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Afterword: Labor, Race and Temporality

Introduction

The migrant plays multiple roles in national stories: from foreigner founder to traitor, the stranger can be imagined both as threat and as opportunity for renewal¹. In the world of contemporary nation states, migration's potential to unsettle the national story is often managed by highly partial and decontextualized accounts of certain events and populations, the story of the Windrush Generation in the UK² and the Mueda Massacre in Mozambique³ being two cases in point. Yet until recently it was still possible to brand forced migration and migration studies as 'ahistorical'.⁴ Historians such as Lucassen, Gabaccia, Feldman, Hoerder as well as those represented in this volume have worked to historicize the study of human movement, but migration has 'remained on the margins of the mainstream historical discipline'⁵ while migration research has not properly engaged with historical perspectives. Social science has tended to take as a starting point that 'migration' is a contemporary social problem, and limitations associated with this perspective are compounded by the distortions of methodological nationalism, the assumption of the nation state as a container of social processes.⁶ However, there are growing efforts within the field to respond to this and to not take for granted the contingent and binary categorisations of 'migrant' and 'citizen'.⁷ When does movement become 'migration'? Whose movement is described as 'migration' and why? — such questions invite historical engagement. Recognising the specificity of the contemporary nation state form and the crucial role it plays in the production of the social category 'migrant' and tracing its

¹ Honig, Bonnie, *Democracy and the Foreigner* (Princeton: Princeton University Press, 2003).

² Jorge L. Giovannetti-Torres, "Before the Windrush: Black British Colonial Labor in Cuba and the Dominican Republic," in this volume.

³ Felipe Barradas Correia Castro Bastos, "Historical Intersections between Ethnicity, Migrant Labor and Anti-Colonialism in Mid-Twentieth Century East Africa (1950-1960)," in this volume.

⁴ Philip Marfleet, "Refugees and History: Why we must address the past," *Refugee Survey Quarterly* 26, no. 3, (September 2007): 136-148, <https://doi.org/10.1093/rsq/hdi0248>.

⁵ Julian Simpson and Eureka Henrich, "From the Margins of History to the Political Mainstream: Putting Migration History Centre Stage," in *History, Historians and the Immigration Debate: Going Back to Where We Came From*, eds. Julian Simpson and Eureka Henrich (London: Palgrave Macmillan, 2019), 15-32.

⁶ Andreas Wimmer and Nina Glick Schiller, "Methodological Nationalism and Beyond: Nation-State Building, Migration and the Social Sciences," *Global Networks: A Journal of Transnational Affairs* 2, no. 4, (December 2002): 301-334, <https://doi.org/10.1111/1471-0374.00043>.

⁷ Liisa Malkki, "Refugees and Exile: "From 'Refugee Studies' to the National Order of Things," *Annual Review of Anthropology* 24, no. 1, (November 1995): 495-523,

<https://doi.org/10.1146/annurev.an.24.100195.002431>; Janine Dahinden, "A plea for the 'de-migrantization' of research on migration and integration," *Ethnic and Racial Studies* 39, no. 13, (January 2016): 2207-2225, <https://doi.org/10.1080/01419870.2015.1124129>; Bridget Anderson, "New Directions in Migration Studies: Towards Methodological De-nationalism," *Comparative Migration Studies* 7, no. 36, (September 2019), <https://doi.org/10.1186/s40878-019-0140-8>.

historical genealogy, exposes the disruptive and generative nature of movement and offers new tools for understanding contemporary mobilities.

This rich collection of essays, read both separately and together, significantly opens up migration studies by demonstrating how historical perspectives anchor migration in other fields of scholarship and activism. In what follows I will suggest different ways in which the collection contributes to current debates on labor, race and temporalities and how a focus on human movement enables us to trace important connections between these conversations.

Labor

While recognizing the danger of lazy historical comparisons, nevertheless, I would like to start with an observation that seems so obvious that it is often overlooked: in the past as well as today, it is typically the movement of *the poor* that tends to be the focus of concern. The phrase ‘Third class passengers of the working classes’⁸ was used to describe those people required to inform the Protectorate of the Chinese of their transit through Malaya, but it also captures the kinds of people that contemporary wealthy states are eager to be seen to exclude. National Governments, Masters, Kings and Emperors long have sought to control the movement of the poor, particularly the poor who seek to engage in paid labor. Early Vagrancy Acts in Europe were concerned with ‘valiant beggars’, with the cost of labor and with ‘masterless men’, and it is hard not to see the parallels here with ‘welfare scroungers’, national labor markets and ‘social cohesion’⁹. Importantly, as this volume illustrates so well, efforts may be made to fix labor in place, but equally they also may be directed at making labor mobile.¹⁰ Movement is coerced, facilitated, prevented and channelled, even as people forge new paths, resist and deceive in order to make a living, make money, explore the world and be with loved ones.¹¹

Today, national immigration regimes typically place significant restrictions on the rights of legally resident economic migrants: they may be tied to employers, sectors or regions; they may not be allowed to marry; required to live in particular premises; deported if they do not comply with employer demands; subjected to inferior terms and conditions in comparison with citizens – yet still

⁸ Bastiaan Nugteren, “The Politics of Protection and Inter-Imperial Rivalry in the Southeast-Asian ‘Coolie Trade’: Chinese labor migration to the Straits Settlements and the Netherlands East Indies (1870-1914),” in this volume.

⁹ Bridget Anderson, *Us and Them? The Dangerous politics of immigration controls* (Oxford: Oxford University Press, 2013).

¹⁰ Rutvica Andrijsasevic, Ngai Pun, Davi Sacchetto, “Transnational Corporations and Global Labour Markets: The Case of Foxconn in China and Europe”; Jorge L. Giovannetti-Torres, “Before the Windrush”; Bastiaan Nugteren, “The Politics of Protection and Inter-Imperial Rivalry in the Southeast-Asian ‘Coolie Trade’”; Matt Withers and Nicola Piper, “Decent Wages for Decent Work: Exploitation and Labour Governance in South-South Migration”, all this volume.

¹¹ Felipe Barradas Correia Castro Bastos, “Historical Intersections between Ethnicity, Migrant Labor and Anti-colonialism in Mid-twentieth century East Africa (1950-1960)”; Radhika Natarajan, “Saving Asian Marriages: Migration, Gender and the Communal Politics of Welfare in 1970s Britain”; Jessica Plilley, “Sex Trafficking in the Motor City: The Construction of an International Deportation Infrastructure in Detroit, USA, 1924-1944”, all this volume.

this is entirely un-ironically constructed as ‘free’.¹² Mongia has argued that the political necessity of characterizing the movement of indentured laborers as ‘free’ in order to distinguish it from the slave trade was a critical factor in the emergence of consent as the distinctive element of freedom in contract law.¹³ Thus, the history of the control of labor mobility not only helps to explain the possibility of contemporary double think for migrants, but also the scaffolding of the contract of employment for citizens: control of movement is imbricated with control over labor. The volume illustrates the degree of state involvement in labor contracts via controls on migration by, for example, setting the limits of ‘tolerable’ exploitation, an involvement that continues to this day including via internationally agreed frameworks.¹⁴

States also set the legal boundaries of what counts as labor in the first place and in this way much of the social reproduction work of the household is placed outside the labor market in law as well as in social practice. Remittances both serve to tie households to immigration regimes and offer a financial currency to reproduce hierarchies of development.¹⁵ For women to be paid for work that is imagined as ‘doing gender’ can be deeply dishonourable. Sex work is a case in point, and as Pliley (*this volume*) demonstrates, for non-citizens like June Caldwell, engagement in dishonourable labor does not simply deprive a person of labor rights but also of protection from deportation. Pliley’s chapter focusses on the inter-war years in the USA, but little has changed for contemporary sex workers. In the 1990s, following the end of the Cold War there was a resurgence in concern about ‘trafficking’ which began with a focus on the movement of young women working as sex workers from former Eastern Bloc countries to the European Union. EU Enlargement in 2004 meant that EU citizen women were, like June Caldwell, relatively free to move across international borders and ‘privileged’ in immigration terms. However, also like Caldwell, sex workers can be stripped of these privileges and this is often done in the name of ‘protection’.¹⁶

Protection of refugees and of victims of trafficking makes exceptions to immigration laws that help render harsh controls compatible with human rights obligations. However, to fall within their ambit requires deservingness and acting as behoves genuine victims.¹⁷ Moreover, ‘protective’ measures can be brutal – consider for example the contemporary claims that refusing to rescue migrants in the

¹² Katie Bales, “The Proliferation of ‘Unfree’ Labor within the Global Immigration Industrial Complex”; Judy Fudge, “Governing Global Labor Migration: Compacts and Contradictions”, in this volume.

¹³ Radhika, Mongia, *Indian Migration and Empire: A Colonial Genealogy of the Modern State* (Durham: Duke University Press, 2018).

¹⁴ Eileen Boris, “Moving Workers: ILO Standards and the Regulation of Migration”; Judy Fudge, “Governing Global Labor Migration”; Giovannetti-Torres, “Before the Windrush”; Nugteren, “The Politics of Protection and Inter-Imperial Rivalry in the Southeast-Asian ‘Coolie Trade’”; Helen Sampson, “‘Beyond Borders’: The Regulation of the Living and Working Conditions of International Seafarers”; Matt Withers and Nicola Piper, “Decent Wages for Decent Work: Exploitation and Labor Governance in South-South Migration”, in this volume.

¹⁵ Penelope Ciancanelli, “Securitizing Migration: Finance and Household Reproduction,” in this volume.

¹⁶ Eileen Boris, “Moving Workers”.

¹⁷ Jessica Pliley, “Sex Trafficking in the Motor City”; Yael Schacher, “Challenging Deterrence and Delimiting Discretion: Contestation over Work Authorization for Asylum Seekers in the U.S.,” in this volume.

Mediterranean is a way of protecting future migrants from the depredations of 'slave drivers of the 21st century' as Italian Prime Minister Matteo Renzi dubbed migration facilitators. Yet most contemporary Mediterranean migrants, unlike Transatlantic slaves *want* to cross the sea, and, unlike the Atlantic slave trade, what is dubbed 'modern slavery' is condemned by states and is most definitely not a legal institution. Claims of 'protection' need to be subjected to critical scrutiny and historical parallels and comparisons may take us in unexpected directions.¹⁸

Protection of non-citizens structures exceptions to migration regimes, but protection of citizens, or indeed of 'natives' living under an imperial power is often key to the legitimacy of immigration controls, indeed some might even argue they are their *raison d'être*.¹⁹ Immigration controls are supposed to protect citizens, whether that is in the name of national security, national culture, welfare states or national labor markets. Notably in the case of the last, the emphasis has long been almost entirely on low waged work. It is generally much easier to obtain 'high skilled' rather than so-called 'low skilled' visas and while work for 'the brightest and the best' is internationalized poor work is ringfenced for citizens. Schacher describes how an apparent conflict between protection for asylum seekers and protection for citizen workers, was leveraged in the USA when FAIR challenged asylum seekers' right to work on the basis that the INS has a duty to 'protect' US workers from the economic migrant.²⁰ Acceptance of one's status as a non-worker in states like the US and the UK is a litmus test for being an asylum seeker. The legally foundational distinction between the economic migrant and the refugee is taken to mean that if a person wants to work then they must *really* be an economic migrant and therefore a bogus asylum seeker. But it also shifts discursive terrain for citizens: the emphasis on the 'right to work' (or lack of it) for asylum seekers obfuscates the political reality that, for citizens, work is often not a right but a duty. Consider for instance the fact that while EU citizens have the right to free movement across the EU, after three months they only have the right to reside in EU states other than their state of citizenship if they are engaged in 'genuine and effective' work. Moreover, in most welfare states, to access social assistance healthy and non-disabled people of working age usually must demonstrate that they are making best endeavours to find a job. While in many European countries the right to a social safety net has been regarded as one of the ultimate achievements of citizenship, in practice citizens can find that accessing this right is both difficult and humiliating.²¹

¹⁸ Giovannetti-Torres, "Before the Windrush"; Nugteren, "The Politics of Protection and Inter-Imperial Rivalry in the Southeast-Asian 'Coolie Trade'"; Jessica Pliley, "Sex Trafficking in the Motor City"; Julia O'Connell Davidson, "Slavery Versus *Marronage* as an Analytic Lens on 'Trafficking'," in *Research Handbook on Gender and Migration*, eds. Claudia Mora and Nicola Piper (London: Palgrave-Macmillan, 2021).

¹⁹ Justin F. Jackson, "Militarized Mobility: The U.S. Army and Chinese Exclusion in Cuba and the Philippines in the American Empire of 1898," in this volume.

²⁰ Yael Schacher, "Challenging Deterrence and Delimiting Discretion".

²¹ Thomas H. Marshall, "Citizenship and Social Class," in *Citizenship and Social Class*, eds. Thomas H. Marshall and Tom Bottomore (London: Pluto Press, 1992): 8 – 17; Noah Zatz and Eileen Boris, "Seeing Work, Envisioning Citizenship," *Journal of Employment Rights and Employment Policy* 18: 95-109.

Race

In the past 30 years migration studies has drifted away from race and ethnic studies. However, this is beginning to change, often inspired and informed by historical perspectives.²² This collection is an important contribution to deepening understanding of the complexity and contextuality of ‘race’ and how this intersects with mobility and the rights of citizenship/ subjecthood. The intersection between foreign-ness, racialisation and mobility is politically mobilized in multiple ways: after the Brexit vote there was a rise in violent racist attacks against Black and Minority Ethnic people as well as ‘Eastern Europeans’.²³ Giovannetti Torres describes the distinction made between ‘natives of the African continent’ and other Black peoples, most prominently British Antilleans, in Dominica’s entry and residence tax, and how this enflamed hostility to all ‘foreign’ Black people.²⁴ While race is always reducible to phenotype, it is far more complex and the relation between ancestry (‘blood’), race and nation is both fluid and overdetermined. Black people with US passports will generally find it easier to move than those with paler skin who are from Afghanistan or Iraq who are subject to the most stringent visa restrictions in the world.²⁵ At the same time, people who are negatively racialized are far more likely to be stopped at borders than others who share their citizenship, and legalities are not sufficient to immunize negatively racialized populations from racism. Imperial powers played a crucial role in racializing and legalizing differences and expanding them across the globe. After its 1898 invasion of the Philippines, US General Otis applied US Chinese exclusion laws to all non-resident Chinese labor, and Chinese labor immigration continued to be extremely limited, a move that met with support from prominent Filipino nationalists who rarely endorsed US actions in other spheres.²⁶ Yet there were also (and continue to be) efforts to resist and overcome the differences of borders and ethnicities that risk being overlooked by a methodologically/politically nationalist lens.²⁷

The shift from imperial subject to national citizen, from exclusion on the grounds of race/native-ness to exclusion on the grounds of citizenship/nationality was a critical element in the institutionalization of different rights for non-citizen workers.²⁸ As Boris demonstrates, national sovereignty particularity challenged the universalism of the (already highly gendered) category of ‘the worker’, instantiating the possibility of differential treatment between workers who were migrants and those who were not.²⁹ Fanning illustrates how assertions of national sovereignty, anti-communism and racist restrictions resulted in moving from migrant labor governance by the ILO

²² Examples include: Nadine El-Enany, *(B)Ordering Britain: Law, Race and Empire* (Manchester: Manchester University Press, 2020); Luke de Noronha, *Deporting Black Britons: Portraits of Deportation to Jamaica* (Manchester: Manchester University Press, 2020); Radhika Mongia, *Indian Migration and Empire*.

²³ Satnam Virdee and Brendan McGeever, “Racism, Crisis, Brexit,” *Ethnic and Racial Studies* 41, no. 10, (August 2018): 1802-1819, doi 10.1080/01419870.2017.1361544.

²⁴ Jorge Giovannetti-Torres, “Before the Windrush”.

²⁵ Bridget Anderson, *Us and Them?*

²⁶ Justine Jackson, “Military Mobilities”.

²⁷ Felipe Barradas Correia Castro Bastos, “Historical Intersections between Ethnicity, Migrant Labor and Anti-Colonialism”; Nandita Sharma, *Home Rule: National Sovereignty and the Separation of Natives from Migrants* (Durham: Duke University Press, 2020).

²⁸ Radhika Natarajan, “Saving Asian Marriages”; Katie Bales, “The Proliferation of Unfree Labor”.

²⁹ Eileen Boris, “Moving Workers”.

to the foundation of the IOM.³⁰ The IOM now holds a co-ordinating role in the United Nations Migration Network established to support the implementation of the Global Compact.³¹ Fudge charts how states, through UN mechanisms, have depoliticized migration and underdevelopment even as they have acknowledged a connection between them, by failing to address the decisions shaping the root causes of both: inequalities in the global political economy. The nominal equality of states whose power is in practice deeply unequal only obfuscates this inequality, an inequality which as many chapters illuminate has been hewn, resisted and fostered through human movement. Race is occluded by 'nationality', racial hierarchies by hierarchies of poverty and power but the interconnections between race, nationality and global inequalities are exposed by international migration and the intense efforts to control it.

How to both recognize differences between migrants and citizens and not reify or naturalize them is a pressing question for migration studies and activism (paralleling a similar question for critical race scholarship and anti-racist activism.³² The approach typically adopted by policy is to foster assimilation/integration as a 'path to citizenship' but some scholars and activists have argued that the core concept of 'integration' has such demonstrably racialized antecedents that it cannot legitimately be deployed.³³ In the same way that in Portuguese dominated Mozambique the native [*indígena*] could acquire civil rights through obtaining an assimilation paper [*assimilado*] via labor, language tests and financial security, so contemporary migrants are required to integrate through work (often requiring minimum salary) and language and cultural testing, thereby earning a right to stay and in some cases, citizenship rights.³⁴ The Empire has, so to speak, come home.

Time and temporalities

Migration is strongly imagined as a spatial process, its temporalities figuring as a series of discrete states: the decision, the journey, arrival, and then either settlement and citizenship or return. Time does enter migration studies, but it is through the back door, implicit in studies of mobility and the life-course, or migration and debt for example³⁵. Yet state control over length of stay is a crucial element of immigration controls. Migrant workers, today and in the past, are at the intersection of temporal controls and crucially these determine both residence AND labor rights. For workers, immigration controls can determine the length of time permitted or required to remain with an employer/in a state or the number of hours a week one is permitted to work. Perhaps one reason

³⁰ Charlie Fanning, "From the ILO to Intergovernmentalism: 'Surplus Population', Discrimination, and the Genealogy of Global Migration Management," in this volume.

³¹ Judy Fudge, "Governing Global Labor Migration".

³² cf Charles Mills *Black Rights/White Wrongs: The Critique of Racial Liberalism* (Oxford: Oxford University Press, 2017).

³³ Willem Schinkel, "Against 'Immigrant Integration': For an End to Neocolonial Knowledge Production," *Comparative Migration Studies* 6, no. 31, (September 2018):

<https://doi.org/10.1186/s40878-018-0095-1>.

³⁴ Felipe Barradas Correia Castro Bastos, "Historical Intersections between Ethnicity, Migrant Labor and Anti-Colonialism".

³⁵ This is surprising given that temporality is often a key factor in defining who counts as a 'migrant'. UN data on global migration – which are the data usually referred to when it comes to global trends – define a migrant as: "A person who moves to a country other than that of his or her usual residence for a period of twelve months or more so that the country of destination effectively becomes his or her new country of usual residence".

migration temporalities have been somewhat overlooked is because certain forms of state control over time are normalized for all residents on a territory and citizens' rights as workers are also temporally shaped. A person starting a new job even in a well unionized, formal sector, does not acquire all employment rights straight away but must generally work for a certain period. The duration of the qualifying period is typically determined in regulations rather than in law and their importance to the governance of employment is often taken for granted and not contested.

For many people across global contexts and different types of employment the managing of personal lives and relationships alongside highly insecure work are extremely demanding temporal challenges.³⁶ Withers and Piper's proposal of a temporality-precarity nexus offers a frame for thinking internal and international migration together by using the lens of time.³⁷ Building on Jan Breman's observation of the contrast between rural-urban migration of European industrialisation, which was a permanent outmigration, and the 'footloose' migration of labor in South and Southeast Asia, they demonstrate the importance of the continual circulation of workers, which does not only make for flexibility and just-in-time production, but also for difficulty in organizing and finding common class interests, a difficulty that is, as discussed above, often compounded by racism.

Immigration regimes do not only offer levers of control over workers' time, but also allow employers to select on the grounds of demographic characteristics including life-stage. While in many states it would be treated as discriminatory to select workers on the grounds of gender, country of birth or age, these factors are treated as legitimate criteria for permitting entry as migrant workers and it is quite usual for certain visa schemes to require people be of a particular nationality, gender, or age. In recent years for example there has been an expansion of youth mobility visas which set mobility within the context of a life phase associated with independence and exploration. While these schemes tend to be associated with the UK, Australia, Canada and the USA, they are in fact far more widespread with China, Chile, Peru, South Africa, Russia, Thailand, Ukraine among the states which offer visas aimed at facilitating temporary youth mobility, usually under bilateral reciprocal agreements. Youth mobility visas are generally valid for two years or less and are not renewable. Young, single and healthy while these visa holders often find themselves working in precarious work and come from other countries they are not imagined as economic migrants. Working is depicted as supplementary to expanding their horizons and experiencing a different culture which is framed as the purpose of their visit. The social relations of work are foregrounded and work is imagined as for the good of the worker making it possible to socially imagine this labor out of the labor market³⁸. In practice the work these young people do can be very removed from the carefree, group activity that is represented in the visa brochures. Olivier Max Caramin a 27-year-old Belgian national sought to extend his Working Holidaymaker (WHM) visa under Australia's 88-day law, a special provision that enables an additional year extension of stay on completion of 88 days of regional farm work in

³⁶ Eileen Boris, "Moving Workers"; Jenny Chan, "Buy with 1-Click: China's Delivery Workers in E-Commerce Logistics," in this volume; Radhika Natarajan, "Saving Asian Marriages".

³⁷ Matt Withers and Nicola Piper, "Decent Wages for Decent Work".

³⁸ Noah Zatz, "Working at the Boundaries of Markets: Prison Labor and the Economic Dimension of Employment Relationships," *Vanderbilt Law Review* 61 (2008): 857-958.

specific jobs such as fruit picking and packing or working in mining. Olivier collapsed from heat stress and died after picking pumpkins for hours in 35 degrees with no shade.

Youth mobility visas are a way of accessing a labor force that can be more tolerant of precarious work because of their life stage. While the top line requirement is age, not having dependents is usually hidden in the small print, meaning visa holders are ostensibly free of demands from elderly relatives or children. Immigration regimes can also harness the immobilising consequences of young children to employers' advantage, and some schemes require (female) visa applicants to have dependants as this is felt to make women more likely to return 'home'.³⁹

Conclusion

This volume offers innovative approaches to address the political and epistemological challenge of how to analyse migration and organize migrants without turning migrants into a social problem.⁴⁰ Attention to the multiple ways in which labor relations and social rights are constructed and governed and how these are bound up with the creation of race, of 'migrant', 'citizen' and 'worker' as categories of person, can help us escape the methodological nationalism of the assumed difference between 'migrant' and 'citizen', enabling us to see the legal and social construction of both categories.

This collection is particularly important during these pandemic times when we are seeing how category making and protection claims are creating new restrictions on mobility and re-enforcing inequalities. As of 12 October 2020, a total of 219 countries, territories or areas had issued over 98,500 travel restrictions including restrictions on entry and exit, changes in visa and documentation requirements and medical requirements world. While very few people are free of the growing complexity of international restrictions as usual, some are more enmeshed than others. Across the world we see brutal crackdowns on those on the move: boats crammed with people left to drift in the Mediterranean and on the High Seas, mass confinements in dangerous camps, deportations and immigration bans and abandonments. Researchers, activists and institutions concerned with migration and asylum have drawn attention to the parallels, overlaps and tensions between COVID movement restrictions and those experienced by non-citizens. The subjective experiences of time together with a clearer understanding and analysis of how time is a border to labor market rights, as well as attention to unevenness of distribution of the right to be mobile or to be immobile for work, can help make new connections between migrants and citizens and alert us to ways in which immigration and citizenship regimes are political matters which are of importance to all of us.

³⁹ Susan Mannon, Petty Petrzek, Christy Glass, and Claudia Radel, "Keeping Them in Their Place: Migrant women workers in Spain's Strawberry Industry," *International Journal of the Sociology of Agriculture and Food* 19 (2012): 83-101.

⁴⁰ Bridget Anderson, "New Directions in Migration Studies".