s strategy focuses on gaining outreach through the community support system, through Damayan membership as well as the Philippine community (Damayan, Personal Communication, October 30, 2013). Trafficked victims are referred to Damayan through community and group members and then through community support they receive emergency assistance. Adhikaar has been working with individual cases of trafficking victims for about 4 years (Adhi-



kaar, Personal Communication, October 15, 2013). The group has a strong presence in the Nepali speaking community and often the victims will come to Adhikaar for help (Adhikaar, Personal Communication, October 15, 2013). Adhikaar works by raising awareness of the issue to the community and supporting victims through the process of legal counseling and social services (Adhikaar, Personal Communication, October 15, 2013). Alongside this support Adhikaar's awareness raising campaign aims to strengthen understanding of labor trafficking within the Nepali speaking community (Adhikaar, Personal Communication, October 15, 2013).

Can there be another way to unite and resist discrimination without referring to those very categorizations of discrimination. Listening to these women speak now with such confidence, and pride, it is difficult to imagine them in a confused or fearful state as described when they first arrived to New York. During the workday and during training and fundraising events, the women spoke with each other in a loud, boisterous and fun manner and did not resemble anything short of in complete control of their space and themselves. There were a couple individuals who seemed to take on more of a leadership role than others, running around and taking care of lots of things at once. It seemed to be as if a home was being reproduced in this new environment with a sense of solidarity and strength derived from the fact that they lived in the same nation prior to arriving to the US. In the case of the two young women heading the organizations' administrations, the American-Nepali woman and the American-Filipino woman, they may have never lived in the origin nation. In this case the bond came from originating from the same nation, not necessarily living in it.

As migration patterns continue to spread in territorial space and increase in number of people, migrants have become a large and significant part of the demographic of many parts of the world. Furthermore the work of migrants is critical to the continued social and economic functioning with regards to the country migrated to where the services are offered as well as the native country where remittances are sent. While the relevance and significance of migration and its remittances are indisputable, this does not translate to power to the migrants or their families. On the contrary, the human rights discourse and labor protection acts seem to systematically exclude women migrant domestic laborers. There is a pattern of continued efforts to *remove* the subject of the migrant domestic laborer from the debate concerning migration policies, labor regulations and international human rights, yet the level of significance of migration on the economy and society has made it impossible for national and international policy makers to continue to ignore the issues at hand. In this sense, the migrant domestic worker is in a position of strength, one where it is in their ability and to their benefit to speak for themselves and direct movements in the direction of their own strategies.

While nationality is apparent in many of the actions and words of the women migrate domestic workers, as well as through the events and activities that each group holds, it is still kept within the realm of building identity and strengthening ties of the greater group of women migrant domestic workers. Each of the three fundraising events during my internship were attended by the other groups and I interpreted this to be a sign of support and collaboration towards the overall objective of women migrant domestic

workers. The different members appeared to be very comfortable socializing at the events and appeared to be very casual and friendly with each other. During interviews and meetings, when I mentioned the names of other organizations and their representatives, I saw positive signs with regards to their relationships with each other. This was not necessarily apparent in a direct spoken gratitude but in by a smile and a positive reflection on the person. For example, the representative of Damayan said to me that "...she'll be great, she'll definitely help you out," in referring to my future meeting with the representative of Adhikaar (Damayan, Personal Communication, October 30, 2013). In the case of the representative from NDWA who arranged my workload, she told me that both Adhikaar and Damayan have done great work and "they will definitely be able to help with my research" (NDWA, Personal Communication, September 27 2013).

There were other signs that showed me that the lines of nationalism were being blurred through the transnational life the women were creating. The method by which protests were implemented in contrast to the object(s) of the protests is one of the areas that demonstrate this conflict between new identity and origin. For example, Damayan's march to the UN calling for immigration reform was designed as march towards the UN where a vigil is held. The idea of *marching*, a seemingly western form of protest; to an entity that is set up as a representative of all nations; calling for immigration reform in the particular nation that the women live in; and ultimately performing the vigil, a faith orientated act that is more associated with their origin than their surroundings. This moment seems to me to be loaded with different angles of the women's transglobal identity being formed and shaped in this one

moment and ones similar to it. The behavior and images associated with the organizations and the individual women illustrated a group that is shaping an identity particular to that of their origin country on one, hand but included in as an American on the other. This is evident through the description of the office space and the office behavior, the printed materials described, the events and strategic approach of their program. Another example is one day at the Damayan office, the man who worked there needed to bring his son one day to work. The young boy spoke to his father and the rest of the team in Filipino yet at the same time he spent his time watching an English cartoon movie on his Ipod. It is within such contexts that there appears the re-shaping of the existing identities. There is an embrace of the new surroundings combined with a constant reference to the origin nation. During the time they are together they speak their origin national language yet learning to speak English is described as something that made such a big difference in being accepted. As told to me by the migrant domestic worker from Adhikaar, “now that I can speak English it is much better. Before I did not know anything” (Adhikaar, Personal Communication, October 27, 2013). The participant from Damayan jokingly shared with me in the interview how she did not know any English, and after having escaped her traffickers she got a job at a salon and worked there for a bit. “The lady kept yelling at me nuts, nuts, I couldn’t understand what she was talking about, what are nuts. But now I know, she was calling me crazy,” (Damayan, Personal Communication, October 28, 2013).

### 1.3. The Dignified Self

The most prevalent characteristic observed throughout the interviews, as well as during events and day-to-day office behavior, was that of pride. It was echoed in the way the women shared their stories, the way representatives described the work that was being done, and the overall approach of the organizations all emphasized the demand for a dignified existence as a women migrant domestic worker. It seemed to me that this was by far the most urgent and significant demand from the organizations I worked with during the field research.

The events themselves display images of pride, with the NDWA fundraiser being publicized as an event to celebrate all the accomplishments of women migrant domestic workers in terms of the legislative gains. The event itself was highly anticipated by all the members of the organizations as could be seen by the mood as everyone was entering and signing up and how they managed themselves throughout the evening. It was also evident that the founder of NDWA, Aijeen Poo, was revered by team members of the NDWA, with several of them speaking to me of how great she is and how wonderful all the work that she is doing.

The same held true for the representative and migrant domestic worker interviewed of Domestic Workers United (DWU). On the onset of my internship I was told how wonderful she is and what a great member she is to the team (NDWA, Personal Communication, September 25 2013). I was advised that she is someone I must meet and that I should schedule a meeting as soon as possible because she is very busy in and out of the office (NDWA, Personal Communication, September 25 2013). From what I ob-

served this was very much true as she was constantly busy, speaking on the phone all the time, walking back and forth in the office meeting and speaking with people, and very much present.

When interviewing the migrant domestic worker she had a very likeable character and spoke with extreme sensitivity and consideration as well as an abundance of thought and description in her words and stories (NDWA, Personal Communication, October 3 2013). The woman spoke to me of her travels to the US from the Caribbean (I did not ask her which country) and how she was working for a man in New York as a domestic worker and then began doing some work with NDWA (NDWA, Personal Communication, October 3 2013). Her employer pushed her to take more of a leadership position in this work, giving her time during the day to go work on the different rallying efforts and other organizing tasks (NDWA, Personal Communication, October 3 2013). She told me that he was good to her in that he pushed her and allowed for her the time; he told her that she is “a good leader and he worked with unions and could see that [she] is a good leader and good do good work” (NDWA, Personal Communication, October 3 2013). Hearing her tell the story, as a migrant first coming to New York and working as a domestic worker, and then hearing the story unfold into where she is now leading a group of women and helping them find their own voices, was truly remarkable and inspiring (NDWA, Personal Communication, October 3 2013).

The woman also shared with me some of the activities that they are focused on now, namely, diplomatic immunity for officials who are mistreating their migrant domestic employees (NDWA, Personal Communication,

October 3 2013). She told me how there was a woman that was in New York as a migrant domestic worker with a UN representative, and that one day this woman was seen at the school of the children she was caring for with a swollen and irritated face, as if there was a skin disease or rash of some sort (NDWA, Personal Communication, October 3 2013). A mother at the school who knew her insisted she go to the doctor; when the worker refused stating her employer said this was not allowed for her, one thing led to another and the issue was brought forward (NDWA, Personal Communication, October 3 2013). The migrant domestic worker later visited the NDWA office to find her children who were brought to the US to see their mother. and she described this story to me with great pride and emotion (NDWA, Personal Communication, October 3 2013). She seemed very proud saying, “can you believe it, she couldn’t believe it, we were all so emotional” (NDWA, Personal Communication, October 3 2013).

The level of influence that the principles of the neoliberal model have on the decisions of the women migrant domestic workers and their organizations is an overwhelming one. Through the interviews and fieldwork it became increasingly apparent that the most stable and consistent characteristic of the women migrant domestic workers interviewed and their organizations is the adherence to concepts of neoliberalism, namely a liberal economy and a strong nation-state. The emphasis on money being the motivator for migration is one of the indicators, but it is not only evident in this obvious sign. Rather, the extent of the influence of neoliberalism and how it intertwines with the identity of the women and their choices and day-to-day lives, is more revealing and is observed through the subtle signs and expressions

of the women migrant domestic workers met with during the fieldwork.

With regard to the organizations, while the funds are necessary to operate they are not irreplaceable. Significant changes are taking place from organizing, from celebrating, from learning, from sharing. Many of the people volunteer, in Damayan there is perhaps an administration of one or two individuals yet they have a very strong presence in the community and haven't take a lead in bringing attention to the violations of Philippine government officials against migrant domestic workers in New York, and putting a stop to the protection the officials receive because of diplomatic immunity agreements (Damayan, Personal Communication, October 30 2013).

The first day of working with Damayan was the day following one of their demonstrations. There was a woman migrant domestic worker, also an active member of Damayan in the office dismantling the signboards from the wooden poles, removing the staples, setting them aside in storage. This appeared to be a standard routine done many times from the speed and manner she dismantled and stored them and furthermore it was obvious these items had been used many times before from the number of staple holes in the posters and poles. It seemed to me remarkable that this rundown office, with a group of squeezed desks and furniture and a woman running in quickly to get things done as she had to go to work, and then the visualization of all these signs that were just moments earlier being held by a much larger group of individuals, was an overwhelming image. It also implied that in terms of input versus output, financial wealth and material goods were at a minimal amount in this example compared to other inputs, and the output was very valuable in terms of the overall objectives of the women and the



groups with regard to achieving equal civil and labor rights.

In the case of DWU, the interview with the representative and migrant domestic worker provided me with similar conclusions. According to the interviewee, many of DWU and NDWA's achievements rely on the gathering of steam, "it's all about the momentum" (DWU, personal communication, October 7, 2013). As noted during the fieldwork the email circulation also aims to gain momentum. There is a particular build up in the pattern of email circulation where there are approximately one or two a week sent prior to a particular moment, asking supporters for a certain action to take, then the moment, then a report on what happened with a plan for the next steps to take things a step further. For example signing a petition, joining a rally, and also specific policy changes that are being targeted by the campaign. A series of the emails circulated to subscribers to the campaign calls upon the members to 'take action' against the failure of a named House Majority Whip representative of the US House, calling upon them to either watch and share a video, call the House representative, share the email in any way, i.e. twitter, facebook, email (We Belong Together, Email, November 6, 2013). This email campaign was developed under the title of "3 Days of Women's Action" aiming for migration reform. There is a momentum, and a build up, and without this, there is nothing.

All of these campaigns and movements are illustrations of gathering steam, or gaining momentum, and it is this that I see as the truly remarkable and critical aspect of the work that is being done by the migrant women and their organizations. In the words of the women from DWU, it's "all about the outreach." (DWU, Personal Communication, October 3 2013). She told me

that the outreach is so much, that Domestic Workers United worked with up to 5,000 activists and that this is what helped make it all happen (when referring to the passing of the Domestic Workers Bill of Rights in New York).

We go to the domestic workers, then the farming community, circulate newsletters, work with the members for more outreach, go to the church, in the pulpit and speak about the abuses, talk about it, organize. We take the newsletters on train rides, in streets of Manhattan all the areas where children's playgrounds are. It is about the grassroots rising up and making the change. (DWU, Personal Communication, October 3 2013).

The same sentiments were shared with me from representatives of Damayan, "we have to keep the members, we have to keep the ball rolling and have them bring on others and this is where we get our strength from" (Damayan, Personal Communication, October 30 2013). Damayan began working with trafficking victims about 10 years ago and worked with about two dozen cases up until now. More women continue to come forward as previous victims and other community members speak out about the issue of labor trafficking (Damayan, Personal Communication, October 30 2013). Typically trafficked victims will hear about Damayan through the community or Damayan members and they will contact Damayan or a community member (Damayan, Personal Communication, October 30 2013).

All of these examples illustrate the level of significance of immaterial investments and efforts yet still the issue of money is the ignition for the en-

gagement as is demonstrated through the fact that much of the initial build up of trust or interest rather from community members joining the group came from the wage theft program they offer. "Since Damayan works with wage theft and rights discrimination issues, they are well known in the community because of this and are trusted with such issues" (Damayan, Personal Communication, October 30 2013). Damayan partners with legal groups for wage theft campaigns and the success of regaining stolen wages has brought much attention and awareness regarding this issue and to the group (Damayan, Personal Communication, October 30 2013). The labor and wage theft program plays a significant role in bringing rights awareness to trafficked victims (Damayan, Personal Communication, October 30 2013).

All of these are deemed practical behaviors and actions in order to comply with the demands of the capitalist market, but it is these same demands that are part of the creation of the inequalities in the first place. The NDWA has a larger budget than Damayan which is obvious yet there was nothing to indicate that output was greater. In this case money did not gain more members or actions but it did gain a different 'class' in the world of non-profit organizations. Is it possible to call for equality within a neoliberal model without conforming to the rules of neoliberalism. Are those who obtain equality gaining equality for humanity or are they including their group into the basket of those that are 'equal' within the neoliberal framework.

#### 1.4. Survival of the Neoliberal Model

Based on thoughts of Foucault and the “juridical systems producing subjects they subsequently come to represent”, the role of the juridical, presented as a guardian of fairness and equality and security, is enacted to discipline, control and regulate (Butler, 1991:4). The Philippine government through laws protecting Filipina migrants are performing security of their citizens, yet rather it is producing the subject, in the categories it needs it to be in for the power to continue as is. The women migrant domestic workers, the factors and conditions that lead to the ‘subject’ being produced in this particular way must remain the same in order to serve the needs of the neoliberal model. The nation state operates to maintain this power through the promotion of migration programs, through its nationalistic rhetoric, its economic program and bilateral agreements with other nation states. It is in the best interest of nation states that the relationship between each other be one of a service provider to a customer and the bilateral agreements set the terms of the transaction of this service, the human individual is only regarded in terms of the health of the mode of service. Neoliberalism holds the claim that these are all natural economic processes that have nothing to do with the state, the political or the social. All of this is in accordance with the neoliberal model, in a globalized context. One part of the world needs something, and the other delivers it. In essence it is the exporting of a service from one nation to another, with no regard that the service is provided by a human being. The migrant domestic worker is welcome into the country to perform a job that is in need, in exchange for her earning more money that is

not made available in her home country, yet she does not exist in the country as a member of society, although she is providing and investing in that society. Based on thoughts of Foucault and the “juridical systems producing subjects they subsequently come to represent”, the role of the juridical, presented as a guardian of fairness and equality and security, is enacted to discipline, control and regulate (Butler, 1991:4). Government through laws protecting migrants are not necessarily providing security for their citizens, rather they are producing the subject, in the categories needed for the balance of power to continue.

As increasing numbers of migrant workers from the global south fulfill the demand for unskilled workers in the global north, so does the pattern of these jobs being racialized and associated with migrant workers. In reference to Asian migrant domestic labor, Aiwa Ong (2006) argues that “The contingent legal status of foreign workers reinforces their biopolitical otherness as noncitizens and lower-class subjects in tension with upwardly mobile Asian identities. The very biopolitical availability of foreign maids for sustaining a high standard of living becomes the reason for their exception from the good life and the body politic” (2006:201). With regard to gender, as argued by Kunz (2008), the emergence of attention to the global remittance trend is that the policies in place act as if the issue of gender is non-existent, yet remain incorporated within the ‘gender-specific’ policies. While traditionally migration was seen as a sign of failed policies, it is now being examined from additional perspectives, ones of opportunity, but it is not enough for nations to merely look at remittances as money going from here to there but must include the social within that discourse (Kunz,2008).

The existing model of capitalism works best when certain sectors are protected while others are not. 'It' depends on cheap and accessible labor, historically this has included domestic labor and farming (Maestas, 2012). In the piece by Andrea Mercado and Aijen Poo (2008), both activists for human rights of migrant domestic laborers in the US, argue that the inequalities and injustices in the domestic labor market in the US is a result of a history of racialization being satisfied through market supply and demand. They argue that this is best illustrated in the roots of the 'Transatlantic Slave Trade' whereby by European immigrants of the early 20<sup>th</sup> century moved out of the home to work and farm to work in factories, and at the same time the black women, shunned from the public space of society were left to perform household duties and domestic work and not considered part of the 'public' workforce (Mercado and Poo, 2008).

This creates a racialized image of the Latino or black immigrant as an immigrant of lower status and of higher economic needs, and plays into a series of rationalizations that lead many so called 'native' Americans to feel threatened by the presence of Latino immigrants, and associate their race in many cases with low wages and state dependency (Davies, 2009:379). "This has been the rationale for anti-immigrant legislation in heavily affected US states such as California, where in 1994, the notorious Proposition 187 "Save Our State" initiative denied public funding for schools and hospitals to undocumented immigrants, provoking a huge outcry and legal challenge in the process"(Davies, 2009:379).

According to the Employment and Vocational Training Administration Council of Labor Affairs, 120,000 women migrants, mostly Filipinas were

working in Taiwan in domestic work as of 2003 (Cheng, 2004). Up until the late 1990s, Filipinas were the most dominant in the field of domestic labor service in Taiwan, whereby at this point, reportedly do to the increased demands for labor rights by the Filipinas, Thai and Indonesian female migrant workers began gaining popularity (Cheng, 2004). The Taiwanese society began to depict Filipinas as rebellious and difficult to control and portrayed Thai and Indonesian domestic laborers as more subservient and desired (Cheng, 2004). Still nonetheless, the demand for Filipinas returned, as Philippine women were known to be better educated, and better versed in language (Cheng, 2004). The Filipinas in many cases were of similar social classes to that of their Taiwanese employers, which created a problematic situation for the class differentiation typically needed for the relationship between employer and domestic laborer, Taiwanese employers desire Filipinas, yet when confronted with the similarities in education, language, and class, this becomes a problem to assert their superiority (Cheng, 2004). “The question then becomes: How do Taiwanese employers manufacture, and moreover, naturalize ‘otherness’ in face of similarity as well as difference? How does the production of ‘otherness’ contribute to the racialization of a transnational labor force locally and the naturalization of interpersonal, social, and global inequality?” (Cheng, 2004: 48)

The Taiwanese government strictly polices the activities of foreign workers, namely only permitting work in certain fields, prohibited from bringing family members or marrying nationals, subject to medical exams including a pregnancy test whereby if found pregnant then deported, in the case of foreign domestics they can only live as live-ins, in the case of other catego-

ries such as construction and manufacturing laborers, most are required to live in accommodation provided by employment they are not allowed to find their own (Cheng, 2004). Also, after three years contract foreign workers are not permitted to return for employment, creating a 'prevalence of false documentation' whereby the names of passports and contracts are fabricated (Cheng, 2004).

As pointed out by Aiwa Ong in her examination of Filipina migrant domestic laborers, there is a bigger problem we need to examine other than women maids abused and beaten, the more significant point or crises is the overall attitude towards "foreign domestic workers as subhuman" (Ong, 2006:196). "[L]ow-skill foreign women circulate in zones of exception that support the citadels of Asia's new rich...Outside of the law, unwanted and subhuman (Ong, 2006:196).



### 3. Chapter Three - Women Migrant Domestic Workers

When we came I was asked to be a domestic worker for this family of 3 children then after 3 years my visa expired. I wasn't given the money. I didn't know what to do. I thought the money would just come from God. I was isolated with the kids. We were all sleeping together. I didn't know. It was a special mission they said. The Philippines doesn't have jobs so I had to make money. I didn't know what to do. I didn't know where to go. As soon as I came they had took my documents I had no idea that it was against the law. They told me to stay away from everybody because the people might misdirect me. Then they want to send me home like a robot. I realized that they were using me. (Damayan, Personal Communication, October 28, 2013).

The previous chapter presented an analysis of the influence of the neo-liberal model on women migrant domestic workers and the divisions created and nurtured so that the nation state can sustain itself in its existing form. This coming chapter will take a deeper look into these divisions by examining the daily actions and behaviors of the women migrant domestic workers and their representative organizations. How do the women perceive and present themselves, and how do they engage with their new environment. How do they shape their new environment and how does this influence identity linked to the home country of the women. How do the organizations engage with their surroundings in their aim to enact change and what does this

imply about the potential of power of women migrant domestic workers. How does this process reproduce identity and how does it reshape alternative ones.

### 1.1. Transglobal Identities

Through globalization and transnationalism, identities are being formed outside the boundaries of the nation-state and the woman migrant domestic worker is a representation of this enactment. Women migrant domestic workers challenge the boundaries of the nation-state, boundaries of gender, socio-economic class, and race, from the moment she decides to leave her home to migrate for work in another country. There is something very significant about leaving your home and all that one is familiar with, and going to a foreign nation where much is left unknown. There are patterns of behavior played out and repeated through daily actions, behaviors and occurrences of the women migrant domestic workers that demonstrate their connection to their origin nation and culture. In opposition to this there are behaviors that demonstrate a desire to be incorporated within the new society in the US.

In Wendy Brown's "Walled States, Waning Sovereignty" (2010), she brings us to investigate and analyze the dynamics and struggles between space, power, and sovereignty. Brown (2010) explores the physical, social, political and psychological boundaries of our 'walls' in a historical context and compares and analyses this to their purpose and function in today's globalizing neo-liberal world pointing out that the pre-modern state is about the power of the state yet the modern

nation-state has become more about people investing and creating the 'state' they are in; and as a citizen they 'belong' to this state (Brown, 2010). Within this structure the citizen becomes wedded to the 'nation' and one of the nation's core features is 'sovereignty'; economic, territorial and political (Brown, 2010). Yet within the globalizing context these walls are breaking down. There is the breaking down of economic walls, and the sharing of cultures and of industries and there is also the creation of the global citizen (Brown, 2010).

All the members I met with and observed coming in and out of the office in Damayan were of Philippine origin, this includes the people working in the office, a few that came on occasion for meetings and the lawyer who worked pro-bono with the group on trafficking issues. Throughout the course of the day they primarily spoke Filipino and the food that they prepared was primarily Filipino. With regards to Adhikaar the dominant language was Nepali with English only when speaking with me. In the case of NDWA, the office members are all speaking in English and it is not clear to know the origin of the people working there.

The events of Adhikaar as well as Damayan were filled with reflections of the origins of the women migrant domestic workers from each of the organizations. In the case of Adhikaar the two events that took place during the fieldwork period were held in the workspace/community center of Adhikaar. One of the events of Adhikaar was the *Daishan*, a popular and reportedly fun celebration as per the accounts of two of the women that I spoke with who represent the group (Adhikaar, Personal Communication, October 15, 2013). They described it as a place where there will be plenty of food

and everyone sings and dances. When I asked them what I could bring with me to participate they insisted that I “come and enjoy for this time” and not bring anything (Adhikaar, Personal Communication, October 15, 2013).

The Damayan *Tagsibol* event presented Filipino cuisine and the music performed was a traditional music called *sining pandayan*. The feeling was of a family event taking place, with a sense of eagerness, excitement, and joy mixed with an effort to be organized. It was a very successful event with an air of authenticity and sharing.

The office space and its mood demonstrated behaviors and actions reflective of the origin cultures, including the form of language spoken in the office and the way of relating with each other and with visitors. For example, the Adhikaar office also functions as a community center for Nepali speaking migrants. During the visits that I made there were always people entering and exiting. It was very active with various activities. The language spoken in the office space is Nepalese, and even during my interviews as well as other activities that were going on, everyone spoke in Nepalese. The same held true for Damayan. The staff and visitors spoke to each other in Filipino. During the day lunch would be served on the meeting table and everyone would bring their food and eat together. One of the days a colleague had his four-year-old son with him, and all the staff was playing and joking with the young boy throughout the day, speaking in the Philippine language. In each of the offices, everyone spoke the language, without exception. Damayan and Adhikaar offices were headed by American women without any accent, suggesting that they were born and raised in the US, yet both spoke their respective languages in a seemingly comfortably way.

One of the issues repeated several times to me during the interview with the representative from Adhikaar was the “newness” of the Nepali speaking community (Adhikaar, Personal Communication, October 15, 2013). The representative highlighted to me that the work is about Nepali speaking not Nepal, and that they have only recently been migrating to the US, and that they are a new community of migrants here in New York City. (Adhikaar, Personal Communication, October 15, 2013). The woman from Nepal told me that her husband was in the US first and that later she and her daughter came to work for an “Indian family” and after two years working there, she went to a family “that is one black and one white” (Adhikaar, Personal Communication, October 27, 2013). There were facial expressions associated with these words that indicated that there was a weight associated with being an “Indian family” and a weight associated with being “one black and one white”. I felt these notions of race had a heavy weight, the same held true with the woman from the Caribbean. When speaking with the woman who migrated from the Caribbean she was sharing with me her account and stated that she “came from the Caribbean, well not originally [touching her skin to indicate her color], but I arrived from there” (NDWA, Personal Communication, October 3 2013).

The actions and behaviors of NDWA appeared to be in stark contrast in terms of cultural identity. In the case of NDWA’s event it was held in the Helen Mills Event Space which as per its own description on the website “is one of New York City’s most unique venues, featuring a spectacular 4,000 sq. ft., loft-like, street-level event space. Centrally located in Manhattan’s Chelsea neighborhood, surrounded by tech startups, galleries, hotels and

great restaurants” ([www.helenmills.com](http://www.helenmills.com)). As per the invitation of NDWA, the event called for “festive attire” and would offer “cocktails, hors d’oeuvres and desserts.” All the participants were extremely happy and enjoying the mood of the event. It was filled with laughter and dancing. The office of NDWA is located in mid-town Manhattan, a more costly part of town in terms of office space relative to the other organizations. Their office floor was shared with another organization called Bend the Arc, whereby they shared office supplies, equipment and also collaborated on projects through co-implementation and co-funding. The workspace was in an office building of about 30 floors and there was a casual corporate feel to the surroundings. This feeling came from characteristics such as the way office supplies are managed, the way the desks were set up, the different signage on the bathroom and kitchen concerning different requests such as “please close door” on the section that enclosed the bathroom stalls, “for sharing” on the basket in the kitchen where you can bring snacks to share with the office, as well as the rules for sharing the printer.

The event that was held as a fundraiser was a cocktail party also in mid-town with an open bar and appetizers presented by servers as well as a table laid out with cheeses and small plates. There were large screens set up and decorations throughout. The guests included representatives of migrant domestic worker organizations and top tier representatives from larger non-profit organizations such as the Ford Foundation, United Nations Development Programme, Amnesty International and other high profile non-governmental organizations.

There is also a retreat that takes place at least once a year where the different member organizations of the NDWA go to a particular destination for the purpose of discussing strategies and communicating policies, as was explained to me by both Adhikaar and Damayan (Adhikaar, Personal Communication, October 15, 2013) (Damayan, Personal Communication, October 28, 2013). One member of Damayan described it as a very exciting time where it is an opportunity to meet everyone and talk about ideas and also the chance to travel (Damayan, Personal Communication, October 28, 2013). The primary lead for these events is the NDWA with support from varying entities through the NDWA or in collaboration with the NDWA. There are agendas to be discussed alongside 'planned-fun' activities, similar to the common pattern for many professional retreats.

In the case of Damayan the characteristics of the office as well as the event were quite different. The office of Damayan is located in a notably less expensive part of New York City. The workspace was located in what would otherwise be a one-bedroom apartment in a two story Brownstone, with beaten down stairs and infrastructure. One room was filled with one long desk with three computers, another desk with another computer, a printer and a small round table with some walking space. The other room had another computer used by the representative as well as a long meeting table and a small fridge and section for tea and coffee. Much of the space was also filled with signage and wooden poles used for demonstrations. The computers were Macintosh computers, which on average are of better quality yet also more expensive. There was a full service printer and the programs and software used were all well up to date and in line with current

programs used for event organization and other professional work such as reports and visual presentations.

The fundraising event held by Damayan was called *Tagsibol* which translates to “a time of growth”. It was held at the Christ Methodist Church in upper mid-town Manhattan on the east side, a highly regarded church as well an aesthetically attractive one located in the upper end of the socio-economic class scale of Manhattan. The event took place in the recreational area in the basement of the church and was provided to Damayan through a contact of the Philippine community. The setting was a basic set up of fifteen or so round tables, with an area where speeches and music were performed and another area for the buffet. The food was served from the onset and the dishes were home prepared in aluminum trays, which visually is very much associated with familial outings and events. The attendees were a range of representatives and supporters for Damayan as well as a handful of representatives from larger organizations.

Adhikaar’s office was located in Queens, New York in a suburban type neighborhood. A critical factor in the location of this workspace is the fact that there is a large community of Nepali speaking migrants living in Queens (Adhikaar, Personal Communication, October 15, 2013). The office is a pleasant and spacious office space with basic furniture and a warm atmosphere to it with a reception area outside with couches and a comfortable seating area and a meeting area with desks and computers in a large room inside. It later became evident that many training activities and events take place in this space, which is better referred to as a community center rather than an office.



Adhikaar promoted a march for immigration reform titled “March for Immigrant Dignity and Respect” where the group marched to the United Nations to protest existing immigration laws ([www.adhikaar.org](http://www.adhikaar.org)). There is a struggle that exists in terms of identity in the way that the protest is expressed. The women are from another country, united together based on that nationality, expressing their desire to be included and recognized in their adopted nation and demanding inclusion. There are many layers of identity and nationality being shaped in this moment. It was echoed through the campaigns and discussions about the campaigns as well as the interviews in; the women are demanding dignity and respect. Within these moments we can witness a change taking place and a space being carved shaping a new identity that includes several nations and several cultures.

In the case of Damayan, there was a Vigil for interfaith at the UN general assembly on trafficking and slavery of domestic workers by diplomats ([www.damayanmigrants.org](http://www.damayanmigrants.org)). Adhikaar’s event of *Daishan* is a Nepali celebration yet on another occasion at Adhikaar during the interview was a job preparation type of seminar. Outside the woman there began telling me how they are going to be chalk painting and drawing on the sidewalk, asking me to please come again. This back and forth between cultural identities comes through in many of the comparisons of the different events.

Another example is the mock elections held by Adhikaar where the idea was that during the US Election Day, where immigrants were not permitted to vote, the group held mock elections where members acted as if they voted and those votes were counted, in order to “make sure that each and every voice is heard” (Adhikaar Facebook page). This seems to me to

be an expression of wanting to belong; yet only within a particular framework that includes your origin nationality.

In the case of *Tagsibol*, the event held by Damayan, the office was very excited about the traditional song performance of *sining pandyan*. They described it as a fun event and one of the members was sharing with me how he was very nervous because he will be playing the music at the event and this was his first time performing publicly.

With regards to events, the event held by NDWA was very much in compliance with the Manhattan environment. It was filled with members of all the different partner organizations, funders of the program and migrant domestic worker members. Everyone was dancing and celebrating in a style that is typically associated with New York cocktail parties. Interestingly enough two of the women I met with from Adhikaar were dressed in western styled denim bottoms and t-shirts when I saw them in their office yet in both the events of Damayan and NDWA were dressed in a traditional garment. It could be that this was a formal dress for them but in any case it was notable.

One of the other participants also emphasized the issue of language as well as difference of culture in caretaking (Adhikaar, Personal Communication, October 27, 2013). The woman from Nepal also mentioned to me that the way children are taken care of is not the same way as Nepali women take care of their children (Adhikaar, Personal Communication, October 27, 2013). She pointed out that in the beginning they did not trust her because of this (Adhikaar, Personal Communication, October 27, 2013). With this observation I understood a link between language and culture and identity.

Cultural identity was also demonstrated in the printed materials and the media of both organizations. The names of the organizations in the origin language, is sending a message, yet at the same time the printed material and media is for the most part circulated in English.

One of the other observations I noted was the lead administrative person in both Damayan and Adhikaar were young American women between 25-40 years old that appeared through their accents to have lived all their lives in the US. Both spoke the language and were working within a community of the country they clearly still had a link to. This led me to think that through the women themselves was the personification of that moment, the redefining of identity through carving a new one that combines the origin culture and that of the US and New York. With the representatives of Damayan and Adhikaar I felt in their verse that there is a frustration against inequalities and a commitment to their origin through the work being done.

## 1.2. Uniform versus Unified

The organizations themselves and the activities implemented demonstrate ways of transferring and shaping the role of migrant domestic workers yet at the same time in compliance with a specific framework. In the NDWA for example, the *Caring Across Generations* initiative has a focused training activity where migrant care workers are offered skill training for caring for the elderly (NDWA, Personal Communication, September 27 2013). At Adhikaar they offer sessions where they teach members how to use smart phones and tablets “to keep in touch with their family” (Adhikaar Facebook Page).

They also provide job-preparation seminars of which the team there works to better equip the women for the work market. These activities aim to garner a better value for the migrant domestic workers, a strategy not much unlike that by the Philippine government highlighted earlier in the thesis. What is the rationale behind these strategies; both in the case of the government of Philippines as well as the domestic worker organizations, and the women migrant domestic workers. What is the aim and why is this aim the objective; who does it ultimately serve. Is this approach one that unites society or is it one as this thesis argues one that divides it and classifies it while strengthening the boundaries needed for the neoliberal model.

A large part of the activities and events held by the organizations aim at raising awareness alongside the objective of fundraising for future activities and campaigns. The *Season for Change* held by NDWA was a celebration for the recent legislative successes, namely the passing of the Domestic Workers Bill of Rights in California and the ratification of the ILO Decent Work for Domestic Workers Convention. Yet the goal of the celebration is to fundraise in order to continue to perform their work, the same holds true for the *Tagsibol* event held by Damayan. The pretext of these events is to celebrate and to join together and to organize, and the target is to raise money in order to sustain the operations. The money is deemed necessary to continue the activities and the operation itself, which is obvious under the context of a neoliberal economy, but my question here is where does it become more about raising the money and less about celebrating, joining and organizing. Is there a balance that can be maintained or does the scale inevitably slide more towards the demands of the capitalist market.

The campaigns initiated by both Adhikaar and Damayan displayed a strong sense of solidarity when it came to issues of women and migrant domestic workers and the origin country. In their actions, their words and the images associated with the organizations there is a prominent sense of pride and dignity with each aspect of being a woman – migrant – domestic worker. It seemed critical for this dignity and respect to be within the context of their native countries. At the same time these organizations and the women are existing in the US and the conflict between new and origin nations and the level of identity associated with each seemed to be struggling at times.

When meeting with the representative of Damayan as well as that of NDWA, it was mentioned to me several times that the members are the migrant domestic workers themselves (NDWA, Personal Communication, September 25 2013)(Damayan, personal communication, October 30, 2013). It seemed as if it were meant to be a reassurance of genuineness of the organization and the work, and there was a pride associated with the fact that the work was being done by these women versus an outside entity or person. It was emphasized to me that members run the organization, and the board of directors is made up of the most active members who are migrant domestic workers (Damayan, Personal Communication, October 30, 2013).

The discussion with the woman migrant domestic worker from Damayan also presented a demeanor and speech filled with pride (Damayan, Personal Communication, October 28, 2013). She told me how when she first came she knew nothing of what was going on and came under the premise of doing god's work, and told me of her journey, and then stated how she is now "doing this work with Damayan and I am a board member with NDWA

and I want to help my community. I want to take what I have and direct that to my community. Now that I am here and I have been through training of how to be a leader, I want to use this and share this information” (Damayan, personal communication, October 28, 2013).

Although there is a more dominant role of gender in the actions and activities of the migrant workers associations, there are several areas where they collaborate with other organizations for the purpose of non-gender based activities. For example there is a campaign led by NDWA in collaboration with Bend the Arc called Caring Across Generations. The underlying message for this collaboration is dignified elderly health care for all (NDWA, Personal Communication, September 27 2013). Damayan’s campaign against diplomatic immunity for human traffickers for the purpose of domestic labor is strongly supported by an organization that supports the Jewish community in New York and has also done a lot of work in addressing police surveillance violations in the Muslim communities in New York (Damayan, Personal Communication, October 30, 2013). All of the members and representatives I met through NDWA, Adhikaar, and Damayan are women with the exception of one man who works in Damayan with issues related to computer technology, databases and accounting. There was also one male person I was introduced to who was part of the administrative management in NDWA. Aside from the fact that almost all the participants are women, the focus of the activities are gender based. There is a clear strategy to highlight the inequalities faced as a result of being a woman migrant. During the interview process at NDWA the women shared with me how exciting it is to work in a place where change is happening and it is all being made to happen by

women (NDWA, Personal Communication, September 25, 2013).

The identity of women migrant domestic laborers is formed and shaped through the relationship with their social and professional environment. The moments of conforming and the moments of conflict all interact with each other at different levels creating new forms of existence of the women migrant domestic workers in this new environment and in turn their own perception of themselves. Pratt (1999) argues that it is through the realization of what you are not comes about the definition of what you are. To better understand this realization this thesis explores the women's perception of themselves as demonstrated through their acts and the behaviors and patterns of their representative organizations in terms of gender roles, cultural identity and socio-economic status.

### 1.3. Reshaping Identities

The women who migrate have chosen to take these risks and will choose to handle what the future brings them as they see fit and to design their destinies as they choose. To remove this and brand them as nothing more than victims of a crime done to them by others, belittles this choice and validates the notion that women are not capable of making such decisions and require saving so that they can stay in their home where it is "safe". When the woman from Damayan told me of her story, she spoke of two attempts that she made to escape her employers before finally escaping. "I left and then tried to go somewhere and they freaked out and called the leaders and tried to find me. I didn't know where to go so they found me ofcourse

because I went to this place where we had all been sharing space; all the people that came on that mission,” (Damayan, Personal Communication, October 28, 2013). She attempted to escape because of her realization that she was being taken advantage of by her employers and she chose and managed her way out of that. “Then they want to send me home like a robot. I realized that they were using me,” (Damayan, Personal Communication, October 28, 2013).

She did not have any material resources at first, she had no money, or job, but through her choices and her steering of her own life she established resources and networks and now aims to make it easier for others to access help, yet the choice to access will still remain that of each individual woman. It was stated to me by the representative of Damayan several times that the women need to want this or else it doesn't work (Damayan, Personal Communication, October 30, 2013). Damayan works with the trafficked person throughout the process, assisting them in each step, yet alongside supporting them towards independence. It is very important for Damayan that the trafficked person who is going through this process owns the process and also invests in the community and the group to provide their support to other members that may need it in the future. (Damayan, Personal Communication, October 28, 2013).

This thesis argues that through the actions of women migrant domestic workers, there is an enactment of change brought upon by the women's choices, actions, and behaviors. The women are defying the existing discriminations based on gender and nationality and with that defiance there is a snowball effect of stronger women and an even stronger resistance. The



forces that maintain the neoliberal mode are also very strong and within this paradigm is the overall struggle of a more equal and just society. Each of these forces do not exist on one side of a playing field facing the other, nor are they situated in an identifiable physical zone, but rather these forces are intertwined, in our communities and ourselves as individuals.

Migration is a defining factor of how society is formed and how it reshapes itself into new forms. Echoing Mbembe (2000) and Cocco (2007): we are nomadic creatures by nature and the land does not belong to its geographical lines and boundaries but rather to the stories and experiences that take place on it. Yet in following with the principles of nation-states and their governments, this fluidity does not exist, instead the land and its occupants are confined to laws and rights associated with a set of geographical boundaries, with a certain set of rules for citizens of this territory and another set for immigrants or non-citizens. With this model a platform is developed which incites and promotes the ideas behind much of the injustice and inequality confronted by migrant domestic laborers. Further accentuating these inequalities are the principles adhering to a capitalist market economy.

Women constitute nearly half of the migrating population, many of them migrating as independents traveling to find job opportunities and better incomes not available in their home country. In many cases women are trained to work in other professions, such as nursing, teaching, and other care-oriented services, yet migrate for the purpose of domestic labor, due to the high demand of this job. Arriving to work in a foreign country with all the obstacles that this entails; lack of familiarity, lack of security, language and cultural barriers, all add to the challenges placed to the woman migrant

worker's identity. At the same time, the job of the migrant domestic worker is not socially valued. Although it is a necessary function for the home to sustain itself and for the primary caretaker to be able to work, as well as the overall economy to progress, there still exists a severe lack of regard for the profession. These conflicts present a dilemma to the identity of many women migrants working in domestic labor and are explored in the thesis.

A person's identity is shaped not only by past experiences and how they are interpreted, but more profoundly, how we perceive ourselves in the present moment and how that translates to what we *think* we are capable of doing. The narrative of migrant domestic women is often painted as one of victimhood: poor women, pressured to leave their families and their homes in search of an income to provide for their families a "better" life and future. Thrown into a foreign environment and situated to tolerate bad working conditions and degrading treatment from employers while being excluded from the society they moved to. This thesis does not aim to deny these facts, yet it does aim to change the narrative by which they are debated, from one of victimization to an enabling narrative that speaks of the migrant domestic workers' choices and decisions as well as the existing and potential social and political power they have garnered for their cause.

In line with Foucault's (1977, 1982) ideas about discipline and power, the woman migrant domestic worker and her family, her society, the receiving country and the global neoliberal capitalist model, all maintain relations and linkages that aim through discipline to enact power. These positions of power are not an overriding absolute entity of power but rather are embodied and performed by the actors involved (Foucault, 1977, 1982). According to

Foucault (1977,1982), it is the whole system acting out these balances of power, and reenacting them; none of this is absolute or inherent. In the case of the migrant domestic worker, all of the players in this process are disciplined; they are disciplined so that they may produce the migrant woman as she is categorized in the social, and political, in terms of institutions, the individual, the family. Power is enacted through the disciplining of all actors in this process. “This discipline is critical to the management of hierarchies and their production”. It is not merely about the woman employer and the migrant laborer, but also about the origin environment that promotes migration and facilitates migration specifically in this field of domestic labor for the woman. It is also the unwelcoming guarded environment of the country that the woman will migrate to. All of these are actors enacting power through discipline.

The migrant domestic worker’s body is limited to a particular category of space, race, class and gender and these categories need to be performed, continually repeated, from all the players in this process. The migrant woman needs to continually perform the acts that reinforce her categorizations and her body needs to be regulated. According to Foucault (1977), this regulation is not performed harshly or forcefully but rather as watchful eyes carefully observing and making sure all powers continue in the same way. These repeatedly bodily acts of gender and race, and class and this performative behavior are enacted within the categories of woman and of man (Foucault, 1977)(Butler, 1991).

Each of the bodies in this process ‘perform’ what is required in order to satisfy the economic, political and social powers in play (Foucault, 1977)(Butler, 1991). The woman migrant domestic worker’s body must be

regulated spatially, racially and sexually; her body needs to be classified and categorized and that categorization needs to be performed and performed again to continue the existing set of classifications and hierarchies. The body of the migrant domestic worker goes from the origin country to the home of the woman from the developed country to perform a particular act in the home. Her body is regulated throughout this entire process; through both state's policies, the origin state and the receiving state, the employer and the society in the receiving state. Domestic help has become an issue of ethnicity and nationality from one of class, explaining why a century ago the activity or profession of maids was practically removed from Europe's list of occupations has now suddenly made a comeback (Lutz, 2002). It is not because housework is needed and fulfilled or not, contrary to Hutton's rationale, but it is because maids were not originally meant to support housework but more so to demonstrate prestige, which begs the question 'why in the 21<sup>st</sup> century with all this technology is this function still so desperately needed' (Lutz, 2002).

#### 4. Chapter Four - Legislation and Civil Resistance

We don't need to be suffering, we have rights, and we have community that we can be with...As soon as I came they took my documents, I had no idea that it was against the law...Damayan called me and explained to me that I have rights and that they can help me. They referred me to a lawyer to do my paperwork. (Damayan, Personal Communication, October 28, 2013).

Migration and the migrant continue to be an area of critical challenge to existing definitions of citizenship. As the flow of migration continues to rise, nations' economies are increasingly dependent on the work of migrants to function efficiently as well as dependent on remittances sent home. The work of domestic service in particular not only impacts the economy through the services rendered and remittances sent back home by the migrant domestic workers, but also in allowing for women employers to work outside their own home whereby they otherwise would be unable to. According to a representative of the NDWA, "If the women here [New York] want to go to work, then they need us. We are here so they can go to work and we need to be protected in our workplace" (NDWA, Personal Communication, October 3 2013).

Transglobalism is not only affecting the economies of nations and families, but it is also restructuring the makeup and social fabric of communities. What rights do non-citizens have while they perform work that takes place within a particular nation; work that 'serves' that community and its ability to function. Do these workers deserve less than workers who occupy the same space yet have citizenship? What civil and labor rights are migrants entitled to and what civil and labor protections do they receive? Why is there this gap between the two? These are some of the questions posed in the debate over citizenship rights and migrant labor in this thesis.

#### 4.1 Labor Rights in a Transglobal World

The International Labour Organisation (ILO) is increasingly highlighting migrant workers' rights as a critical area to address, when dealing with workers' rights (Paeletti, 2004). Both the ILO and more recently the United Nations (UN) are placing universal rights and standards specific to that of migrant workers on the top of their agenda (Paeletti, 2004). In 2008 the ILO took a milestone decision to place the issue of domestic employment on the agenda of the 2010 International Labour Conference with a view to adopting a Convention on Decent Work for Domestic Workers (Paeletti, 2004). In 2011, the ILO Convention 189 Concerning Decent Work for Domestic Workers was voted in overwhelmingly (Paeletti, 2004). The Convention states that domestic workers are to receive labor protections equivalent to other labor activities; including working hours, minimum wage, overtime, daily and weekly rest, social security, and maternity leave (Paeletti, 2004). Still, the challenge remains of ratification and translating these principles into domestic law (Paeletti, 2004).

In the research of migrant domestic workers in South Africa, evidence showed that while legislation was made in the laws and constitution there still remained critical areas of contention to the enforcement of these laws. The Labor Relations Regulation Act of 1981 came as a reform move to the 1977 Wiehahn Commission's investigation into labor legislation replacing previously existing regulations that allowed for jobs to be reserved for certain populations, denied blacks the right to collective bargaining, and excluded blacks as being defined as an employee (Nolde, 1991). The commission did

not report on domestic workers though, nor on agricultural labor, which resulted in them not being covered by the acts (Nolde, 1991). In 1993 the Basic Conditions of Employment act was passed which formalized domestic labour as a protected sector yet many problems still continue when the legislation is to be applied (Fish, 2006).

Following the legislations, in a study of 40 domestic service employer-employee groups, with an additional 25 laborers, only 3 actually had contracts, 2 of which were union leaders who received the contracts after demanding them (Fish, 2006). “What emerged from focus group discussions with workers and employers is that there are many areas where initial improvements and early legislation have made a positive impact, but serious abuse of workers still continues.” from a study performed by the Community Agency for Social Enquiry (CASE) with south African domestic workers and their employers. The fact that domestic workers are individually employed and not in a company or public workspace for example also leads to challenges for organizing with each other. We first need to “recognize the social value of work in the domestic sector, despite its historical relegation to insignificant” then we need to include domestic workers in labor laws (Grant, 1997).

Every power has its resistance and its limits within it (Foucault, 1982). If this is the case then how does it get pushed through and how can we enact resistance. Lazzarato (2009) argues that power is enacted through the creation of categories within the population itself; the government in essence enacting its power through the subjectification and categorization of its population, and conditioning the population to the desire of accumulated capital.

For this to continue any resistance within that power needs to be institutionalized and regulated. For power to continue in its current form it needs to absorb all forms of resistance within it and through institutions this confrontation is avoided, such as the confrontations between labor and capital (Foucault, 1982)(Lazzarato, 2009). So not only do we need institutions to manage the market, but we need to remove the point of pressure so that all the time this moment of resistance is deflected and instead becomes part of the institutional structure of neoliberalism.

In 2008 the International Labour Organisation (ILO) took a milestone decision to place the issue of domestic employment on the agenda of the 2010 International Labour Conference with a view to adopting a Convention on decent work for domestic workers. “Decent work” has been explained as being:

a strategic goal for development that acknowledges the central role of work in people’s lives. This includes work that is productive and delivers a fair income; provides security in the workplace and social protection for families; and offers better prospects for personal development and social integration, freedom to express concerns, opportunities to organize and participate in decision-making, and equal opportunity and treatment for all women and men. (ILO, 2010).

#### 4.2 Civil Rights for non-Citizens

With regard to the organizations in New York, legislative gains are a critical area of their work and advocacy programs. Yet it is important to think



about the relationship between migration and labor and legislation. Within this realm there is a major area of tension. Labor laws are meant to provide the same rights for everyone performing a particular job, yet migration laws are meant to control the flow of migrants into the country and control their existence and rights within the country (Schwenken, 2011). In this thesis we explore the significance of legislation for migrant domestic workers in New York and analyze how that influences their role in society as individuals, as a group, and as workers. The thesis investigates if legislative gains are the objective or are they part of the process of the migrant women's shaping of identity particularly in relation to transglobalism.

According to a domestic worker interviewed in the NDWA, the issue at hand isn't citizen versus non-citizen nor is it about legality of work or presence in the country; rather it is about someone being in the country performing a job and because of that, they deserve protection just like any other job or any other person (NDWA, Personal Communication, October 3 2013). "We want to shift the discussion away from legal or illegal, rather we say documented or not documented. It does not matter if they are here legally or not; they are here. We want to shift the conversation to labor protections. That is what this is about" (NDWA, Personal Communication, October 3 2013).

International human rights organizations such as Human Rights Watch (HRW) and the United Nations (UN) are pushing for protection for the migrant domestic laborer through outlining and addressing the particular vulnerabilities often associated with migrant domestic laborers. These 'rights-based' approaches have been the prevalent approach for organizations

working to better position migrant domestic laborers (Briones, 2009). The existing nation-state model alongside the demands of the capitalist market, racialize migrant domestic labor and subject the migrant domestic laborer to an exploitative situation with unequal means of obtaining civil and labor rights. This exploitative situation bears no definition upon the woman herself. Women possess agency of choice throughout their migration process and in their native country as well as in their newfound country and this agency needs to be recognized for true equality to be obtained.

In what way does the migrant domestic worker engage with legislative entities, and what do these legislative gains represent to the movement of resistance and the fight for equality. In the case of NDWA there was evidence of the significance of the role through the legislation that they have worked to pass. This includes the Domestic Bill of Rights in New York, followed by Hawaii and then most recently California. In the circulations of their emails, many of them work to build and continue the momentum through reminding members and applauding their work for the recent legislative gains. For example, the email of September 17, was announcing the success of new regulations for domestic workers in the Fair Labor Standards Act (September 17<sup>th</sup> email). In it they thank the political entities that cooperated, “We thank the Department of Labor and the Obama Administration for answering the call to recognize and respect the workers who help seniors and people with disabilities” (September 17 email). An email sent on October 16 from We Belong Together, urges its supporters to send emails and petitions to the senate pushing for immigration reform. The Caring Across Generations campaign calls for its supporter to sign a petition to Federal Emer-

gency Management Agency (FEMA) for support for Eldercare, pointing out that the campaign has reached four thousand signatures and has a target of 1,000 more (October 28 email). Through its Facebook page and the various posts and calls for support, Adhikaar is campaigning against police surveillance which is also the case with Damayan.

The campaigns are pushing for legislative change and demonstrate a clear direction, target, and strategy. They also show signs of collaboration and being in succinct with each other in terms of the various organizations narrowing in on similar focuses at the same time. The example of Eldercare states: "If the Federal Emergency Management Agency (FEMA) had a plan for addressing the urgent needs of the elderly, it would have made a huge difference for Pearl, thousands of seniors like her and the caregivers who were stepping in to support them." (Email of October 25). The campaigns are not only bringing awareness to the issue, they are providing information, presenting an argument and background data to support it. In the We Belong Together campaign, they aim to get "a common sense immigration reform" specifying policy changes and calling upon members and supporters to rally their congressmen.

The passing of the Domestic Bill of Rights is considered an enormous achievement by all the organizations that were part of this research. In the case of NDW aside from the celebratory event there were numerous email campaigns leading up to the 'win' and later announcing the success of it passing. In the emails following calling for support on other issues, the majority of them refer to this passing of the bill. Part of this may be to garner more steam and keep momentum for future activities and in addition it is

within the objective of the groups to widen the scope of this legislation from New York, California and Hawaii to a national level, and then international. According to an email of May 8<sup>th</sup> by NDWA Massachusetts “is poised to become the fourth state” to pass the legislation. The success of fundraising appears to be tied to the success of changing the various targeted policy and legislative regulations. The more policy change is achieved, the more powerful the organization is deemed to be, and in turn the more leverage it possesses within the political sphere.

There is an effort that was evident to share knowledge of civil and labor rights of domestic workers with migrant domestic workers. For example in the email of October 16<sup>th</sup>, 2013 circulated by NDWA they provide access to a document outlining the strategy for a “comprehensive analysis of HR15” immigration bill and an account of the proposed inclusions and justifications for such. In addition there is invitation to a call with two congresswomen who were the “two original co-sponsors of HR15” and their availability to discuss provisions that address women and families and also proposed strategies to push the reform through. The email shows the good aspects of the bill as well as the areas considered as negative.

According to the representative of Damayan (Damayan, Personal Communication, October 30, 2013), Damayan’s labor and wage theft program plays a significant role in bringing rights awareness to trafficked victims. Damayan partners with legal groups for wage theft campaigns and works to regain stolen wages and this has in turn brought much attention and awareness regarding the issue (Damayan, Personal Communication, October 30, 2013). In 2011 Damayan launched Baklas (meaning break free

or dismantle). They are heavily focusing on the issue of diplomatic immunity protecting human trafficking violators (Damayan, Personal Communication, October 30, 2013). They are working to place heavy pressure on policies regarding this issue, pushing hard with the Philippine Consulate, and the US State Department (Damayan, Personal Communication, October 30, 2013). They are currently waiting for an approval on a policy revision from the Department of Foreign Affairs in the Philippines (Damayan, Personal Communication, October 30, 2013). Damayan also works with trafficking victims using peer mentorship and counseling from traffic survivors (Damayan, personal communication, October 30, 2013).

Adhikaar's work with migrant domestic workers addresses many of the same issues mentioned with regard to Damayan. Adhikaar is also intensely focusing on the issue of diplomatic immunity (Adhikaar, Personal Communication, October 17 2013). They are working to establish guidelines with regards to India's provision of Visas particularly that they are so often linked with labor trafficking violations (Adhikaar, Personal Communication, October 17 2013). The issue of legislation and policy plays a role not only in the United States, but also in the origin country as demonstrated in the cases above.

As mentioned earlier, in my initial interview with NDWA I was told about the exciting news of California's passing (NDWA, Personal Communication, September 25 2013). While New York had passed this bill it was crucial that it was not just New York, as was shared with me during a separate interview with the woman from Domestic Workers United (DWU, Personal Communication, October 3 2013). "It was important to get the ball moving

and that it not just be a bill that is passed in New York. Now it has gone to Hawaii and California and that's great." (DWU, Personal Communication, October 3 2013). During this interview it was shared with me that one of the biggest obstacles are members of senate and assembly (DWU, Personal Communication, October 3 2013). "It took 6 years to get to the passing of New York. Along the way building a lot of momentum each year. We want to shift away from legal or illegal, to documented or not documented. We want to shift the conversation to labor protections." (DWU, Personal Communication, October 3 2013). This issue was also verbalized in my interview with the migrant domestic worker from Damayan who told me: "We don't need to be suffering, we have rights, and we have community that we can be with...As soon as I came they took my documents, I had no idea that it was against the law...Damayan called me and explained to me that I have rights and that they can help me. They referred me to a lawyer to do my paperwork" (Damayan, Personal Communication, October 28, 2013).

NDWA brings its issues directly to the steps of congress members and was created from a group of migrant domestic workers. It is now an administration of about 25 individuals and a membership of thousands. The legislative changes it has made are significant and could be linked to future national policy changes, as well as international. Adhikaar is developing a campaign now aiming to set cross-national messages for Nepali speaking migrant workers. This will hopefully be very beneficial in creating a unified message understood by Nepali speaking migrants across geographical boundaries (Adhikaar, Personal Communication, October 17 2013). Damayan works with trafficking victims using peer mentorship and counseling from

traffic survivors and is taking on the fight of diplomatic immunity head on (Damayan, personal communication, October 30, 2013).

Can legislation protect individuals and groups against discrimination? Can we establish international human rights that apply to citizens and non-citizens of any particular nation; and can women migrant domestic laborers be protected through labor and civil rights legislation or as is argued by Makau Mutua (2001) are these exercises merely about a “a black-and-white construction that pits good against evil” (Makau, 2001:202). Makau (2001) argues international human rights do not serve the purpose of equality for all humanity but rather create a binary between good and bad, clean and dirty, white and black. It is as if the savage country needs to be tamed and taught how to behave by the good and white; in this case embodied within the United Nations, western governments, and International Non Governmental Organizations (Makau, 2001). Makau argues, it is not within the state it is within a culture that deviates from human rights, the state in this case is neutral (Makau, 2001).

#### 4.3 Reclaiming Identity

These ‘rights’ based approaches’ aiming to regulate and define and create legislation regarding how to provide basic human rights to the domestic worker; and how to shape the labor as ‘decent work’ so that laws and regulation are formed to protect this basic human right (Kahn-Freud, 1989: 13). According to Jacklyn Cock:

Jacklyn argues that while contracts assume that this is an agreement between two people and if one doesn't like it then they just walk away, for the most part that is not the case for laborers; so instead they need to strengthen their position, their individual weakness in terms of the market and negotiate their terms (Kahn-Freud, 1989). He argues that labour can be regulated in terms of working hours and terms to serve as a management of this relationship, but unless there is strength in the organization, there is nothing to guarantee regulations would be adhered to by either side (Cock, 1980, 5-6).

Francis B. Nyamnjoh (Ally, 2011) takes this a step further to argue that the actions and policies of the [South African] government work to ensure that domestic workers are available for the market and so then must remain in that particular hierarchal placement. She says that while the state legislates actions such as minimum wages, written contracts, annual increases and a national training program to improve skills, how are the women to negotiate with a system whereby parallel to these they are "paid to take care for the children of others while having to rely on familial care networks and welfare grants from the state to care for their own children." (Ally, 2011: 1353). She argues that "the continued privatization of care work and the lack of social responsibility for domestic work ultimately limit the state's efforts to address the racialized and gendered logics of domestic labor...[we need to] reach beyond the extension of worker rights to disrupt the logic of commerce in organizing the intimate relations of care work.



The cultural and social rights of migrants and other minorities cannot be adequately provided for by a nation-state-based or by an individual-based conception of rights and citizenship alone, in contexts where social relationships and social membership with 'recognized' others are key to any meaningful rights or citizenship claims. (Ally, 2011: 1353-4).

By examining the social structure and function of the relationship of the migrant domestic laborer and her employer and home and her home and country that she migrated from, I hope to be able to gain a better understanding of the framework and the social patterns of behavior that create and maintain a gendered and racialized woman in this particular moment. In the piece by Marchetti (2010) she argues that the 'global division of gender and 'race'/ethnicity' have created a moment where the women migrants from the developing country have become to embody that which is categorized as traditional nurturing and caring, something which is meant to be interpreted as lost by working western women from the West or industrialized countries (Marchetti, 2010: 17). Examining this at the micro-level, Marchetti (2010) goes on to say that as pointed out by the studies by Bridget Anderson (2000) with relation to the Filipina migrant domestic laborers and the dynamics taking place in the home between employer and laborer, the "two opposite and inter-dependent female models, which descend from the whore/Madonna gendered dichotomy, affect the relationship between European employers and migrant employees." (Marchetti, 2010:18).

In the case of migrant domestic workers from the Caribbean regions, "[m]atrifocality exists because Caribbean kin-ship ideology valorizes the

mother-child bond above all others. It is not only the most important bond but expected to be the most enduring, a lifelong relationship that results in adult children's essentially becoming "old-age insurance" for elderly mothers" (Ho, 1999:36). Another important aspect of Caribbean culture is the collective care taking of children versus the biological parents (Ho, 1999). For many mothers child fostering networks are essential, as many times relatives back home are not very good in child rearing (Foner, 2001).

The ILO has been concerned about conditions of domestic workers as early as 1948:

Evidence of wage discrimination on grounds of gender and nationality among domestic workers. In some regions, certain nationalities seem to be better remunerated than others, irrespective of education, competence or experience. In Malaysia, for example, Filipino domestic workers are reported to receive higher wages than Indonesian workers, while in Jordan they receive higher remuneration than Sri Lankan and Ethiopian nationals. (ILO, 2010).

This imbalance was addressed through the adoption of a resolution by the ILO in 1965, recognizing "the "urgent need" to establish minimum living standards "compatible with the self-respect and human dignity which are essential to social justice" for domestic workers in both developed and developing countries" (ILO, 2010:11-12). Still until now domestic work remains relatively invisible from the labor domain and its existing laws and regula-

tions instead are lost in the private domain and the personal (ILO, 2010). “In fact, these arrangements are the vestiges of the master–servant relationship, wherein domestic work is a “status” which attaches to the person performing the work, defines him or her and limits all future options. Informal norms and some entitlements do develop, but they are subject to a power imbalance that leaves domestic workers without the kind of protection that other workers enjoy in the formal economy.” (ILO, 2010:12). According to Briones (2009) this continuing portrayal of victim and enslavement of women working in domestic labor job fails to recognize their real enslavement which is resulting from lack of resources and lack of recognition of agency; which in turn results in the inability to acquire livelihoods that they desire. The enactment and reenactment of these relationships performed in the role of employer and domestic laborer need to be explored and challenged in order for any sustainable equality to be achieved.

In the writings by Francis B. Nyamnjoh (2005) she tells of different forms of resistance enacted by the women domestic laborers from different parts of the world. She argues that although in vulnerable positions there are ways that women domestic workers exert their resistance and that this is a necessary tool for change to happen (Nyamnjoh, 2005). In one of the examples she tells of women from rural Swaziland working as domestic laborers in Manzini, Swaziland as a common route for migration; strategically using it as a pathway to migrating out of the country (Nyamnjoh, 2005). In the case of Nepali domestic laborers according to the study of Shah James Scott, the Nepalese have a way of resisting by “vot[ing] with their feet”; meaning moving slowly and sluggishly, being sulky as they drag their feet. (Nyamnjoh,

2005:103). Women in South Africa are said to poke fun at their employers and share gossip within their social circles (Nyamnjoh, 2005). While these acts may seem as menial and may seem as ways of coping rather than resisting, Francis argues that these actions reverberate into the society making it known, pointing out that as oppressed as black slaves were in the United States, these inequalities still managed to translate into the greater power circles; enough to cause a real reaction and change. (Nyamnjoh, 2005) “Although such action might...appear as little more than nibbling away at the structures of their subordination, they are nonetheless an eloquent statement about how those at the margins of conventional, institutionalized and hierarchical structures of power and citizenship contribute to the sabotage, capture or redefinition of relations and exploitation” (Nyamnjoh, 2005:184).

At the forefront for Damayan, Adhikaar and NDWA is the issue of diplomatic immunity and how human trafficking violators use it as a shield from legal and civil justice (Adhikaar, Personal Communication, October 15, 2013) (DWU, Personal Communication, October 3 2013) (Damayan, Personal Communication, October 30, 2013). Adhikaar is working to bring awareness to the Nepali speaking community through using individual cases to highlight to workers what to look out for and what to avoid (Adhikaar, Personal Communication, October 15, 2013). Damayan and NDWA are also highlighting the fact that trafficking is happening for labor workers and they are trying to put a spotlight on this. This awareness is paralleled with the pressure on policy makers with regards to the definition of human trafficking. Outside of the obvious violations that take place with regard to human trafficking, I felt that this issue held something additional in relevance. I won-

dered if part of the anger towards this act was loaded with the implied discriminations against race, socio-economic class and nationality in the fact that the US government would acknowledge that a woman migrant domestic worker has been trafficked and 'officially' refuse to interfere to stop it. I felt that in that there is an added humiliation to the identity of a trafficked individual and that it is critical that it is 'officially' stated, that trafficking a person is not allowed by anyone, with no exception.

Has our society advanced through the creation of guardian entities such as constitutions, police, international human rights, bilateral agreements and conventions, or are these mere tools of securing and maintaining that power through absorbing and categorizing all actors and acts in this process (Foucault, 1977, 1982). The 'category' of the migrant is increasingly becoming a site of challenge to the existing neoliberal capitalist globalization power. It questions what constitutes a 'human' worthy of 'civil rights' and brings to the forefront the hierarchies and classifications enacted by the nation state and by the global neoliberal capitalist market. Repeating the words of Francis B. Nyamnjoh (2005) "If global capitalism is all about opportunities, to maids this comes at the cost of their very dignity as human beings" (Nyamnjoh, 2005: 181). The continuing growth of professional jobs in the industrialized world in combination with their 'purchasing power' increasing, is partly responsible for the increasing demand for 'personal services' typically positioned in a lower value and lower social status; this includes jobs like janitors, domestic service, garden work, and restaurant kitchen work which is being filled for the most part by immigrants (Canales, 2007) (Mercado and Poo, 2008).

“More than legislation will be needed in changing the complex of political, social and economic factors by which that inequality is maintained. To do this will mean unraveling the heritage of centuries of degradation, inequality and exploitation in very concrete forms (Du Toit, 2010:2).

## 5. Chapter Five – Conclusion

I always wanted to be alone. I was a victim. I wanted to stay by myself but now...I learned a lot. They helped me to gain strength, they are very supportive. I am a member and board member of NDWA so I can attend strategy organization retreat. I can travel so that is great. I want to contribute to community. (Damayan, personal communication, October 28, 2013).

The women migrant domestic workers interviewed and observed during the fieldwork in New York City are exceptional women in terms of the positions they hold. They are leaders for change, and offer guidance and support to their community members facing similar problems. The women represent their community members to national and international non-profit and non-governmental organizations. They are exceptional with regard to the position they hold relative to other women in similar situations yet that does not imply that they are exceptional in capabilities. Each of these women have made choices and managed their lives according to their own desires and that is what has brought them to this point.

The primary marker for success under the neoliberal model is financial wealth. With more money; individuals, communities and societies have greater access to further financial resources. With these resources, one is enabled with a particular set of choices within the neoliberal model yet without these resources one is not helpless. Socio-economic classes are further division imposed on societies with labels such as 'old money' versus 'new money' often used as a classification of a person's social worth outside of pure financial wealth. Based on these divisions, societies are separated and divided and pitted against each other in the day-to-day survival.

With migration and resulting transglobalism the shell of such classes are unable to sustain themselves. Globalization allows nations from all over the world to connect and individuals are increasingly crossing boundaries and reshaping their own destinies, outside of the frame a one particular nation. The nation-state continues to struggle to maintain its strict definition of nationality and citizenship but as illustrated in this thesis this definition is being challenged by women migrant domestic workers.

During the conversations with the representative of Damayan she shared with me some stories of the work they are doing to remove diplomatic immunity from officials committing abuses against domestic workers (Personal Communication, Damayan, October 30, 2013). A very significant breakthrough in this was a judge's ruling which removed the diplomatic immunity from a representative of the Philippine government who was accused of human trafficking and modern day slavery (Personal Communication, Damayan, October 30, 2013). Marichu Baoanan is a migrant domestic worker who through Damayan raised a civil case in 2008 against her previ-

ous employers (TheFilAm, 2011). She was initially unable to proceed because of the protections of diplomatic immunity but following the judge's ruling removing this immunity, the case was later settled (TheFilAm, 2011).

In addition there are serious issues arising because of the arrest of an Indian diplomat by the US authorities for underpaying her nanny. According to an article in Slate magazine, "Senior government officials have refused to meet a visiting U.S. congressional delegation, and security barriers have been removed from outside the U.S. embassy in New Delhi. The government is also reviewing the diplomatic immunity of U.S. officials in the country" (Keating, 2013). The Indian national is consul-general for political, economic, commercial and women's affairs at the Indian consulate in New York and claimed on her visa forms that her nanny would be staying with her and would be paid USD4,500 per month (Keating, 2013). In actuality there was another contract signed between her and her employee that agreed to \$537 per month (Keating, 2013). The diplomat is being accused of visa fraud, which carries a sentence of up to 10 years (Keating, 2013). This is one of several cases being challenged in New York, for example an Indian diplomat in 2012 was charged with 1.5 million dollars due to 'barbaric treatment' and another incident charged an Indian diplomat with "forced labor of his domestic helper" (Keating, 2013).

On the other side of the globe advocacy and civil rights organizations are working to pressure the Indian government to address the very serious cases of abuse against domestic workers working in India (Krishnan, 2013). According to an article written on Australia Network News there is a shocking number of horrifying accounts of treatment of domestic workers in India,



with domestic workers estimated at around 90 million people, primarily women and children (Krishnan, 2013). Some recent accounts include the wife of a member of parliament charged with murder of her domestic worker, an arrest of a woman who physically abused her 13 year old domestic worker and another case where a “domestic help[er] who was rescued by child activists in an upscale area claimed that her nails were pulled out and that she was often beaten with a hot pan” (Krishnan, 2013). According to Rishi Kant, head of an Indian NGO assisting domestic workers:

Mr Kant says despite repeated calls for national legislation, the government has chosen to turn a deaf ear...Unsafe migration is increasing from the source area...We have already demanded to bring a national law for domestic maids... but the government has still not looked deeply into this issue...especially violence concerning the girl child. (Krishnan, 2013).

A recent ruling regarding residency permits for domestic workers living in Hong Kong sets a troubling precedence with regard to civil and labor rights for migrant domestic workers (Pak, 2013). A case initiated by a Philippine domestic worker who had lived and worked for 17 years as a domestic worker in Hong Kong challenged the existing legislation regarding migrant domestic workers, which receives migrant domestic workers only on the condition that they will return to the origin nation (Pak, 2013). The court upheld the existing legislation and denied the woman’s appeal, with a statement from the Court of Final Appeal declaring that: “The FDH [foreign domestic helper] is obliged to return to the country of origin at the end of the

contract and is told from the outset that admission is not for the purposes of settlement and that dependants cannot be brought to reside in Hong Kong" (Pak, 2013).

All these examples are evidence of a global change taking place; not just in one particular corner of the western world but across the world and women migrant domestic workers are a part of this enactment, as agents of change, not as victims. Migration is a part of who we are. Echoing Mbembe (2000), Cocco (2007) and others, we are nomadic creatures by nature and the land does not belong to its geographical lines and boundaries but rather to the stories and experiences that take place on it. In today's neoliberal globalized world, the migrant domestic worker is on the edge of societies, with partial citizenship, social seclusion, and deskilling. Some would argue that the state is protecting the rights of the migrant through its legislation, yet is it protecting their rights or is it merely protecting its asset.

For immigrants to be situated in a profession that is less than desired or lacking in skill is not uncommon. For many migrants this is a choice that is made to improve their quality of life for their entire family and for themselves. Yet when a state begins to sanction and support and profit from this move, then there have been boundaries crossed with regard to the role of the nation state and the individuated citizen. We need to think what obligation does the state have to fulfill certain demands of its citizens, and what happens when citizens find these needs elsewhere. What are the obligations of nation states to the citizens when setting bilateral agreements and what is the role of society and its institutions to support the individual subject separate from the nation state.

According to an article in the National published in August 2012, the Philippine government has a plan to phase out the “migration of maids, nannies and other household workers over the next five years” (Ruiz, 2012). Instead the government will “...aim to provide alternative jobs for household service workers, either in the Philippines or in approved countries overseas” (Ruiz, 2012). According to the Philippine Daily Inquirer “some types of domestic work, particularly in parts of Europe, were “high-paying and protective” and may be allowed to continue” (Ruiz, 2012). Singapore has an increasingly heavy reliance on the importation of domestic services, In 1978, a program called the Foreign Maid Scheme was first introduced in Singapore, this same year 5,000 migrant domestic workers entered the country legally, as of 2009, 190,000 migrant domestic workers were recorded (Wong, 2010). While the economy of Singapore relies on the existence of domestic workers it has not only failed to protect the migrant domestic worker in its country but has created a scenario of practically immanent violations and abuses, both socially and physically. What permits advanced capitalist countries loopholes with regards to human rights of the migrants working in their country, specifically in the domestic labor force. What does this signal about the host society and what does it imply on the neoliberal model.

This pattern is also demonstrated in the case of migrant domestic workers in southern Africa. There is increasing interest in understanding the patterns and flows of migration in southern Africa in correlation with the economic expansion of South Africa (Lindio-McGovern, 2009). Since 1990, migration from southern Africa to South Africa has multiplied ten fold, not in-

cluding illegal migration (Lindio-McGovern, 2009). Most of these migrants work in unskilled labor and nearly half are women, many of whom migrate to work as domestic workers (Lindio-McGovern, 2009).

That the world of domestic work is today dominated by women derives from globalised capitalist structures of and assumptions about gender and power, which have tended to prescribe and legitimate the public sphere for men, while domesticating women or confining their abilities and capabilities to the private sphere and less visible zones of the public workplace. (Nyamnjoh, 2005).

The policies of the nation-states are instilled to protect the nation-state and its “assets”, for example the Philippine government protecting the Filipina domestic service provider. Proven by the fact that there is no regard for providing a higher skilled job for the Filipina, a better plan for the Filipina and her family, but rather ensuring physical safety so that she may continue to send the needed remittances. The Filipina is still promoted to migrate to other countries to work as a caregiver in someone else’s home, yet the line is drawn, where she is physically harmed. This ignores the core issues faced by migrants and their families and only recognizes protection and preservation of the domestic labor industry and its members. The migrant domestic worker is adding to the communities they live yet this value is not matched by either the society or its government.

A global flow of domestic workers has emerged: Yet there is a conflict that lies with opposing ideological pushes in terms of gender identity.

Women are migrating for domestic work, leaving the home, and within this processes there is social significance in that she is 'leaving' the home. Yet at the same time, in her new position of employment, she is placed right back in. "The process of labor migration pushes women outside the home at the same time that it reaffirms the belief that women belong inside the home" (Parreñas, 2008:4). There is a major area of tension between migrant laws and labor laws. Labor laws are meant to provide the same rights for everyone, regardless of migration status, yet migration laws are meant to control irregular migrants out of the country (Schwenken, 2011).

Transnationalism does not exist on its own, migrants are not in an enclosed space moving from one place to another but rather transnationalism is embedding itself into the nation state and in turn in the processes of migration and the migrant (Parreñas,2001).

Dislocations are the challenges that Filipina domestic workers encounter as they navigate through social processes of migration. They are the segmentations embodying their daily practices in migration and settlement. As such, they are the stumbling blocks and sources of pain engendered within social process of migrations. (Parreñas, 2001:31).

Reflecting on Miniola (2007), Shiwy (2007) and Quijano (2005), it is important to ask if the state's push to ensure rights for their 'minority' or special category is not in essence the modern project ensuring stability through its categories, of women, migrants, domestics. Shiwy (2007) and Quijano (2005) both argue that categories of gender and indigeneity are modern

categorizations that exclude members through that categorization. Miniola (2007) argues that a minority means that you have a majority that is saying you are different from us; and in that is a position of power. Is this the nation-state's way of securing power and control - through grouping and categorization. Studying Filipina women Parreñas argues that women migrant domestic workers are essentially leaving their home "...to feed, nurture, care - in other words, to reproduce-other societies" (Parreñas, 2008:4). Yet they are not given a value worthy of this reproduction, instead they are positioned in a lesser social worth through the divisions and discriminations of race, gender, nationality and socio-economic class.

As argued throughout the thesis, following the theoretical framework of Briones, the literature review and the findings and analysis of the fieldwork, I find it evident that the women migrant domestic workers are not victims being supported by legislative changes and community organizations, but that they are the ones who are creators of their own destinies and are agents of change for themselves and their communities. They are establishing their networks of support and are working to make them grow and strengthen in power. It is this strength and enthusiasm that is the agency of the women, empowering themselves and each other; uniting together against a common oppression and working together to bring about change. In the words of one of the participants from NDWA, "It's not about treating anyone special, it's about inclusion." (NDWA, Personal Communication, October 3 2013). The investigation does not aim to group all these items together as "a simple convergence of vulnerabilities creating a bigger one or deeper one but rather it is much more complex than that and requires for it

to “be analyzed in isolation and then superimposed...Sexual subordination when one is racially subordinate is one thing. Sexual subordination when one is a wage laborer in a racist society is quite another” (Gaitskill, Kimble, Maconachie, Unterhalter, 1983:86).

During the fieldwork I worked to the best of my abilities to remove my own preconceived perceptions and ideas from the research and analysis. I observed how the organizations operated, how they organized and observed how the migrant domestic workers behaved towards each other and to myself. I tried to the best of my ability to set my own biases aside and study the participants with as little presupposed conclusions as possible. I myself am a second-generation migrant, whereby my parents migrated to the US from Egypt in the 1970s and have lived there since. My family grew up in the US, with annual trips to Egypt, our extended family visiting frequently and we only spoke Egyptian in the home. The shaping of my own identity and my own attempts to make amends between the contradictions in cultures of two nations has surely had influence in how I interpret the observations in this thesis. I have tried to the best of my ability to note that to myself and set it aside for the purposes of investigation and analysis.

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