

Contents

Acknowledgements v

List of abbreviations vi

List of tables vii

1. Introduction 1

1.1 ‘Managing Migration’ 5

1.2 The Research questions 7

1.3 Socio-legal study on law, migration governance and rights..... 9

1.4 A transnational context of East African labour migration to Britain 12

1.4.1 The fragmented international regulatory framework 14

1.4.2 National context: The United Kingdom 17

1.4.3 Sectoral context: Healthcare..... 20

1.5 Rationale of the study 24

1.6 The narrative of the book..... 25

2. Literature Review: The governance of international migration 28

2.1 Governance of migration and its nexus to development 28

2.2 Governmentality and role of law in migration regime studies 33

2.3 Conclusion 40

3. The Socio-legal theoretical framework of the study 41

3.1 Critical theories on law and racialisation 42

3.2 Intersectionality and belonging 45

3.3 Role of law in the stratification and subjectification of migrants..... 46

3.3.1 Civic stratification of migrants and their rights 49

3.3.2 Subjectification of migrant workers 52

3.4 Legal consciousness 55

3.4.1 Transnationalisation of rights claims and legal pluralism..... 58

3.4.2 Collective action and litigation with civil society 63

3.5	Conclusion	64
4.	Methodology and methods.....	66
4.1	Reflections on socio-legal research	66
4.2	Qualitative research methodology and methods.....	68
4.2.1	Thematic historical analysis of policy documents	71
4.2.2	Transnational case study and field observations.....	73
4.2.3	Semi-structured interviews.....	74
4.2.4	Ethical considerations and overcoming limitations	76
4.3	Conclusion	78
5.	Racialisation practices in legislation and migration governance	79
5.1	Racialised immigration to Great Britain under labour migration programmes.....	80
5.1.1	Colonialism, racialisation and curtailing immigration.....	82
5.1.2	Tracing racism in the evolution of the Points-Based System.....	88
5.2	‘Managing migration’ and restricting migrant rights	97
5.2.1	A points-based system for non-European Economic Area workers	102
5.2.2	Anti-racism legislation and differentiation of migrants	106
5.2.3	Crisis and caps on non-European Economic Area labour migration	110
5.3	Conclusion	113
6.	East Africans encounter the tiered points-based system and law	115
6.1	Negotiating visas and ‘borders’ to the labour market in Britain	116
6.1.1	Migrant lives governed by immigration law	122
6.1.2	Borders and criminalisation in migrants’ daily lives	130
6.2	Labour rights and discrimination in the workplace	134
6.2.1	Legislated precarity and restricted rights before the law	142
6.2.2	Hybrid responses to discrimination.....	152
6.3	Conclusion	156
7.	Migrants’ rights claiming, resistance practices and strategic litigation.....	158

7.1	Rights consciousness and playing the game of law.....	158
7.1.1	Migrants' responses to verdicts of migration bureaucrats	167
7.1.2	Resisting precarious status via permanent residence and return migration	170
7.2	Migrant communities and collective organising	174
7.2.1	Strategic litigation: The 'Highly Skilled Migrant Programme' campaign.....	182
7.2.2	Appeal to international rights norms.....	186
7.2.3	Discussion: An East African legal consciousness of collective dissent?	193
7.3	Conclusion.....	196
8.	Conclusion	198
8.1	A critical race perspective on migration governance	198
8.1.1	Contribution to the legal consciousness and rule of law debates.....	201
8.1.2	Migrant subjects' position in international law and rights movements	204
8.1.3	Future research and concluding remarks.....	206
9.	Bibliography	209