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Hacking migration control: Repurposing and reprogramming deportability

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Abstract

What sort of political actors are international migrants? This article approaches this question by studying how migrants move between legality and illegality. We have struggled to understand the political content of this behaviour, because we have viewed it as either an attempt to gain the state's acceptance as quasi-citizens or an attempt to autonomously subvert the state. However, migrants are more ambivalent political actors than either of these perspectives suggest. We argue that the political content of migrants' efforts to move between legality and illegality can be better understood as a form of 'hacking': the 'repurposing' of institutionalized forms of political status in ways that compel the 'reprogramming' of systems of control. In order to develop this argument empirically, we draw on ethnographic research on the governance of migration between Myanmar and Malaysia.

Keywords

Citizenship, deportation, hacking, Malaysia, migration, Myanmar

Introduction

What sort of political actors are international migrants? In this article, we approach this question by studying how migrants 'hack' regulatory frameworks by switching between authorized/legal and unauthorized/illegal status.¹ Our inquiry shows that while some migrants seek a government's authorization to work and reside within its jurisdiction, at other times the same migrants may act in ways that nullify or void their rights to do the same. We have thus far struggled to understand the political content of such behaviour because migrant politics has often been understood either as an

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attempt to move forward on a pathway to citizenship or as an attempt to work and live outside of formal systems of control. However, migrants are not necessarily motivated either by the goal of achieving legal status or by their opposition to ‘the state’ or ‘the law’. Instead, they may move between legality and illegality in order to achieve the most suitable balance between their personal objectives and security. In this process, migrants view legal status and documentation within a broader context of ‘power, protection and support’ (Lawreniuk and Parsons, 2017: 365; see also Selby, 2012). We argue that the political nature of this behaviour can be better understood as a form of ‘hacking’: the repurposing and reprogramming of institutionalized forms of political status in ways that both destabilize techniques of making migrant populations governable and enable migrants’ personal pursuit of their life goals. Migrant politics, then, is not just about working within ‘the system’ or against ‘the system’, but also about hacking the system by moving in and out of formal and informal worlds.

The central premise of our study is that the defining characteristic of the international migrant population as a political grouping is ‘deportability’ (De Genova, 2002), which we understand as the condition of being liable to deportation.² While deportability has most commonly been studied in the context of migrant ‘illegality’ (De Genova, 2002), scholars have increasingly come to recognize that deportability is a condition that applies both to (a) unauthorized/‘illegal’ migrants – those international migrants who may be arrested, detained and deported by virtue of their lack of formal authorization to enter, remain and work in a given country – and to (b) authorized/‘legal’ migrants – those international migrants who may be arrested, detained and deported by virtue of violating the temporal, spatial and other limits placed on their authorization to enter, remain and work in a given country. The inclusion of this second group within the category of deportable populations alerts us to the precarious position of both authorized and unauthorized international migrants (see Menjivar, 2006 on ‘liminal legality’; Nah, 2012 on ‘hierarchies of rights’; Nyers, 2019 on ‘irregular citizenship’; Standing, 2014 on ‘denizens’). While migrants’ experiences of being deportable may vary significantly according to their current circumstances, deportability constitutes a broadly applicable condition that gives migrant politics its specific character and frames how migrants (as contrasted with permanent residents and citizens) relate to political institutions and powerful actors.

There are three key reasons why this specific understanding of deportability is important. First, we have the fact that some of the everyday decisions that international migrants make can have implications that are far more significant than those of similar decisions made by non-deportable people. More specifically, international migrants can make themselves vulnerable to ‘legitimate’ violence (Beetham, 2013)³ by doing some utterly ordinary things: remaining in the same place, changing their job, moving to be with a loved one; acts that citizens would regard as protected by inviolable rights. Second, this understanding of deportability helps us to see migrants’ actions as expressions of their preferences during different points in the migration process. More specifically, when migrants decide to be authorized or unauthorized, they weigh the value of immediate exposure to deportation (unauthorized migration) against delayed exposure to deportation (authorized migration) (De Regt, 2010; Franck and Anderson, 2019; Garcés-Mascareñas, 2012, 2015). Third, when we begin to see migrants as neither walking the path to citizenship nor navigating around, circumventing and disrupting formal institutions, but as consistently making the choice to move between these two forms of action, the latent political power of migrant decision-making becomes more evident. In particular, we can see how it creates demands upon – and challenges for – efforts to render migration governable and profitable, without having to assume that a coherent form of mobilizing agenda lies behind migrant activity.

In order to develop this argument empirically, we draw on ethnographic research on the governance of migration between Myanmar and Malaysia. We specifically focus on the counterintuitive

observation that migrants consistently decide to become illegal (despite increasing efforts to promote authorized migration between these two countries), exposing themselves to the immediate risk of arrest, detention and deportation. Our findings suggest that migrants take these decisions in order to improve their lives and protect themselves from different forms of violence. While this way of practising security (Innes, 2014, 2016) may be personally ill advised, it may also be cumulatively impactful: confounding the governing strategies of those who profit from the provision of protection or execution of violence – including political elites, ordinary officials, employers, smugglers and other private agents – and compelling those same actors to rethink and refine the methods they use to control migrant mobility and labour (Vigneswaran, 2020). For these reasons, we argue that migrants consistently ‘hack’ the condition of deportability: repurposing its illegal and legal forms towards their own ends. Moreover – to extend the analogy – these efforts might compel those with an interest in controlling migrant mobility and labour to ‘reprogram’ governance frameworks in ways that are more amenable to migrant freedom and choice. On the basis of these findings, we argue that ‘hacking deportability’ constitutes a powerful demonstration of the latent political power of migration and a starting point for a broader conversation about how migrants’ power may be better harnessed in the pursuit of less violent and exclusionary forms of governance.

Migrant politics: Appealing for citizenship or autonomously subverting states?

Migrants’ attempts to claim the rights attached to citizenship have reshaped what political belonging now means in many contemporary states (see, for example, Balibar, 2009; Bauböck, 2006). Research on this form of migrant politics commonly defines migrants’ political subjectivity in relation to their lack of citizenship and then seeks to explore how migrants challenge the legitimacy of the rationales used to justify their exclusion from the demos (nationality, race, ethnicity, religion, etc.) while seeking to claim, extend or forge rights that address their specific needs (right to dual nationality, freedom of religious expression, freedom from discrimination, freedom of movement, etc.). The idea that migrant politics can be understood in these terms – as forging a ‘pathway to citizenship’ – is not merely something imagined by researchers or NGOs, but something that has been dreamed up by politically active migrant collectives and organizations. Research on the pathway to citizenship commonly focuses on migrants’ efforts to pursue outcomes within formal political organizations and/or social movements in Europe and North America, with ‘Dreamers’ and *sans-papiers* movements being the most common examples (e.g. Barron et al., 2016; Nicholls, 2013). In these liberal democratic contexts, migrants and minority groups – even those without legal status – have been relatively free to organize, have been able to lay claim to various rights-bearing statuses (e.g. citizenship, refugee status and permanent residency), and have been able to guarantee protection of these rights through relatively transparent and effective administrative and judicial procedures.

In these ‘liberal’ states of Europe and North America, there have always been significant differences between the political interests and agendas of various migrant groups, because this ‘pathway to citizenship’ is not open to all. While some migrants who have established a minimal set of claims to status within democratic states remain realistically hopeful of eventual citizenship in, and protection by, the state, another class of migrants, designated variously as failed asylum-seekers, illegal migrants, undocumented workers, guest workers, etc., have focused their efforts on securing protection against a violent and ever-expanding migration control apparatus. The political acts of these groups are often – at face value – quite different from those of more established migrant minorities. Acts like hunger strikes, sewing one’s lips shut or mutilating one’s fingers in order to go unidentified can – with some imaginative recoding – be represented as appeals for the pathway

to citizenship to be opened, but it is not clear that they can be meaningfully reduced to this sort of claim. It is even less clear how the more everyday manner in which migrants seek protection from the forms of violence legitimated by the state (arrest, detention and deportation) can be meaningfully understood within a 'citizenship' frame.

For these reasons, many scholars have looked beyond the concept of 'citizenship' to understand the political nature of migrant behaviour. Much of this work takes place under the rubric of the 'autonomy of migration', which – as the label suggests – defines migration as an independent political force and explores the new sets of political practices and institutions generated by migratory processes and migrant subjectivities (Bojadžijev and Karakayalı, 2010; Casas-Cortes et al., 2015; Mezzadra, 2010; Papadopoulos and Tsianos, 2013; Scheel, 2019). The term 'autonomy of migration' does not refer to a theory of migration politics. Instead, the concept may be better understood as a broad network of researchers and advocacy groups who adopt a common set of assumptions about migration politics and seek to develop new ways of describing it. Echoing some of the themes in 'migrant agency' (Innes, 2014; Mainwaring, 2016; Squire, 2017) and 'migrant aspiration' scholarship (for a review see, Carling and Schewel, 2018), the autonomy of migration literature conceptualizes migration as relatively independent of underlying material structures, and as driven by migrants' individual desires, hopes and initiatives. This work is specifically interested in the manner in which migrants' autonomous efforts to pursue their goals has been actively contesting and reshaping the infrastructure, agents and institutions designed to control migration, with a specific emphasis on border zones as sites of contestation, innovation and change. Whereas immigration control has commonly been seen as a form of migrant subjugation, these researchers demonstrate how migrants' acts of subversion, evasion and or escape compel the continued redesign and reformulation of immigration control policies and practices. In the words of Casas-Cortes et al. (2015: 895):

The autonomy of migration refers to a rapidly developing series of ideas . . . in migration studies in which the focus has shifted from the apparatuses of control to the multiple and diverse ways in which migration responds to, operates independently from, and in turn shapes those apparatuses and their corresponding institutions and practices.

In the autonomy of migration literature, we particularly note the utility of the idea of 'escape', developed by Papadopoulos et al. (2008: 43) to refer to acts of 'escape, flight, subversion, refusal, desertion, sabotage, or simply acts which take place beyond or independently of existing political structures of power'. When viewed through this lens, migrant efforts to evade, subvert or move outside of migration control processes acquire latent political potential. Either they create a form of political subjectivity that is outside of and alternative to the dominant political order, or they compel actors seeking to exert control over migrants to reinvent or extend their chosen strategies, thereby upsetting and reshaping the dominant order. Our original empirical observation that migrants routinely make themselves deportable becomes more understandable when we see this act as a form of 'escape'. When migrants act in ways that annul their authorized status, they may not be simply resigning themselves to exclusion, but potentially escaping institutions of migration control, and thereby reshaping these same institutions.

The concept of 'escape' captures one side of the form of political agency that we describe in this article as 'hacking'. However, in giving primacy to the efforts of migrants to move outside of sovereign and territorial political frameworks and institutions, the idea of 'escape' does not incorporate acts that involve the reverse: when migrants move back 'out from the shadows' and into formal institutional arrangements and protections. Anne McNevin (2013) detects this shortfall in her critique of the autonomy of migration literature. She joins with this literature in recognizing that

citizenship discourses struggle to describe the full gamut of migrant politics, but argues that it is too quick to dismiss the strategic value of citizenship frameworks within migrants' broader political agendas and plans. Instead, she asks us to pay attention to the latent political potential of migrant 'ambivalence': 'an expression of that part of political struggle that anticipates (without necessarily naming) the dissonance between what may be emerging as thinkable and possible on the one hand and the limits of existing analytics (including citizenship) on the other' (McNevin, 2013: 198). What we take from McNevin is that it is precisely migrants' capacity to *opt between* conventional, citizenship-based registers of political mobilization *and* subterranean, informal and insufficiently understood alternatives, rather than opting out of one or the other, that empowers them to constitute new and meaningful modes of political existence.

If McNevin's 'ambivalence' speaks to the empowering character of migrants' non-committal disposition towards political institutions, our concept of 'hacking' refers to the active playing out of this disposition in people's concrete efforts to live and prosper through migration. More specifically, migrants do not simply retain a conceptual or philosophical ambivalence towards citizenship or – what we may see as its precise opposite – deportability. Their ambivalence is actively played out in the way that they *tactically* shift between legal and illegal migration regimes (Coutin, 2003; Moulin and Thomaz, 2016), comparing and contrasting the relative value of such choices to the pursuit of protection and their life goals, and in so doing consistently resisting efforts to neatly delineate between insider and outsider.

The analogy between migrant politics and 'hacking' information technology

We can better understand migrants' tactical orientation towards systems of inclusion/exclusion and control by drawing an analogy to 'hacking'. The term 'hacking' first gained popular and public attention as a reference to a specific subset of 'hackers' who sought to manipulate large-scale IT infrastructure in a combination of nefarious, juvenile and anarchic activity. However, the concept has since been stretched out to refer more generically to a wider range of "'do-it-yourself" attitudes towards manipulating information technology' (Jordan, 2017: 532). The term 'hacker' no longer exclusively refers to people who can code, but has come to be seen as a much more widely practised creative orientation towards a world that is ever more saturated by technology, non-human actants and algorithmic decisionmaking. In this vein, 'hacking' can be meaningfully used to describe acts of manipulating genetic code, generating tools to freely disseminate confidential government information, or even working out ways to repurpose your cookware, relationship or personal fitness routine (popularly referred to as 'life hacks').

At the risk of contributing to this ongoing stretching of the concept, we believe that there are three 'resonances' within the analogy between information technology 'hackers' and the nature of migrants' political subjectivity. The first resonance is to the tendency of hackers to *repurpose* systems to their own ends. For Jon Erickson (2008: 1), this is the 'art' of hacking: 'finding unintended or overlooked uses for the laws and properties of a given situation and then applying them in new and inventive ways to solve a problem – whatever it may be'. While the term 'hacking' has been primarily used to speak about those who seek to repurpose highly sophisticated forms of information technology, it has also been used to refer to more simple repurposing of designed systems, such as the hacking of IKEA furniture systems to create custom-built home-design solutions (see, for example, ikeahackers.net). In this article, we are particularly interested in how migrants take the status-designation systems that have been designed for the purposes of limiting the conditions under which they can move, work and remain within a given territory, and then utilize them to

pursue their own goals and plans. Our concept of ‘repurposing’ draws directly on Stephan Scheel’s research into migrant efforts to fraudulently acquire Schengen visas. He notes that, from the migrants’ perspective, ‘the falsification and manipulation of supporting documents constitute attempts to repurpose these devices of control into means for appropriating mobility’ (Scheel, 2018: 2754; see also Cabot, 2012 and Franck, 2017 on the repurposing of documents).

The second resonance is with the way hackers mobilize. Hacker communities do not unite around a common cause, but rather collaborate through the *sharing of practical knowledge*. While various attempts have been made to ground ‘hacking’ within conventional strands of political thinking or behind a consolidated platform (Coleman, 2013; Goode, 2015), hackers appear to coalesce around means and to diverge upon ends. In the words of McKenzie Wark’s (2004: 6) manifesto, ‘the slogan of the hacker class is not the workers of the world united, but the workings of the world untied’. We see analogous forms of coherence and dissonance within migrants’ efforts to ‘hack’ regulatory systems. A consistently updated series of ‘hacks’ (routes to take, agents to contact, methods of concealing identity, strategies for engaging with public officials, etc.) are consistently and speedily passed along migrant networks. Migrants then utilize this knowledge to achieve a cacophonous range of individual, esoteric and sometimes conflicting ends. This notion of migrant politics as based on a ‘logic of doing’ bears resemblances to what Sander Mensink (2019: 5) describes as ‘prefiguration’: ‘actively living out the change one would like to see and alternative life worlds yourself’. From this perspective, migrants can be anarchical agents without necessarily self-identifying as ‘anarchists’ and can pursue liberty without necessarily self-identifying as ‘libertarians’. This, however, does not make their actions less ‘political’.

The third resonance is with how hacking impacts those actors who use systems for the purpose of control. Hacking consistently impels those who design information systems to re-engineer their systems. Erickson believes there is a linear developmental process at play here, whereby hacking promotes the constant improvement of computing systems: ‘just as the speedy gazelle adapted from being chased by the cheetah, and the cheetah became even faster from chasing the gazelle, the competition between hackers provides computer users with better and stronger security, as well as more complex and sophisticated attack techniques’ (Erickson, 2008: 4). Others may see more dystopian futures wherein hackers destabilize the capacity of computer systems to function or security systems are increasingly engineered in ways that render everyone an object of suspicion and every object a property to be owned. What we gain from this part of the analogy is an insight into the restless – if not necessarily determined or linear – impact of migrant activity on systems of migration control.

For some, migrant actions are impactful for the same reasons that informational hackers generate change. For example, Stephan Scheel’s (2018) line of thinking echoes James Scott’s (2020) understanding of the state as fundamentally concerned with the art of making populations legible. His study explores how the efforts of migrants to fraudulently claim visas to enter the European Union compels state actors to consistently redesign their means for identifying and categorizing migrants into wanted and unwanted groups. Others have opened up alternative explanations of this disruptive power. For example, Vicky Squire (2015) refers back to Hirschmann’s concept of ‘exit’ in order to explain why – in her words – acts of ‘desertion’ impact political orders. In this formulation, migrants impact political institutions by ‘voting with their feet’. Here, politics is framed as a market in which actors compete for members. While one way in which people can express their dissatisfaction with a given political arrangement is by ‘voicing’ their disputes, another option is to simply seek governance or protection elsewhere. This understanding of hacking as ‘exit’ connects well with the tendency of autonomy of migration scholars to conceptualize deportability as a form of labour control, raising the prospect that the physical withdrawal of labour through mobility or ‘flight’ can be a way for migrants to exert agency vis-a-vis powerful frameworks of migrant labour

control and exploitation. When migrants move between authorized and unauthorized status, they also redistribute their manpower, enabling and disabling those who profit from the value that they produce. In this third way, hacking has the potential to compel a ‘reprogramming’ in systems designed to control migrant mobility and work. While migrant hacking of the condition of deportability may not clearly result in either more open migration policies and practices, or more draconian systems of control, it is clear that hacking plays a crucial role in the nature, timing and design of such changes and in this way provides us with an alternative way of bringing back migrant behaviour into the understanding of change in such regimes of control.

Research context, methodology and ethics

Thus far, we have proposed that the concept of ‘hacking’ offers a means of capturing the manner in which migrant ambivalence towards existing systems of rule becomes an active and potentially transformative engagement. We now attempt to illustrate the potential purchase of this conceptual framework through the in-depth narrative of one Myanmar national’s decisions to move in and out of legal status in Malaysia. While we have chosen to present a single individual’s narrative here, his experiences must be placed within a broader set of empirical research and data that we have deployed to understand and contextualize his story. Over the past decade we have conducted two parallel inquiries into the politics of migration in Southeast Asia, and particularly in Malaysia and Thailand, the two primary destination countries for Myanmar migrants in the region. On the one hand, and as will be detailed further below, we have ethnographically explored the migration of Myanmar nationals to Malaysia and the efforts of individual migrants to navigate systems of governance and control. On the other hand, we have studied, primarily through in-depth interviews with Myanmar migrant workers applying for permits at the Department of Labour, the efforts of Thailand’s government to control unauthorized migration.

This article primarily draws upon the empirical study in Malaysia, which was conducted between 2012 and 2016 in the Burmese migrant community in the city of George Town, the main city on the island of Penang off the northwestern coast of Peninsular Malaysia. This study was ethnographic, deploying participatory observations and recurring interviews. In the participatory observations, we ‘shadowed’ the everyday activities of migrants in the different spaces they inhabited (homes, workplaces, shopping malls, food courts, etc.) and engaged in more informal exchanges within the larger Burmese community. Through the recurring interviews, we recorded the in-depth narratives of 32 migrants in George Town. These interviews varied in character, depending on the particular circumstances of the respondents at the time, but were mostly semi-structured, with a set of more general questions directed at the migrants’ journey to, and stay in, Malaysia, as well as questions regarding the spatial, social and legal tactics that they employed in everyday life. As a means to capture migrants’ spatial tactics in urban space, we also worked with ‘mental mapping’, whereby the respondents were asked to draw maps of the city and mark the places they associated with safety/danger (Franck, 2016).

We follow feminist scholarship in suggesting that politically engaged fieldwork that is both ‘materially grounded, and institutionally sensitive’ remains an important tool for the production of knowledge that is relevant to those that feature in the research (Sultana, 2007: 375; see also Nagar, 2002). Conducting ‘ethical participatory research’ necessarily involves critical reflection around issues of positionality and representation (Sultana, 2007). Other key concerns here were the risk of exposing a group of people that put considerable efforts into staying out of sight and the potential ramifications of exposing the tactics they pursue in order to achieve this. While connecting with local academics and activists helped address some of these issues, our main source of information about how to ensure safety and avoid harm was migrants themselves. This dialogue with our

respondents occasionally led to changes in the planned fieldwork (such as not visiting particular places during particular days and hours owing to the presence of the police), but the general message conveyed by the migrants was that our presence did not put them at (further) risk and that there was very little conveyed in their stories that the authorities were not already aware of. In fact, most of the ‘hacking’ practices revealed in the interviews already feature in public debates around migration in Malaysia, including migrants’ tactical moves between authorized and unauthorized status and the corrupt practices in immigration policing (Franck, 2019). One of the most interesting aspects of the conversations around risk and harm was, however, that several migrants explicitly objected to the idea that our research results would primarily be of interest to the Malaysian authorities. Rather, many assumed that migrants would be the principal audience. For example, during a discussion on the potential ramifications of producing mental maps with one of the migrants, his somewhat puzzled response was that data around which places migrants experienced as dangerous would be very helpful to the broader migrant community: ‘You can make a map so that migrants know which places to avoid!’ While the maps drawn by the respondents in this study did not include information that would easily translate into such a map, his statement is interesting for the way in which it echoes one of the key questions in feminist debates around research ethics: for whom are we actually writing? (Nagar, 2002: 179).

In the coming sections, we focus on the narrative of Lwin, a migrant worker from the Mandalay region in central Myanmar. When we met Lwin for the first time, he was working in an open-air food court in northern Penang. Lwin had spent several years in Malaysia and earned a university degree from his hometown in Myanmar. Hence, we were able to communicate with him quite freely in English. While our meeting with Lwin in the food court that evening was incidental, we would come to more regularly follow his stay in Malaysia over the coming four years. Since Lwin left Malaysia in 2015, we have remained in contact via phone and social media and have conducted several follow-up interviews. While the empirical narrative we have recorded with Lwin spans a plethora of themes and experiences, our focus here is on how he ‘hacked’ the legal framework in order to secure his objectives and avoid exploitation and violence. In telling his story, we will place emphasis on the particular decisions he made, their rationale, and the resources required to pursue them, as well as their, often temporary, outcomes.

We have selected Lwin’s story for this article because of its particularly rich detail. However, his experiences are far from unique. Quite to the contrary, they bear a striking resemblance to the stories of the many other Burmese migrants we interviewed in Malaysia as well as in Thailand. The rich narrative that we have been able to record with Lwin, however, permits us to focus attention away from the palpably unjust and extremely harsh conditions he was attempting to navigate (i.e. his ‘victim story’), towards the more specific character of the agency he exerted when taking the decision to move between one legal status and another (Augustín, 2003). As Innes (2016: 265) contends, attention to this single narrative thus helps us highlight Lwin’s choices as well as the ‘moments of negotiation with state power’ that he experienced during his migrant trajectory. These moments speak not only to migrants’ individual room to manoeuvre but also to ‘the limits of state power’ in controlling and disciplining the migrant workforce (see Mainwaring, 2016: 303).

Coming to Malaysia

As with most other Myanmar migrants that we encountered in Malaysia, Lwin’s decision to look for employment overseas was motivated by the need to support his family. Considering the possible destination countries, Lwin concluded that Malaysia was the best option. In Thailand, the salaries were simply too low, and going to Singapore, or even the Middle East, was far too expensive. In the largely privatized system of recruitment used in Malaysia (Low, 2020), commercial brokers

and outsourcing companies are a crucial means for Myanmar workers seeking a legal pathway to the Malaysian labour market. The services that they provide are expensive, and in order to pay the agency's RM 2700 [US\$660] recruitment fee, Lwin had to borrow money from his relatives.

Lwin's story of what followed upon his arrival in Kuala Lumpur a few months later represents a fairly common account of the situation facing newly arrived migrant workers in Malaysia. Already in the airport, the outsourcing company confiscated the passports of Lwin and his fellow workers, before they were transported to their designated place of work, a factory producing stationery in the Bayan Lepas industrial zone on the island of Penang. Upon arrival at the factory, the workers discovered that 'many things were different' from what they had originally been promised by the agency in Myanmar. A major difference was the salary. As Lwin explained: 'Before we came to Malaysia, the agency promised us a salary of at least 750 ringgits [US\$185], but when we were here our salary was 475 ringgits, so it was quite different.'

The options available to migrant workers placed in this type of situation are severely limited, given that their stay in Malaysia is sponsored by a designated employer. What this means is that they are not allowed to change their employer (or employment sector) once they have arrived in the country – and 'upon termination or completion of employment' the employer 'must ensure that foreign workers are deported to their origin countries' (Immigration Department of Malaysia, 2020). Given that most workers have placed themselves in considerable debt in order to cover the cost of migrating, resigning and facing immediate deportation is, for the most part, not a viable option (Bélanger, 2014; Lê, 2010). In Lwin's own words:

We had paid 2700 ringgits [in recruitment fees] . . . and this money was not ours. We had borrowed it from other people, so we have to pay it back. . . . When I was in Myanmar, my salary was 200 something ringgits [per month, US\$50] – so, for how many years would I have to work to pay off that debt? And during that time my family cannot survive!

Lwin and his colleagues tried to find ways out of this situation by negotiating with management and seeking the advice of the more experienced workers from Myanmar in the factory. However, these colleagues offered little guidance on how they might change their circumstances.

For our purposes, there are several important – and interconnected – aspects of the story so far that are worth noting. The first relates to how deportability is a key feature of authorized migration in Malaysia (Garcés-Mascareñas, 2015), where the simple act of leaving/changing your employer is made into an offence that results in immediate deportation. Second, even when migrants have experienced deception and fraud during the recruitment process, they have limited 'voice' – in the sense of a capacity to appeal to a higher authority that is both capable of ensuring the protection of their basic rights and willing to do so (see, for example, International Domestic Workers Federation [IDWFED], 2018). Third, while our focus here is on the ways in which migrants 'hack' the regulatory framework, in situations like this, not every migrant is able to take action to improve their situation. Rather, many workers have to accept the conditions offered to them. As the coming sections will illustrate, acquiring the capacity to move outside of formal channels requires experience, hard work, intuition and courage.

Exit through escape

Lwin was not earning enough in the stationery factory to allow him to submit sufficient funds back home to his family. So, approximately one year into his stay in Malaysia, Lwin decided to leave and look for unauthorized employment. While he had contemplated the possibility of absconding pretty much from day one in the factory, he had found it difficult to put such a plan into action. The

first obstacle was that he lacked a way to leave the gated factory compound itself without being detected. As with many other foreign workers in Malaysia (see Verité, 2014: 116–125), Lwin's freedom of movement was severely circumscribed by his employer: not only was he prevented from freely leaving his workplace, but the fact that his passport had been confiscated also meant that he (even with the permission of his employer) could not move around freely in public space (see below). The second obstacle Lwin faced was that he would have to find a new employer on the outside who would be willing to hire him without documents. Lwin described how he had spent several months thinking about whether he should leave or not, and how to go about it.

Lwin's first attempt to abscond from the factory was unsuccessful. While he was able to leave the factory compound itself, he could not find a durable solution on the outside. In the hopes of getting his old job back, he therefore returned to the factory. But at this point his employer had already reported him as absconded to the Malaysian authorities, and rather than getting his job back he was locked into what he describes as 'an interview room' for several days, awaiting deportation back to Myanmar. Before sending him off, however, the factory management was trying to convince him to pay for his own flight ticket back home, plus the additional money that the employer had spent on renewing his work permit. Lwin, on the other hand, tried to convince the management that if he was to pay for this, they should return his passport first. This was no longer possible, given that the factory had already contacted the authorities. Instead, he was offered another option:

He [the manager] gave me some time to think about it. He said that 'if you pay, I will send you back to Myanmar. If you cannot pay, I will send you to the police station.' And then I was kept in the factory interview room for another two days.

Lwin's predicament draws our attention to the ways in which the 'escape tactics' of migrants propel the 'system managers' (in this case his employer) to redesign their systems of control. While Lwin's attempt to escape shut off one avenue for his employer to make a profit from his labour, it opened up another as he decided instead to use illegal detention to extort Lwin for costs. While few of the migrants we interviewed in Malaysia shared Lwin's experience of having been physically and forcibly detained, many told stories of other forms of coercion that employers were using to ensure profits and prevent workers from leaving. In addition to withholding foreign workers' identity documents (which we will return to in a moment), employers withheld migrants' salaries, established relationships of debt bondage and threatened to denounce migrants to the authorities (see also Verité, 2014).

In Lwin's case, however, the coercive measures taken by his employer would fail – as he was determined to try to stage another escape. When two of his colleagues offered to help him, he leapt at the possibility. Interestingly, Lwin stated that these two men were 'not close friends' of his. Rather than out of friendship or loyalty, he believed that they had approached him because of their shared mindset. 'We had the same attitude,' he said, referring to the fact that all three of them were set on leaving and seemed to have the capacity to do so successfully. Despite the presence of security guards outside the interview room, the two colleagues managed to convey that they would be waiting for Lwin in front of the factory that same evening:

I did not know if they would come or not come, and also they didn't know what time I would be able to run. . . . Every night they locked the interview room, but that night they didn't lock it. . . . I didn't have too much time to think. I just ran, climbed the wall and jumped the drain. . . . My two friends were waiting for me in the dark. . . . I had no idea how to do this, but they gave me their clothes. We changed clothes with each other. . . . One of my friends was also wearing a hat, and he gave it to me. . . . The factory was

very close to the main road, and I thought we would go to the main road to get a taxi, but we didn't do that. Instead, we went along a very narrow street behind the factory where there was no light, so it was quite dark. The three of us, we ran down this narrow street . . . and after twenty minutes or half-an hour, I don't quite remember, we found a taxi. But I had nothing, so they gave me money, but they did not know where to send me. . . . So, they asked me if I had any close friends in Penang. And I had a close friend: he is an engineer, and he had many friends in Malaysia . . . so they sent me to his house. But my close friend would not let me stay with him, because he worried about my safety, so he asked his friend that has a motorbike to come and pick me up and they sent me to another place very far from the factory.

Lwin's escape from the factory speaks to how the act of absconding may be both difficult and dangerous, and how the possibility to pursue this tactic relies on the practical know-how and skills of other (and more experienced) migrants. In telling his story, Lwin often returned to how he 'just had to trust' the people that aided him, despite the fact that he sometimes didn't know them too well from before. The common denominator between them was instead their shared status and desire to do something about their situation. This resonates with the type of 'organization' and 'community' that binds information technology hackers, who are not united by an overarching cause, but rather consist of a looser network of individuals who episodically and erratically converge to share means of navigating and subverting mechanisms of control.

Navigating il/legality

Having successfully escaped from the factory, Lwin had now joined the growing group of migrants in Malaysia that are popularly referred to as 'runaway workers': migrants that have, through the act of flight, moved from an authorized to an unauthorized status. The large-scale exit of migrants from the Malaysian 'foreign worker scheme' has featured prominently in public debates, and government officials have suggested that the issue of workers 'fleeing' is one of the major problems faced by the country's employers (*Star*, 2018). From the migrants' perspective, however, hacking the system by leaving your designated employer can be seen as a rational response to a system that allows minimal, if any, mobility in the labour market (see, for example, Garcés-Mascreñas, 2010; Killias, 2010). In fact, most 'runaway workers' that we interviewed in Malaysia told us that while illegality presented significant challenges in everyday life (Franck, 2016), it nonetheless granted the important freedom of being able to decide what kind of employer they worked for (see also IDWFED, 2018).

There are two important aspects of the above that are worth further exploration. The first is that while migrants may seek to maximize their safety and returns by moving from an authorized to an unauthorized status at one point in time, movement in the other direction (i.e. from an unauthorized to an authorized status) may help them achieve other objectives at another point in time. In fact, one of the key observations from our work in both Malaysia and Thailand is that migrants tend to *move in and out of legal status* over the course of the migrant trajectory. Some, like Lwin, make the move from an authorized to an unauthorized status by absconding from their designated employer, while others overstay the duration of their visas or violate the conditions associated with their permits (such as leaving a designated sector or administrative area within the country) (Kanapathy, 2008; Low and Mokhtar, 2007). Similarly, and as we will see in sections to come, migrants might move from unauthorized to authorized status by applying for a permit once they are already in the country by taking advantage of a periodic amnesty provision, and others return home to re-enter under a different visa scheme.⁴ Key to our argument is thus that migrants actively navigate il/legality to *repurpose* the existing framework to their own ends. However, and second, as migrants repurpose the system by 'fleeing' from designated employers en masse, 'system managers' also

respond through their own moves. For employers that have paid significant fees for sourcing and hiring workers from abroad, 'fleeing' migrants represent a loss of revenue, as workers leave before their investment has paid off, and employers must hire and often train replacements. In response, they systematically confiscate the workers passports or, as seen above, put in place other coercive measures to prevent workers from leaving. Lwin's continued story illustrates how this consistent repurposing of control systems, and the various (unholy as well as temporary) alliances formed to achieve it, also generates change in regimes of control.

After absconding from the factory, Lwin found employment in a restaurant. The work in this restaurant represented a major change for him, as he was not only earning a higher salary but was also able to live and move around freely within the community as long as he avoided encounters with the police. However, during his first year of working in the restaurant, news of the government's ramped-up efforts to combat illegal immigration started spreading throughout the migrant community, which made both Lwin and his new employer nervous. As the number of illegal migrants in Malaysia has consistently grown over the past decades, increasingly harsh legislation has been put in place. While scholars suggest that the government's policy response to migration is both *ad hoc* and inconsistent (Nah, 2011) – even describing it as a not particularly successful 'policy experiment' (Kanapathy, 2008: 9) – it has nonetheless resulted in an extension of the powers of law enforcement agents, along with harsher punishments for immigration offences (Nah, 2012: 500). For example, amendments to the Immigration Act have introduced whipping as a punishment for immigration offences, alongside penalties such as fines, imprisonment and detention (Nah, 2012: 500; Verité, 2014: 46). Government agencies have further implemented a range of recurring enforcement operations, seeking to, in their own words, 'hunt down' and 'flush out' illegal workers from the country (Star, 2013).

Recognizing this increasingly threatening situation, Lwin made a plan together with his employer that would allow him to leave and re-enter Malaysia as an authorized migrant worker. The employer would pay all of the expenses in advance (paying for a smuggler to get Lwin back to Myanmar, the new passport, visa and work permit, and the flight ticket back to Penang) and then deduct this cost from Lwin's future salary. The employer would also confiscate his passport. According to Lwin, the rationale for this was the high costs associated with rehiring him through legal channels:

Because my boss paid 4800 ringgits for me, he was scared of giving me my passport. He was scared that I would run away whenever I didn't like working for him anymore. He was very afraid of this, afraid that he would have lost his money. If he would give me my passport, I could have run away at any time. . . . But he gave me a copy, a Photostat copy of my passport and work permit.

Here, Lwin thus worked in conjunction with his employer to devise and implement a means of hacking the system though switching his status. Returning home and re-entering helped Lwin to evade the police and the legal consequences of his previous actions. However, this collaboration with his employer did not necessarily make them more than temporary allies. Instead, having won his 'temporary' freedom from policing, Lwin moved back under the control/protection of his employer, who, while seemingly more benign in intentions than the stationery factory managers, also had a strong incentive to prevent his flight.

Becoming an experienced hacker

While we found that migrants and employers would often become temporary allies in order to avoid the government's increasingly harsh systems of control, the more common way to

collectively hack through ‘prefiguration’ – that is, to unite around the method rather than the cause – was to team up with other migrants. An interesting example of this is how migrants collaborate when someone has been caught up in a negotiation with the police. While such negotiations can often be settled through paying the patrolling officers a bribe, it sometimes requires that the employer or other migrants (with better language, networks or bargaining skills) come to the scene. On several occasions during the fieldwork, we observed how Lwin would be called upon when people had been arrested. For the most part, Lwin would not have any previous knowledge of the persons whom he aided, but was rather contacted by someone in his (extended) network. To illustrate, he provided the following example:

So, Michael was arrested, and Michael doesn’t know me, but someone who knows Michael informs his friends: ‘Michael was arrested by the police and who can settle this for Michael?’ So, like that we discussed it. Yes, we discussed and then we made a decision: you should go. Because maybe in this part [of the city] I know the police [officers] . . . because there are many different police stations, and as I know the policemen in [names the districts] and then I should go. . . . So we discussed it like this.

Lwin described how having a network within the migrant community was generally the prerequisite needed in order to navigate everyday life as a migrant worker:

Also, if I am new, if I have just come to Malaysia and I don’t know how to settle [the negotiation] if I was arrested by the police, it doesn’t matter – if I have one friend, that is enough. Then I just call them: ‘Hello, I am close to this place and blah blah blah’, and they just come . . . and try to settle it for me. It is so funny because sometimes someone goes to try to settle the problem but they also don’t have a passport.

Here, Lwin was describing the process of becoming more central to the hacking network, as his skills and knowledge made him able to provide the means of circumventing the system that he had previously lacked.

Importantly, Lwin’s initial movements in and out of legal status were not one-off decisions, but rather the first in a series of similar choices that he would make during his time in Malaysia. In fact, over the coming years he would move in and out of several jobs – with new employers sponsoring the applications for new permits, and new fees paid to the private agencies that administer them – until he, roughly five years into his stay in Malaysia, decided that he was finally done paying the substantial costs associated with remaining authorized. What finally made him take this decision was when his employer at the time, the owner of a small food establishment, failed to deliver on her promises regarding payments and withheld Lwin’s salary for two months. While initially refusing to hand over his passport, she did reach out a few months later offering Lwin the opportunity to buy it back. ‘But,’ she had told him, ‘you have to come before September. If not, I will sell your passport to another migrant.’

These repeated fraught negotiations reveal how employers become embroiled in reprogramming efforts. Employers and brokers of migrant workers are all motivated by the goal of realizing the gains on their investments in migrant worker contracts. As a result, in addition to occasionally helping their migrant workers hack the system, they are also consistently devising new techniques of preventing worker flight and extracting value from those whom they cannot compel to return.

When we conducted our final interview with Lwin in Malaysia, on his seventh year in the country, he was working illegally in a restaurant in George Town. Asked if he wanted to become an authorized worker again, he responded that he was no longer willing to pay the thousands of ring-gits required for renewing the passport and permit, the levies to employers, plus the taxes that all registered migrant workers have to pay to the Myanmar embassy. Instead, he was willing to take a

chance that he could bribe police officers that stopped him in the street – as his many years in Malaysia meant that he held significant knowledge of how the police operate. It turns out that he was right. While he was arrested on several occasions, he was able to bargain his way out of the situation and in 2015 Lwin finally left Malaysia and travelled with a smuggler via Thailand to Myanmar together with his girlfriend. By that time, he had saved enough money to start up a small business back home. By this point in the story, Lwin may be seen as an accomplished hacker, someone capable of both repurposing the system to his needs and sharing the knowledge and skills of how to do so among expansive networks.

Concluding remarks

This account has charted how Lwin navigated his journey while moving between authorized and unauthorized status during his migrant trajectory. In each step of the story, we have emphasized (a) the ways in which these different forms of status impacted upon his capacity to achieve basic life goals like supporting his family and himself, while avoiding violence and exploitation; (b) the know-how and networks – including negotiating skills, friends and helpful employers – that he required and acquired to move between legal and illegal status; and (c) the impacts that his deployment of these resources had on those who sought control over his mobility and labour – particularly emphasizing the use of the passport and the workplace to limit his capacity to ‘run away’. This journey ends not with Lwin assuming a position of legal status and rights in Malaysia, but with him further away from that end than when he began. At the same time, Lwin has acquired a level of knowledge and networks that enable him to consider himself capable of engaging with controls on migrants, achieving his life goals and helping other migrants to do the same. He is, in this sense, worlds away from his position when he was stuck in the stationery factory surrounded by workers who were equally resigned to their fate. In our words, he finishes the story as an accomplished hacker, who is capable of sharing his knowledge and expertise with others seeking to navigate Malaysia’s complex and evolving system of migration and labour control.

For many of our readers, this may seem like a particularly dissatisfying account of political behaviour. How can Lwin be deemed to be engaging in ‘politics’ when his efforts do not seek to transform ‘the state’ or create some form of status and rights for himself and others in his position? We share similar dissatisfaction with the outcome and the strict limits that migrants like Lwin face on the horizons of their political ambitions. At the same time, we believe that defining migrant politics in relation to deportability rather than the more familiar frame of citizenship has allowed us to recognize the political nature of Lwin’s restless efforts to manipulate statist frameworks to his advantage, develop and share the hacking skills he has developed, and routinely undermine and confound a series of deeply constraining controls. Here, it seems important to reiterate our most basic assumption that deportability defines the migrant condition, as being subject to legitimate violence for doing the most ordinary things: making a living, remaining where you are, trying to be with a loved one. In this respect, though Lwin’s achievements may seem modest, particularly from our own personal position of privilege as rights-bearing citizens of liberal democratic states, they represent – in our evaluation of Lwin’s migratory trajectory – a significant exertion of agency and innovation to experience those aspects of life that we would call basic rights. Crucially, this does not mean that this form of politics is to be naively celebrated, nor its effects regarded as unequivocally ‘good’. As we have seen, Lwin’s restless hacking comes with consequences for other migrants as employers and officials reprogram the system to contain migrants’ capacity for flight and choice. While hacking creates a brief temporal and spatial niche in which experienced migrants like Lwin can operate in relative security and perhaps offer their skills to others, it does not build an alternative system in which the condition of deportability is undone. In subsequent

research, we therefore believe it is necessary to more fully examine the relationship between hacking and the overall design and evolution of institutions of migration governance. Under what conditions does hacking lead to the perfection of exploitative and harmful migration governance systems, and under what conditions does it lead to the achievement of more lasting forms of status and freedom for migrant groups? We believe that, having more fully elucidated the nature, purpose and implications of hacking as a form of migrant agency, we are better positioned to re-engage with more conventional debates on rights, status and citizenship, in a manner that does justice to the significance and power of the everyday political behaviour of migrants.

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Notes

1. We use ‘legal’/‘illegal’ to refer to statist designations of migrant status, and also when our sources self-identify with these categories. However, for analytical purposes, we use ‘authorized’/‘unauthorized’ to differentiate between these groups.
2. In centring deportability at the heart of the migrant condition, we are not seeking to downplay the diversity of migrants’ experiences or political orientations (see Scheel, 2013), but rather recognizing that this diversity is often best recognized through efforts to explore how deportable people transgress statist categories and classifications.
3. In describing this violence as ‘legitimate’, we are implying not that it is either morally justifiable or universally accepted, but that, in accordance with Beetham’s (2013: 16) definition, it conforms to established rules, the rules can be justified by reference to shared beliefs, and there is evidence of consent by subordinates.
4. Crucially, migrants are clearly not empowered to make all decisions regarding their status, but may, for example, be victims of trafficking, identity theft, etc. – or find themselves included in categories to which senior officials have granted collective amnesty.

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