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Blacklisting as a modality of deportability: Mexico's response to circular migrant agricultural workers' pursuit of collective bargaining rights in British Columbia, Canada

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ABSTRACT

This article illustrates how blacklisting can function as a modality of deportability among temporary migrant workers participating in a programme touted as a model of ordered migration internationally, with attention to sending state action. In 2010, Local 1518 of the United Food and Commercial Workers Union applied successfully to British Columbia's Labour Relations Board to represent a group of circular migrants engaged under Canada's Seasonal Agricultural Worker Programme. Yet less than a year later, the union complained of unfair labour practices on the part of not only the host state employer and certain employees but sending state officials who select and assign workers to Canadian employers, contending that they blocked the visa reapplications of union members eligible for recall and improperly interfered in a decertification application. On account of the unique empirics available through this case, its analysis offers a window into practices which are routinely obscured but nevertheless central to how deportability operates.

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With the expansion of temporary migrant work on a rotational basis, workers labouring transnationally are turning increasingly to unions, based typically in host states, for assistance in accessing labour rights and protections. In this context, there are growing reports of the blacklisting, including on the part of sending states. Such interference with workers' exercise of their rights is, however, difficult to investigate and even more difficult to remediate since sovereign states continue to guard their ability to define membership and, accordingly, their authority over not only processes of immigration but emigration.

This inquiry attempts to fill gaps in knowledge about the dynamics of blacklisting and its significance for workers' deportability (De Genova 2010) by examining Mexican officials' treatment of a group of circular migrant workers engaged on a British Columbian (BC) farm under Canada's Seasonal Agricultural Worker Programme (SAWP). Adopting a case study approach due to unprecedented evidence surfacing in a contested application for the decertification of a bargaining unit (or cancellation of a union's official recognition —or certification—as the exclusive bargaining agent for group of employees) comprised of

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circular migrants, it explores how blacklisting can take place under a programme touted as a model of legally ordered migration internationally, with attention to sending state action.

To summarise the case: in 2010, after waging an intense struggle (Vosko 2014),[1] Local 1518 of the United Food and Commercial Workers Union (UFCW) applied successfully to BC's Labour Relations Board (BCLRB), the independent administrative tribunal enforcing provisions of its *Labour Relations Code* (BCLRC), to represent SAWP employees of Sidhu & Sons Nursery Ltd. Yet just after a first contract extending seniority and recall rights to circular migrant workers came into force, the union complained to the BCLRB. It made allegations against not only the employer and certain employees but Mexican officials who oversee the process of selecting workers and assigning them to Canadian employers, contending that they blocked the visa reapplications of a number of union members otherwise eligible for recall and improperly interfered in a decertification application. In an extraordinary move, the union attempted to call not only the host state employer and certain employees to account but Mexico.[2] In response, Mexico argued successfully that, as a sovereign state, it was immune from the proceedings of the Canadian-based BCLRB (BCLRB 2012a); subsequently, the sending state appealed, on similar grounds, first to the BC Supreme Court (BCSC) and then to the BC Court of Appeal (BCCA), to have all evidence related to its actions suppressed but it was unsuccessful in both venues (BCSC 2014; BCCA 2015).[3] Consequently, when the BCLRB heard Local 1518's complaints without the Mexican state as a party, adjudicators considered sending state officials' conduct in establishing the facts.

The ensuing investigation uses empirical material drawn from this legal case as a means of illustrating how blacklisting functions as a modality of deportability among legally authorised temporary migrant workers. Exploring openings for sending states to cultivate a climate of fear hindering workers' exercise of their labour rights and to prevent otherwise eligible circular migrants' return to host states, it unfolds in four parts. Section one frames the inquiry by exploring the distinction between deportation and deportability, proposing to enhance the analytical utility of deportability by disaggregating practices, such as blacklisting, subsumed under this banner. Section two then describes Canada's SAWP with attention to its BC-Mexico variant. Accenting the contradictory functions assigned to sending state officials, it lays the groundwork for probing how blacklisting takes place in a model programme in which government agents posted in host states (in this case, consular officials) are assigned critical responsibilities for worker protection. Against this backdrop, section three describes the blacklisting of circular migrant workers engaged on one BC farm under the SAWP and the context in which it took place. It documents how Mexican consular officials in Vancouver discouraged union involvement among circular migrant workers, through threats of blacklisting, and worked with Ministry of Labour and Social Provision (MOL) officials in Mexico to prevent perceived union supporters from returning to Canada. Section four then turns to describe and analyse the decision of the BCLRB. Ultimately, after finding insufficient evidence to substantiate the union's complaints against the employer and certain employees, the BCLRB ruled that neither party violated the *BCLRC*. In a situation in which it became evident that the sending state was a central protagonist but state immunity precluded the union from making any formal complaints against it, leaving the union with the limited option of making complaints against other elusive parties, including an employer, the Board,

however, refused to count the decertification vote due to improper interference by Mexican officials. For the BCLRB, Mexican officials' conduct amounted to an unfair labour practice affecting workers' exercise or potential exercise of rights guaranteed under the *BCLRC*. However, the only option for this host state labour tribunal was to attempt to make whole what remained of the Canadian-based bargaining unit of workers. It was unable to respond decisively to threats and acts of blacklisting, underlining its efficacy as a modality of deportability exercised by sending state officials.

The investigation concludes by synthesising insights into blacklisting offered by an analysis of documentary evidence and testimony informing the BCLRB's ruling. This synthesis underscores that the SAWP's institutionalised mechanisms for promoting 'ordered legal migration', which the global policy discourse endorses as means of stemming the flow of 'irregular migration', do not necessarily translate into positive outcomes for workers' access to and exercise of their labour rights. It is therefore incumbent on scholars seeking to deepen conceptions of deportability to adopt, where possible, critical mixed-methods to better understand the dynamics of blacklisting across borders and to use their new knowledge to advance policies augmenting temporary migrant workers' genuine mobility that affirm access to justice, rights and security regardless of migration status.

Blacklisting as a modality of deportability

In the last few decades, on account of what some term 'the deportation turn' (Gibney 2008) or the growing use of deportation in liberal democratic states, 'the removal of aliens by state power from the territory of that state, either "voluntary", under threat of force, or forcibly', has taken centre stage in migration and citizenship studies (Walters 2002, 268 citing Goodwin-Gill 1978). Consequently, a large scholarly literature is now devoted to historicising and denaturalising deportation as a form of expulsion. By emphasising that deportation involves the reassignment of individuals to states 'to which they are deemed to belong', this literature illustrates how its exercise reinforces the 'citizen state relationship and continually re-emphasizes the mutually-exclusive territorial claims on which the entire state system depends' (Collyer 2012, 277); underlining deportation's centrality to the international management of the population, it demonstrates how this form of expulsion serves as a constitutive practice of citizenship (Hindess 2000, 1495).

As Walters (2002) shows, empirically deportation is by no means new but rather exists within a wider history of political and administrative practices linked to removal. Yet the practice is gaining prominence in an 'age of migration' (Miller and Castles 2009) alongside the rescaling of state functions in many domains. Accordingly, De Genova (2010, 34) writes:

> a decidedly inverse relationship may be detected between the distinctively waning fortunes and diminishing returns of nation-state sovereignty, as such, and the exuberant attention to ever more comprehensive and draconian controls that states seek to impose upon the most humble cross-border comings and goings—and settlings—of migrants.

Such observations of states' efforts to tighten up the application of border controls for the most vulnerable migrants, many of whom are engaged in migration for employment and many of whom hold precarious residency or 'migratory' status (Goldring, Berinstein,

and Bernhard 2009), have altered the conceptual architecture by introducing a new notion, distinct from de facto deportation, but reflecting its logic, to encompass the threat of removal—the notion of 'deportability'. Coined to capture the situation of undocumented migrant workers, deportability is particularly powerful because, unlike 'deportation per se', by overcoming externalities or hard limits (e.g. formal protocols on repatriation), it renders as disposable and ultimately temporary (i.e. deportable) the commodity that is their labour power (De Genova 2002, 438). Applied to this group, the notion extends the insight that host states have at their disposal the possibility of deportation, augmenting the distinct role of migrant labour as a component of the labour supply defined by the institutional differentiation of its processes of reproduction and maintenance (Sassen 1981), to mobilise workers' insecurities to spur self-disciplining behaviour.

Typically, scholarly explorations of deportability focus on undocumented migrant workers' experiences in host states, examining, for example, host states' actions to facilitate their 'inclusion through illegalization' (De Genova 2002, 439). But, while authors, such as Mezzadra and Neilson (2013, 146), helpfully point out that 'the "illegal" migrant' is 'a deportable subject, whose position in both the polity and the labour market is marked by and negotiated through the condition of deportability, even if actual removal is a distant possibility', scholarly emphasis on the 'illegal' or undocumented migrant worker risks overlooking situations confronting temporary migrant workers whose status occupies a more liminal space shaped by the temporalisation of borders. Few studies of deportability explore in-depth the experiences of legally authorised temporary migrant workers in host states (for an exception, see Binford 2013); fewer still inquire into the actions of actors beyond host states (for exceptions, see Collyer 2012; Basok, Bélanger, and Rivas 2014). Yet temporary migrant workers, especially circular migrants threatened with dismissal (i.e. expulsion or repatriation) from future employment in the host state (Binford 2009, 508), face a unique form of deportability that may be intensified by sending state action.

Given the growing ranks of legally present temporary migrant workers stationed in liberal democratic states, inquiries are emerging into how the threat of deportation contributes to their apparent acquiescence to dirty, dangerous and demeaning working conditions. But while some such studies identify the threat of repatriation as central and raise the problem of blacklisting, deportability, and especially this central manifestation, as it confronts temporary migrant workers, has yet to be documented thoroughly or theorised extensively. Building on scholarship developing the conceptual distinction between deportation and deportability, and illuminating manifestations of that latter, this inquiry suggests that blacklisting is a modality—or 'a particular mode in which something exists or is experienced or expressed' (Oxford English Dictionary 2007)—of deportability. As it applies to temporary migrant workers with the prospect of return, I conceive of blacklisting as both the threat and act of not being permitted to return to the host state, carried out frequently, not only by host state employers but sending states and other actors, in response to workers' exercise of their labour rights or otherwise used as a means of discouraging this exercise.

In Canada, as elsewhere, blacklisting of temporary migrant workers occurs in a number of circumstances; it is practised by employers who may provide negative evaluations to 'troublemaking' workers (Binford 2009) or find other rationales for repatriation,[4] consular employees, who may flag habitual 'complainers' for officials inside sending states,

especially union supporters (Basok, Bélanger, and Rivas 2014), and by intermediaries (e.g. private recruiters or international organisations) brokering migration arrangements. Such individualised blacklisting is, however, almost impossible to document. The significance of the case study to follow thus lies in the rare glimpse it offers into actions taken against a group of circular migrant workers by officials of a sending state—in this case Mexico.

A note on method

The ensuing empirical investigation draws principally on documentary analysis of laws on the books, case law, and decisions of the BCLRB, BCSC and BCCA as well as evidence and submissions emerging through hearings conducted in the respective legal cases. However, I also conducted key informant interviews[5] with lawyers involved in the case and individuals giving testimony to contextualise the documents under study.[6]

Through the analysis of this combination of empirical material, much of which is normally hidden from view, in what follows I aim to recreate a narrative highlighting practices that would not otherwise be traceable. Together with the respective tribunals' rulings, the analysis of testimony, complemented by key informant interviews, reveals certain 'truths' about blacklisting (i.e. what it *does* and therefore what it *is*) that neither laws on the books and case law, as text, nor open-ended interviews can expose independently. That is, these critical mixed-methods seek to make visible realities linked to how deportability operates, in this case through blacklisting, which are evident to its subjects (i.e. circular migrant agricultural workers) but routinely obscured even via administrative and legal processes whose very purpose is to curb problems. They aim to 'disrupt' (Huysmans and Aradau 2013) or denaturalise commonplace understandings; in underscoring the power element in knowledge creation and authorisation, they are themselves 'acts' aiming to be productive of alternative perspectives.

Canada's SAWP and Mexican officials' contradictory roles

The SAWP is unique for both its longevity, having its origins in a programme dating to 1966, and its characterisation as a model of 'managed migration' in the global policy discourse. It is a circular migration programme entailing repeated migration experiences involving one or more emigrations and returns such that migrants are enabled to move between their countries of origin and destination country.

Recent years have been characterised by an upsurge of policy interest in such schemes because they demonstrate, in the words of Mexico's former Vice-Consul in Toronto, 'how migration can work in an ordered legal way' (Obrador as cited by Gabriel and MacDonald 2012, 104). Analysts sceptical of casting the SAWP as a model, however, argue that its 'best practices' are more properly interpreted as governing strategies (Gabriel and MacDonald 2012, 104; see also Hennebry and Preibisch 2012). Accordingly, they criticise 'indicators of programme success' for assuming a limited horizon of possibility for migrants.[7] They also highlight the limits of comparing SAWP's parameters to its US counterpart (i.e. the H2-A programme) as a means of measuring success (Gabriel and MacDonald 2012).[8] And yet, as a circular scheme, given that it is based on an intergovernmental arrangement functioning through the oversight of both Canada and participating sending states, including Mexico, even critics acknowledge that the SAWP remains desirable among workers with few

options;[9] indeed, it offers benefits superior to Canada's other temporary migrant worker programmes and greater prospects for unionisation in provinces where it is permissible by law.[10]

The segment of the SAWP programme involving Mexico operates according to a Memoranda of Understanding (MOU), outlining guiding principles and operational guidelines. This MOU, and its associated guidelines, is then translated into standard employment agreements, which coexist at the federal and provincial levels,[11] that set out terms negotiated annually by the Canadian government, employer representatives, and sending states. These employment agreements are of fixed duration but do not limit the tenure of workers' participation[12] and they involve Canada's issuance of a closed work permit, meaning that workers are tied to a specified employer. They contain various terms addressing worker protection, establishing how host state laws and policies are to apply and articulating a role for agents of the sending state, assumed to be acting on behalf of its citizens, in their oversight. Several terms common to these agreements reflect the principle, included in the MOU (Canada and United Mexican States 2001, 1(b)), that SAWP employees must receive, from their employers, equal treatment to domestic workers 'performing the same type of agricultural work in accordance with Canadian laws'. Terms related to worker protection include provisions on the scope and period of employment, accommodation, transportation, rest periods, insurance for occupational and non-occupational injury and disease, and wage levels, etc.[13]

Administratively, the Canada–Mexico SAWP is not only managed by two Ontario and Quebec-based industry associations (i.e. Fondation des Enterprises en Recrutement de la Main-d'oeuvre and Foreign Agricultural Resource Management Services), with the support of Canadian immigration and labour officials, but by Mexico's MOL, with the input of government agents (normally consular officials) stationed abroad. Whereas industry associations oversee employer applications (i.e. requests for labour), Mexico's MOL is responsible for the provision of workers. This process involves recruitment, conducted principally in rural areas, selection (i.e. for both admission and readmission), documentation (i.e. the provision of passports and visas liaising with Canadian officials), and the appointment of government agents to assist in programme oversight in Canada, including in ensuring that employers and workers fulfil their respective obligations. This last responsibility, which entails assigning government agents the dual task of ensuring that both SAWP employees and their employers adhere to their commitments, underscores a central contradiction confronting sending states: the conflict between the need to fulfil responsibilities to their own nationals and to respond to intense inter-country competition given especially Canada's de-regulation of temporary migrant work programmes in agriculture.

The Mexican MOL's role in the repeat provision of workers under the SAWP is particularly significant to participants desiring readmission, a programmatic feature favoured by employers due to their persistent seasonal requirement for reliable agricultural workers (Hennebry 2012; Preibisch 2012). Formally, such officials determine workers' future participation in the SAWP on the basis of employer evaluations in which workers are either invited back (or 'named') for the following season, favourably evaluated but not offered an invitation, or evaluated negatively. Whereas they routinely send named workers back to satisfied employers in the subsequent season, and typically transfer workers favourably evaluated to another employer, they often penalise workers with negative reports by expelling them from the programme.

As agents of Mexico responsible for local programme oversight, consular officials, who are to support its nationals abroad and protect the sending state's interest, are central to participants' evaluation for readmission. Their similarly conflicting functions thus merit emphasis: operational guidelines stipulate that, in addition to assisting Canadian regional governmental coordinators in programme administration, sending state government agents are appointed 'for the purpose of *ensuring the smooth functioning of the program for the mutual benefit of EMPLOYERS and WORKERS*, and to perform duties required … under the attached employment agreement' (Canada and United Mexican States 2001, Annex 3(e), emphasis added). In overseeing the programme, consular officials are to serve two parties with divergent interests, workers (i.e. Mexican nationals) and Canadian employers. Coupled with their knowledge that the government of Mexico depends on remittances, and presumably their desire both to remain stationed in prime postings, such as in Toronto and Vancouver, given the opportunities they afford and to protect their own (temporary) work permits or pathways to permanency (see footnote 15), this role sets up these officials' imperative to keep workers in line as they are aware that protecting the interests of the Mexican state entails promoting the smooth functioning of the SAWP for employers.[14]

Accordingly, a number of scholars have chronicled the poor treatment of SAWP employees by government agents (e.g. Basok 1999; Preibisch 2012), in some instances documenting these agents' ambiguous position (e.g. Binford 2009, 10). Yet there is limited scholarly knowledge of the *how* of blacklisting, and its contribution to circular migrant workers' deportability, particularly those seeking to exercise their labour rights. This lacunae is a product of the scarce openings for probing the circumstances under which it takes place, particularly how government agents, in conjunction with MOL officials, navigate their obligations to uphold workers' rights, in this case to unionise, while ensuring the smooth functioning of the SAWP for employers.

UFCW 1518's case to demonstrate blacklisting: exposing unspoken limits on workers' rights and protections

Evidence available through complaints of unfair labour practices and coercion and intimidation on the part of the employer and certain employees, as well as of improper interference in a decertification application, pursued by UFCW Local 1518 on behalf of a bargaining unit of SAWP employees of Sidhu, offers a rare window into how sending states use the tactic of blacklisting. In this case, which the union pursued against the employer and certain employees after the BCLRB granted Mexico immunity, the union claimed that Sidhu colluded with Mexican officials who oversee the process of selecting workers and assigning them to Canadian employers to block the visa reapplications of union members otherwise eligible for recall. It also asked the BCLRB to refuse to cancel the certification of the bargaining agent as the vote did not reflect workers' true wishes on account of improper interference (BCLRB 2014).

In adjudicating the union's complaints, with the sanction of superior Canadian courts, the BCLRB considered Mexican officials' conduct in establishing the facts. It admitted testimony and documentary evidence pertaining to its conduct offered voluntarily by former employees of its Vancouver consulate, Mexico-based UFCW employees, and a SAWP employee allegedly blacklisted. Together, this oral testimony and documentary evidence

reveals: how senior Mexican consular officials in Vancouver effectively threatened blacklisting by discouraging union involvement and suggesting that unionisation would limit migrant workers' future in Canada; how the blacklisting was carried out, specifically, how consular officials overseeing the programme worked with their MOL counterparts to prevent workers perceived to be union supporters from returning to Canada; and, how threats and acts of blacklisting constituted improper interference casting doubt on the integrity of a subsequent vote to decertify the bargaining unit.

Threats of blacklisting

In BC, on the Mexican side, the SAWP is overseen by a government agent, the Consul Coordinator of SAWP, who works at its Vancouver consulate alongside two other senior officials (the Vice Consul-Health of SAWP employees and the Consul General) and in conjunction with MOL officials in the interior, and supervises employees involved in the oversight of the SAWP locally.

In pursuing its complaints at the BCLRB, the union invited three non-supervisory employees formerly holding positions at the Vancouver Consulate to tell their stories.[15] In their testimony, former employees responsible for transfer, mediation and transport each described the anti-union atmosphere at the consulate, and characterised the Area Department Chief of Mexico's National Employment System and Sub-Coordinator of SAWP, who oversees the process of selecting workers and assigning them to Canadian employers, and 'senior officials working above them … [as] express[ing] strong anti-union views' (BCLRB 2014, para 24). Each former employee indicated further that these officials defended their anti-unionism as a means of protecting the Mexican state's stake in the SAWP, emphasising that if Canadian farmers saw that Mexican workers were unionising, they would request workers from another country instead (BCLRB 2012b, Days 4 & 7).

These former consular employees testified that they had been instructed to counsel SAWP employees to avoid unions, beginning upon their arrival, at the airport, where the former employee responsible for transport (BCLRB 2012b, Day 7) was 'to warn the agricultural workers … to contact no one at all, only the consulate, especially not to contact the [UFCW backed Agricultural Workers' Alliance (AWA)] support centres'. In overseeing the manifests, or lists of SAWP employees for BC farms, the former employee responsible for transfer (BCRLB 2012b, Day 5) was similarly required to keep track of union supporters, to monitor a radio show hosted by the local coordinator of the AWA and to direct all incoming inquiries regarding unionised farms to senior officials. This individual was also instructed to contact employers if the consulate learned that unions, were 'paying attention to … [their] farm'. In dealing with disputes, the former employee responsible for mediation (BCLRB 2012b, Day 6) also reported confronting workers' fear of employers' power such that s/he 'didn't ask for their [workers'] … name because they never gave information to members of the Consulate because they were scared that they would be put on a blacklist if they complained about their employer'.

Through such testimony, UFCW Local 1518 demonstrated how senior consular and MOL officials' actively discouraged SAWP employees' exercise of their labour rights and justified the climate of fear cultivated by the consulate on the basis that unionisation would undermine the Mexican arm of the programme, and hence participants' future in

Canada. Their testimony conveyed that senior Mexican officials viewed preventing unionisation to be central to the smooth functioning of the SAWP from the perspective of BC-based employers.

Acts of blacklisting

As the hearings unfolded, the union also provided evidence that Mexican officials blacklisted workers as a means of inhibiting their access to Canada through the SAWP. The three former consular employees testified to being taught, by the Consul Coordinator of SAWP and the Mexican-based Sub-Coordinator of SAWP, how to prevent the return of union members otherwise eligible for recall. All three witnesses recounted a February 2009 meeting with these officials during which the Sub-Coordinator of SAWP became persuaded of the threat unions posed to Mexico's future participation in the SAWP. At the meeting, this official outlined how consular employees should keep records of pro-union workers to assist MOL officials. S/he instructed the three employees that if they 'knew that a worker had been in contact with the union to let him/her know' (BCLRB 2012b, Day 5, see also Day 7). Specifically, s/he outlined how to use what is known as the SIMOL (Sistema de Movilidad Laboral or 'labour movement system'), the electronic log that Mexican officials use to track SAWP employees, to make comments about union involvement. In response to their fears that information in the SIMOL could be used to demonstrate interference with workers' rights, this official from the interior indicated that 'if you put it on the log, comment log, you can … change it', implying that the SIMOL could be manipulated to avoid potential scrutiny (BCLRB 2012b, Day 5). The Sub-Coordinator of SAWP then explained that 'the [pro-union] workers would be blocked [from leaving Mexico] and, to avoid any suspicion … [s/he] would say that the Canadian Embassy had denied them their visas' (BCLRB 2012b, Day 6).

Through this meeting and further instruction from senior officials at Mexico's Vancouver consulate, former consular employees testified that they learned how to blacklist, that is, they came to understand the mechanics of preventing the return of pro-union workers otherwise eligible for recall. They were therefore well-placed to assess, for the BCLRB, what happened to Victor Robles Velez, a recently unionised SAWP employee at Sidhu that the union claimed to have been blacklisted in 2010/2011, a story that the UFCW pieced together, and used to illustrate Mexican officials' interference, through Robles' account and written documentation, including a copy of his SIMOL record it received anonymously.

Having passed his probation, Robles had a right to continue his employment at Sidhu under the collective agreement, a fact confirmed by Sidhu. As such, he received a contract for employment indicating his expected return in February 2011. Robles then completed the pre-documentation process to the point that he was informed that a visa was waiting for him in Mexico City (BCLRB 2014, paras 12, 20, 21). The next step was for Robles to report on 27 January 2011 to obtain his final documents, including his passport with a visa allowing travel to Canada. When Robles returned home from his pre-documentation meeting, however, he reported receiving an urgent phone call requiring him to report to the MOL office in Mexico City. Upon travelling there, Robles described meeting with an official involved in coordinating the SAWP (Ener Sosa Rizo), who informed him that there was a problem with his visa because a person with his name had been caught

in the US. Sosa told Robles that his visa to Canada was blocked, and nothing could be done because the problem was between the US and Canada (BCLRB 2014, paras 13–14; BCLRB 2012b, Day 8).

In an attempt to rectify the situation and obtain a visa, Robles reported that he travelled, once again, to the MOL office in Mexico City and he spoke to an individual named Jorge and asked him to check the status of his visa. After consulting Robles' records, Jorge proceeded to ask what Robles was doing and why he was upsetting people. When Robles inquired as to what motivated Jorge's comments, Jorge told him that he knew Robles had been finding people to form a union. As a consequence, the union argued, Robles did not work for Sidhu in 2011 and offered evidence to this effect.[16]

In the interim (i.e. on 7 March 2011), the UFCW National office received an anonymous fax of the SIMOL Record for Robles. Labelled in the evidence as the 'first [SIMOL] entry', the fax included a note made under the name of Sosa on 13 January 2011 at 9:54 am, which, when translated, read as follows: 'Call received from the Consulate in Vancouver reporting that this worker will not be able to go to Canada because he is involved in union activities. Pay attention that he does not go out' (BCLRB 2014, para 16). At the request of the UFCW, with the permission of Robles, Andrea Gonzalez Galvez, a Mexican-based union employee, then made a written enquiry of the Canadian Embassy in Mexico (on 18 April 2011) concerning Robles' visa. In response, Gonzalez received a letter from Canada indicating that Robles had been issued a visa and that there was 'no record of … any problems in this case' (BCLRB 2014, para 20).

In the BCLRB hearings, the employer questioned the integrity of the first SIMOL entry by providing a copy of a different one. Specifically, it indicated that upon receiving notice that the union had filed a complaint to the BCLRB, Sidhu obtained a release from Robles allowing the Mexican government to share this information. On this basis, the employer then communicated directly with the Sub-Coordinator of SAWP, who indicated, according to Sidhu, that 'the first entry was false' and provided a transcript of the correct SIMOL entry, labelled the 'second entry' in the evidence. This entry suggested that Robles had requested a change of employer and that although he was permitted do so, Robles was required to wait for the request of another employer and advised to report to the local office of Mexico's National Employment Service to continue with the process (BCLRB 2014, para 18). When asked by the union to evaluate these entries for the BCLRB, former consular employees affirmed the validity of the first entry and raised doubt about the second. After delineating all the steps involved in establishing which workers will migrate, the former employee responsible for transfer (BCLRB 2012b, Day 5) testified that the document 'doesn't look right' as it indicates that the worker is to return to the MOL office for his visa at a point in the process where he should already have his visa having already been requested by the employer. S/he then testified that Robles was listed on the manifest and was therefore expected to arrive at the airport. However, prior to Robles' projected arrival, even though s/he routinely asked him to contact workers that were expected to travel but did not arrive, the Consul Coordinator of SAWP told the former employee responsible for transfer not to contact Robles and to indicate 'inadmissible to Canada' on Robles' SIMOL because s/he knew his visa had been denied (BCLRB 2012b, Day 5). The former employee responsible for transfer (BCLRB 2012b, Day 5) testified further that this notation is normally used in two different

situations: 'when the worker was denied a visa by the Canadian Embassy' and 'when they wanted to block the worker and had no specific reason, no real reason.'

Improper interference

There was a further dimension to the union's complaint, which confirmed workers' fear of blacklisting: improper interference with a decertification application. In pursuing this element of the complaint, the union made a twofold argument: first, it alleged that, with the support of their employer, certain employees, especially, Alfredo Lopez, a worker who had worked at Sidhu for seven years under the SAWP, used intimidation and coercion during their campaign to decertify and, second, that 'the vote took place under a climate of fear, [where] workers were blocked, and … were told not to contact the union' (BCLRB 2014, para 37).

Regarding the first argument, the former consular employee responsible for mediating disputes testified that s/he attended a meeting with Sidhu employees held in their employer-provided accommodations during which workers indicated that they wanted to decertify and asked how it was to be done. When this former employee (BCLRB 2012b, Day 6) 'went to look at another area of the house', however, ' … a worker came up and he said, " … what the workers have just told you, we have been told from Mexico. We had to tell someone, but we had no idea who we had to tell this to … "'. Upon cross-examination, this former employee underlined that 'the worker's comment was that in Mexico they had given him the instruction to decertify' (BCLRB 2012b, Day 6). In his testimony, the organiser of the decertification campaign, Alfredo Lopez, however, countered that he simply left decertification forms at workers' doors with the instruction 'sign or don't sign'. At the same time, Lopez claimed that when workers voted in favour of certification in 2008 he knew which employees supported the union but he 'was not aware that any were working for the employer at the time of the decertification vote;' through this testimony, Lopez thereby implied that Mexican officials blocked the return of pro-union workers and that their interdiction was well-known amongst the returning members of the bargaining unit (BCLRB 2014, para 8).

The BCLRB's response to the blacklisting

In adjudicating Local 1518's complaints, the BCLRB found neither the employer nor certain employees to have violated the *BCLRC* on the basis of insufficient evidence. At the same time, tacitly acknowledging the blacklisting and its role in augmenting workers' deportability, it made a finding of improper interference in a decertification vote on the part of Mexican officials. While the Board was not in a position to penalise sending state actors, it was well-placed to judge factual evidence admissible in the case. For example, in the decision, the Chair of the BCLRB compared the competing SIMOL entries offered by the union and the employer, and affirmed the validity of the former, declaring that:

> the employer argues the Second Entry reflects the intentions of Mexican officials. There is no dispute the First Entry was in the SIMOL system on Victor Robles' file. I have decided that, on a balance of probabilities, the First Entry is the true entry which reflects the actual intentions of Mexican officials responsible for administering SAWP. I have found that the Second

> Entry is a fabrication created after the fact … It is completely inconsistent with the evidence I heard … concerning the manner in which workers are processed through the SAWP by Mexican officials. (BCLRB 2014, para 61)

Even though it did not find evidence of collusion between the employer and Mexican officials permitting it to punish the former, the BCLRB acknowledged the blacklisting and implicated Mexican officials as central actors. On the basis of this recognition, the BCLRB took the only position available to it: it refused to count the decertification vote. In the Board's view of the evidence in its entirety, the true wishes of SAWP Sidhu employees were unlikely to have been disclosed due to 'improper interference by Mexican officials responsible for administering the SAWP' (BCLRB 2014, para 95). Put differently, workers' deportability, manifest sharply in the threat of blacklisting heightened by the example made of Victor Robles, hindered SAWP employees from casting their votes freely. In ruling on the integrity of the vote, the Chair of the BCLRB (2014, para 80) underlined the significance of the fear factor:

> the blocking of Victor Robles, who was identified by Mexican authorities as a supporter of the union, when viewed objectively, would have had a dramatic effect on the Union's members … more likely than not, the other employees of the Employer would be in a reasonable position to be aware of the fate of Victor Robles when they voted.[17]

In deciding not to count the vote, the BCLRB also took into account the evidence of the climate of fear cultivated by Mexico's Vancouver consulate, including a statement, read by Robles in his testimony (BCLRB 2012b, Day 8), that a Mexican-based UFCW employee made after the May 2011 press conference:

> [t]his last year we have been confronted with serious reprisals, from the Foreign Relations Ministry, through the Consulates, particularly the … Consulate of Mexico in Vancouver. What we are seeing here is a symptomatic problem, in which all of the workers who tried to organize themselves or to turn to the services provided by the Union are then blacklisted by the Consulate, this information is passed on to the [MOL] … , and what is told to the workers is: 'you can't return to Canada.' This is a punishment that is not only unfair, but also illegal, very serious against the right of association of the Mexican workers in Canada … and … [it is] also a message that is sent to the rest of the workers not to unionize … not try to defend their rights.

Nevertheless, while recognising SAWP employees' fears, the BCLRB made its own constraints clear. In responding to evidence of improper interference by Mexican officials, the Board was limited to exercising its remedial power to make whole the bargaining unit of workers concerned. As the Chair explained,

> I have no power to make any orders against Mexico to cease and desist from similar activities now or in the future, nor do I have the power to make remedial orders against Mexico, a non-party to these proceedings pursuant to the *State Immunity Act* … . (BCLRB 2014, para 81)

The BCRLB's early decisions granting the Mexican state immunity out of respect for the systemic principle of sovereignty, together with the BCSC's subsequent decision permitting the BCLRB *only* to consider the sending state's conduct in establishing the facts, meant Mexican officials could continue to blacklist with impunity under the SAWP. More broadly, it demonstrated the utility of workers' deportability in supporting the sending state's strong incentive, at odds with upholding labour rights among its own

nationals, to appease host state employers to safeguard its stature in this model programme.

Conclusion

Documentary evidence and testimony informing the BCLRB's decision to refuse to cancel the certification of a bargaining unit of SAWP employees at Sidhu due to improper interference by Mexican officials offer important insight into the dynamics of a central modality through which sending states foster deportability among circular migrants—blacklisting. Due to the dearth of evidence normally available, most accounts of the blacklisting of temporary migrant workers, including those engaged on rotational bases, and how it takes place, are partial, limiting scholarly conceptions of deportability. By allowing for the construction of a narrative inaccessible through straightforward legal or policy analysis, the empirics available in this case afford the unique opportunity to contribute to a theory of deportability starting from, and thus informed by, practice. They bring into view habits, customs and routines adopted by officials of such governments, especially agents responsible for local programme oversight, in anticipation of and in attempt to prevent, as well as respond to, workers' exercise of their labour rights.

The detection and analysis of, in this instance, blacklisting reveals important 'truths' about 'ordered legal migration' among circular migrant workers by illustrating that, by design and in operation, the SAWP permits sending state officials, presumably often working in conjunction with host state employers, to behave in unprincipled ways. It also shows how a host state labour relations tribunal can be prevented from implementing and enforcing local labour laws even after uncovering sending state actions to circumvent them. And, by disrupting commonplace assumptions, it discloses power elements in knowledge creation about blacklisting and its authorisation, underscoring the merits of expanding, where possible, analyses of practices augmenting legally authorised temporary migrant workers' deportability.

Known to be widespread but normally obscured from view, in the case of SAWP employees of Sidhu, practices of blacklisting involved sending state government officials levelling the threat and carrying out the act of removal. As a *threat*, blacklisting included government agents' cultivation of a climate of fear and discouraging SAWP employees from interacting with unions. As an *act*, it entailed doctoring official records governing programme administration to obstruct the return of otherwise eligible unionised circular migrant workers whose collective agreements extended seniority and recall rights designed explicitly to preempt unjust repatriation. This act also reinforced self-disciplining behaviour among the SAWP employees permitted to return. Indeed, after indicating that blacklisting had taken place and that Mexican officials likely contributed to a subsequent decertification application, the BCLRB went so far as to find that both threats and acts of blacklisting impeded the disclosure bargaining unit members' true wishes.

Such practices of blacklisting underline contradictions, confronting sending state officials acutely, intrinsic to schemes, such as the SAWP, touted as models. They demonstrate more specifically that, as strategies for managing migration, SAWP's 'best practices' are by no means neutral. Rather, such institutionalised programmes' mechanisms for promoting 'ordered legal migration', which the global policy discourse promotes as means of stemming the flow of 'irregular migration', can impede access to and exercise of labour rights

among workers with the prospect of return and thereby contribute to their deportability. As for immediate practical interventions, providing open work permits granting SAWP employees the ability to move within the host state labour market is a priority. So, too, are measures requiring sending states to standardise recordkeeping that prevent foul play[18] and increase accountability as well as to strengthen mechanisms for redress.[19] The spirit of such proposals reflects the urgent need to problematise the binary of permanence/temporariness, as well as its hybrid manifestations, such as 'permanently temporary' (Hennebry 2012) as experienced by SAWP employees, through both alternative temporal imaginings (Mezzadra and Neilson 2013) and collective cross-border re-framings (Latham et al. 2014). To limit the expansion of deportability, particularly modalities such as blacklisting, temporariness must be freed from an assigned inferior status or condition. In the case of SAWP employees, moving in this direction requires identifying and adopting measures augmenting workers' genuine mobility (within and across borders) directed at affirming access to justice, rights and security regardless of migration status.

Notes

1. On organizing efforts undertaken by Local 1518 with BC SAWP employees in the early 2000s, involving various growers, see Russo (2012); and Jensen (2013).
2. Although the State of Mexico formally responded in the proceedings of the BCLRB and BCSC, officials of its Ministry of Labour and Social Provision (MOL) and government agents stationed at its Vancouver consulate were principally involved in this case. By referring to Mexico, I thus by no means intend to suggest that the state is a unitary actor.
3. An analysis of the Mexican state's appeal to the BCSC is beyond the scope of this inquiry. It is, nevertheless, noteworthy that Mexico was sufficiently concerned with having its actions revealed that it took the matter to the province's highest court and proceeded with its challenge even after gaining immunity from the BCLRB and, furthermore, that the BCSC rejected the Mexican state's arguments with regard to the scope of immunity, permitting the conduct of its officials to be considered in the case against the employer and certain employees.
4. One example relates to the layoff and premature repatriation of fourteen SAWP employees at Floralia Plant Growers Ltd, a BC farm neighbouring Sidhu. But, while these employees were laid-off the day before a vote to certify their union, their employer was able to justify the layoffs to the BCLRB on the basis of poor weather conditions (for commentaries considering this case, see Russo 2012, Chap. 3; Jensen 2013, Chap. 4).
5. The research involving human subjects was approved by York University's Research Ethics Board (Certificate No. e2013–139). Qualitative interviews were taped and transcribed to ensure accuracy. Although all interviewees granted permission to use their names, given my concern with institutional dynamics, I opt to use the titles rather than the names of Mexican officials except when they are part of the narrative in tribunal proceedings.
6. This qualitative dimension was investigative; it sought to uncover the 'stories' behind the legal case and the written and oral testimony offered by the various parties. Questions posed of key informants aimed to discern actions and events which the parties identified with deportability as it is lived by temporary migrant workers with the prospect of return, by querying informants' knowledge of how workers' rights and their exercise are perceived and received and of the mechanics of blacklisting.
7. For Preibisch (2010, 104), for example, even aspects of the SAWP that make it preferable to other temporary migrant worker programs in agriculture can undermine workers' rights: foremost its promotion of legal channels for repeat migration on a temporary basis rather than pathways to permanency.
8. For a salient analysis of the H2-A program, see for example, Ness (2011).

9. As a Mexican consular employee responsible for worker transfer testified in the case examined below, three applications are typically submitted for every one position annually (BCLRB 2012b, Day 4). Moreover, SAWP employees grew from 18,696 to 29,025 of all temporary migrant workers present in Canada between 2003 and 2012, approximately 5000 of whom were placed in BC that year (HRSDC 2013, 68).
10. In the early 2000s, Canada introduced a series of highly de-regulated temporary migrant work programs, including two encompassing agriculture, that impeded unionization by: opening it up to migrants from an unlimited number of sending states; limiting the tenure of migrant workers' employment; and, permitting private recruiters that, while they do not enjoy the same immunity as sovereign nations, are less accountable in the absence of bilateral agreements enunciating workers' rights (For an incisive commentary on their introduction, see Hennebry 2008, 356).
11. Provinces (with different labour laws) have joined the SAWP at different times. BC joined in 2004.
12. They are to last a minimum of 240 hours (over a period of 6 weeks or less) and a maximum of 8 months and are only permitted between January 1 and December 15 (see e.g. HRSDC 2013, S. I, para 1 (a)).
13. The terms of the SAWP employment agreement operating in BC reflect those adopted in other provinces. As of 2015, BC SAWP employees were, for example, to receive a minimum wage (at least the equivalent of $10.49/hour), the employer was to pay for return air travel, and accommodation costs to workers were regulated (at a rate of $5.36 per day not exceeding $826.00 during a stay).
14. Direction given to consular officials under the *Vienna Convention on Consular Relations (1963)*, which Mexico ratified in 1965, also reflects and reinforces this de facto employer advocacy. By characterizing consular officials functions as 'protecting in the receiving State the interest of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law', this convention falsely assumes that sending states (as corporate bodies) and their nationals have the same interests when, for example, sending states may view unionization as a threat to their remittances bringing consular officials' roles of protecting nationals abroad into conflict with the overarching interests of the state (VCCR 1963, Schedule 2, Art. 5 (a)).
15. Two such former employees were themselves engaged initially by the Mexican consulate in Vancouver, technically a Canadian employer, under the Temporary Foreign Worker Program; indicative of their own deportability, one reported that s/he feared forfeiting prospects for permanent residency if s/he didn't comply with supervisory demands (Former consular employee. Interviewed by author. Vancouver, 26 July 2014).
16. Robles, however, did eventually travel to Canada to work on a farm that summer.

    In documenting his placement, the union indicated that, after participating in a May press conference at the Mexican Senate denouncing the blacklisting of union activists from the SAWP, Robles received a call from Mexico's MOL offering him work in Quebec (UFCW Local 1518 2011, paras 10–13).
17. Implicating the employer indirectly, the Chair (BCLRB 2014, para 80) also indicated that, '[w]hile the evidence did not point to a particular person that identified union supporters to the Consulate, it is likely this information came from someone working on the farm.'

    The BCLRB (2014, para 82) limited itself to this inference because it lacked evidence 'establish[ing] that the employer identified Robles as a supporter of the union … ' Highlighting difficulties in obtaining such 'smoking gun' evidence, a lawyer for the union emphasized subsequently that 'unions will rarely have that kind of evidence. That's something that the employer is going to hide as much as they can, if it happened' (Lawyer for UFCW. Interviewed by author. Vancouver, 25 July 2014).
18. For example, a firewall should be created between consular officials overseeing SAWP locally and MOL records of employees maintained for the purposes of their reassignment on grounds specified in bilateral and collective agreements.

19. For example, to deter blacklisting, automatic reinstatement could be provided for workers who report blacklisting unless employers and/or sending and host state officials can demonstrate otherwise.

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References

Basok, T. 1999. "Free to be Unfree: Mexican Guest Workers in Canada." *Labour Capital and Society* 32 (2): 192–222.
Basok, T., D. Bélanger, and E. Rivas. 2014. "Reproducing Deportability: Migrant Agricultural Workers in South-Western Ontario." *Journal of Ethnic and Migration Studies* 40 (9): 1394–1413.
BCCA. 2015. United Mexican States v. BCLRB (British Columbia Labour Relations Board), 32.
BCLRB. 2012a. Sidhu & Sons Nursery Ltd. [Certain Employees of] -and- Floralia Plant Growers Limited [Certain Employees of] -and- Sidhu & Sons Nursery Ltd. -and- Floralia Plant Growers Limited -and- UFCW, Local 1518 -and- United Mexican States and Consulado General de Mexico en Vancouver (February 1, 2012). BCLRB B28/2012 [Leave for Reconsideration denied 1/ in No. B26/2013].
BCLRB. 2012b. *Testimony, Sidhu & Sons Nursery Ltd. Certain Employees of and United Food and Commercial Workers International Union, Local 1518*, February 23, 24, 27 & 28. [Case Nos. 61942 & 61973].
BCLRB. 2014. *Sidhu & Sons Nursery Ltd. Certain Employees of and United Food and Commercial Workers International Union, Local 1518* [Case Nos. 61942 & 61973].
BCSC. 2014. United Mexican States v. BCLRB. 54.
Binford, L. 2009. "From Fields of Power to Fields of Sweat: The Dual Process of Constructing Temporary Migrant Labour in Mexico and Canada." *Third World Quarterly* 30 (3): 503–517.
Binford, L. 2013. *Tomorrow we're all Going to the Harvest: Temporary Foreign Worker Programs and Neoliberal Political Economy*. Austin: University of Texas Press.
Canada and United Mexican States. 2001. Seasonal Agricultural Workers Program: Memorandum of Understanding.
Collyer, M. 2012. "Deportation and the Micropolitics of Exclusion: The Rise of Removals from the UK to Sri Lanka." *Geopolitics* 17 (2): 276–292.
De Genova, N. 2002. "Migrant 'Illegality' and Deportability in Everyday Life." *Annual Review of Anthropology* 31: 419–447.
De Genova, N., and N. Peutz. 2010. *The Deportation Regime. Sovereignty, Space, and the Freedom of Movement*. Durham, NC: Duke University Press.
Gabriel, C., and L. MacDonald. 2012. "Debates on Temporary Agricultural Worker Migration in the North American Context." In *Legislating Inequality: Canada's Temporary Migrant Worker*

Program, edited by C. Straehle and P. Lenard, 95–116. Montreal: McGill-Queen's University Press.

Gibney, M. 2008. "Asylum and the Expansion of Deportation in the United Kingdom." *Government and opposition* 43 (2): 146–167.

Goldring, L., C. Berinstein, and J. Bernhard. 2009. "Institutionalizing Precarious Migratory Status in Canada." *Citizenship Studies* 13 (3): 239–265.

Hennebry, J. 2008. "Bienvenidos a Canadá? Globalization and the Migration Industry Surrounding Temporary Agricultural Migration in Canada." *Canadian Studies in Population* 35 (2): 339–356.

Hennebry, J. 2012. *Permanently Temporary? Agricultural Migrant Workers and Their Integration in Canada*. IRPP Study No. 26. Montreal: Institute for Research on Public Policy.

Hennebry, J. L., and K. Preibisch. 2012. "A model for Managed Migration? Re-Examining Best Practices in Canada's Seasonal Agricultural Worker Program." *International Migration* 50 (1): e19–e40.

Hindess, Barry. 2000. "Citizenship in the International Management of Populations." *American Behavioral Scientist* 43 (9): 1486–1497.

HRSDC. 2013. *Agreement for the Employment in Canada of Seasonal Agricultural Workers from Mexico in British Columbia*. Accessed October 8, 2013. http://www.hrsdc.gc.ca/eng/jobs/foreign_workers/agriculture/seasonal/sawpmc2013_bc.shtml.

Huysmans, J., and C. Aradau. 2013. "Critical Methods in International Relations: The politics of Techniques, Devices and Acts." *European Journal of International Relations* 20 (3): 596–619.

Jensen, H. 2013. "Unionization of Agricultural Workers in Canada." L.L.M. Thesis, University of Victoria.

Latham, R., L. F. Vosko, V. Preston, and M. Breton. (2014). "Challenges to Liberating Temporariness." In *Liberating Temporariness?: Migration, Work and Citizenship in an Age of Insecurity*, edited by L. F. Vosko, V. Preston, and R. Latham, 3–31. Montreal: McGill-Queen's University Press.

Mezzadra, S., and B. Neilson. 2013. *Border as Method, or, the Multiplication of Labor*. Durham, NC: Duke University Press.

Miller, M., and S. Castles. 2009. *International Population Movements in the Modern World: The Age of Migration*. New York: Palgrave Macmillan.

Ness, I. 2011. *Guest Workers and Resistance to US Corporate Despotism*. Chicago: University of Illinois Press.

Oxford English dictionary. 2007. Vol. 2. 6th ed. Oxford: Oxford University Press.

Preibisch, K. 2010. "Pick-Your-Own Labor: Migrant Workers and Flexibility in Canadian Agriculture." *International Migration Review* 44 (2): 404–441.

Preibisch, K. 2012. "Development as Remittances or Development as Freedom? Exploring Canada's Temporary Migration Programs from a Rights-Based Approach." In *Constitutional Labour Rights in Canada: Farm Workers and the Fraser Case*, edited by F. Faraday, J. Fudge, and E. Tucker, 81–108. Toronto: Irwin Law.

Russo, R. 2012. "Solidarity Forever, Canadians Never: SAWP Workers in Canada." PhD Thesis, University of British Columbia.

Sassen-Koob, S. 1981. "Towards a Conceptualization of Immigrant Labor." *Social Problems* 29 (1): 65–85.

UFCW Local 1518. 2011. Submission to the BCLRB (December 5).

VCCR (Vienna Convention on Consular Relations). 1963. United Nations. *Treaty Series* 596: 261–290.

Vosko, L. F. 2014. "Tenuously Unionized: Temporary Migrant Workers and the Limits of Formal Mechanisms Designed to Promote Collective Bargaining in British Columbia, Canada." *Industrial Law Journal* 43 (4) December: 451–484.

Walters, W. 2002. "Deportation, Expulsion, and the International Police of Aliens." *Citizenship Studies* 6(3): 265–292.

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