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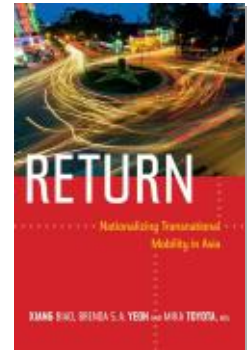
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CHAPTER FOUR
Transnational Encapsulation
Compulsory Return as a Labor-Migration Control in East Asia

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Tanimura Shinji, the owner of a garment factory in Kobe, Japan, who is also the president of the local association of small garment factories, has employed about ten female Chinese workers at any point of time since 1996. One of the most difficult aspects of the management of foreign workers is seeing them off at the airport. Not because this involves sad farewells but because ensuring that the workers leave Japan to return home when their contracts expire or are terminated is, Tanimura said, like “fighting a battle.” To send off two workers, he had to enlist five association members (other garment factory owners in Kobe). At the airport the Japanese team holds hands to form a human cordon encircling the women and, step by step, move them across the departure hall, through the throng, toward the immigration checkpoint.

At the checkpoint, Tanimura hands each worker a neatly wrapped package containing the air ticket, passport—which Tanimura (as most other employers) has retained since the worker’s arrival—and the unpaid salary accumulated over the past year or two. It is a standard practice for em-

ployers in Japan (and other countries, such as Canada and Australia) to pay migrant workers a monthly living allowance of between 10 and 50 percent of their wages, and pay the rest immediately before their actual departure. Since the amount of cash is so large, the women normally place it in pockets purposefully sewn onto their underwear for safekeeping. It is awkward, Tanimura admits, to see them do so in the midst of the busy airport. He is also genuinely concerned that their families in China stand to lose everything in case of an air crash, but he cannot remit the money directly to them, an option he has obviously thought through: "If we remit the money after [workers] return, they won't agree. They are worried that we won't remit. But if we remit the money before they go home . . . workers will insist that they leave only after receiving the confirmation [of receipt] from their family. During that time, they can plan to run away and overstay."¹ Such an obsession about guaranteeing the return of unskilled labor migrants on termination or expiry of their contracts is not unwarranted, because employers and recruitment agencies in Japan (as in South Korea and Singapore) will be fined or banned from bringing in more migrant workers in the future if their workers go missing or overstay. Hence the nightmare that workers might abscond as a group, even at the airport. From both the sending and receiving states' regulatory perspectives, compulsory return brings the migratory journey to a definite end. This chapter turns this end point of policy into the starting point of an inquiry about how compulsory return serves as a linchpin for controlling unskilled labor migration in the East Asian states of Japan, Korea, and Singapore.

The institutionalized practice of compulsory return leads to a phenomenon of "transnational encapsulation," whereby migrants are isolated from broader social relations and access to social resources even though they physically move across national borders. Transnational encapsulation has two aspects, international rupture and transnational policing. By rupture I mean that compulsory return decisively and abruptly removes migrants from a milieu in which they have been working and living, cuts them off from their social networks, and tears down the solidarity that they develop with other workers and local society in time. Crucially, the rupture is *international* because it is implemented by drawing on authority from state sovereignty (for instance, visa regulations), and furthermore the rupture is aimed at subjugating migrants to strict border control and discrete state regulations. For example, since legal systems are exclusively tied to nation-states, compulsory return effectively deprives the migrants of the possibilities of redressing any injustice that they had suffered in the host

country by physically moving them back across the border. This international rupture, however, does not contradict the general trend of intensifying *transnational* connections and networks. Temporary labor migration to Japan, South Korea, and Singapore, including the compulsory return, is managed transnationally in accordance with terms set out in various bilateral agreements.² Furthermore, recruitment agents and employers work closely across state boundaries, effectively creating a transnational space of surveillance and policing. Thus, despite their physical mobility, unskilled migrant workers remain local and at a disadvantage in relation to the transnational reach of recruiting and employer institutions. In sum, compulsory return is an instance of international rupture made possible through transnational policing.

Compulsory return is not just an action, nor merely a result of particular policies, but is implemented by a spectrum of actors (state agencies, recruitment agents, employers, and so on) located at different levels (transnational, national, and local) through various means (see Lindquist, this volume). Return is a legal obligation of the migrants given their visa status, and also a contractual agreement, but the actual return is enforced by both contractual and extracontractual means. As we have seen in Tanimura's case, the combination of legal, extralegal, and illegal methods is crucial. Thus, international rupture is different from Catherine Nolin's (2006) "transnational rupture" that denotes the experiences of separation and displacement of Guatemalan refugees in Canada and Arjun Appadurai's (1996) emphasis on the "disjunctures" in the globalization effects of media and migration that create potentially destabilizing gaps between flow of ideas and movement of people. International rupture is essential for the perpetuation of a tightly integrated regulatory system. Compulsory return provides a critical means that enables the nation-states to reassert their status as the ultimate authority in maintaining public order in the face of increasing mobility.

This chapter forms part of my larger project on labor migration from China to Japan, South Korea, and Singapore for which I have interviewed more than two hundred informants in the four countries over four years (July 2004 to November 2007). In Japan and Korea, Chinese made up the largest nationality group among unskilled and semiskilled foreign workers (nearly 70 percent and more than 40 percent, respectively); in Singapore, Chinese were one of the four largest groups, probably second after workers from Malaysia (CHINCA 2004, 16–17, 40–48). Apart from being numerically representative, the experiences of these migrant Chinese workers

are reflective of general state practices (except for migrant workers from Malaysia in Singapore, who can come and go more freely).

I first situate compulsory return as a central concern in regulating unskilled labor-migration flows in Japan, South Korea, and Singapore (notwithstanding differences in their labor policies), notably to respond to economic fluctuations, to minimize welfare responsibilities, and as a quick fix to defuse tensions. I then demonstrate how employers (whether in the private or public sector), private repatriation companies, and particularly recruitment agents operate a transnational policing to ensure return. This is followed by a discussion of three strategies adopted by migrant workers to thwart such tight controls. Finally, I highlight the characteristics of compulsory return and contemporary East Asian labor migration in the larger global and historical context.

Return as International Rupture

Compulsory return has been built into the design of labor-migration policies in East Asia. Japan, for example, admits Chinese workers as “industrial trainees” rather than employees, a categorization that neatly evades labor regulations for minimum wages, unemployment insurance, and so on. Moreover, “trainees,” ostensibly permanent employees of an enterprise in China sent to Japan, clearly must, by definition, return when their contracted “training period” is up (Tsuda 2005, 40; see also He 1994, 108–9).³ Singapore adopts a more liberal labor-migration policy. In theory anyone in possession of an employment contract is allowed entry. However, employers deposit a security bond of SGD 5,000 (USD 3,500) with the government for each unskilled worker, which will be forfeited if workers are not sent home within seven days of termination or contract expiry.⁴ Furthermore, according to my informants, companies with more than one worker missing for more than a year risk being banned from recruiting foreign workers altogether. South Korea’s Employment Permit System combines elements of the Japanese and Singaporean models: employers who fail to ensure that their workers exit Korea within a stipulated period will not qualify for replacement quotas to bring in new workers.

It is to be expected that governments of receiving countries would attempt to treat unskilled migrant labor flows as controlled and dispensable, especially in times of economic uncertainty. But why does return have to be enforced within a strictly defined time frame if, by definition, the status of temporary migrant prevents permanent settlement anyway? The answer

given by my informants was simple: if migrant workers were not forced to return within a given time, they may never return and may somehow find a refuge locally. Compulsory return is aimed at rupturing migrants' ties within the local social milieu. A telling example of this rationale can be adduced in the cases of both South Korea and Japan, which, until recently, banned former migrant workers from reentering the country for work, fearing that those with previous experience in the country may be savvy enough to complicate the project of compulsory return. Since March 2003, the South Korean government has launched periodic crackdowns to round up and deport overstayers: those overstaying for less than a year are given a grace period to exit voluntarily without punishment; those who overstay longer than this are detained, fined, and deported immediately. In effect, those who have proved themselves to be more employable and better integrated into Korean society are targets of punishment and prioritized for return.

It is precisely for the purposes of cutting off social relations and minimizing social responsibilities that the sick or pregnant migrant bodies become prime subjects of deportation, because receiving medical treatment and giving birth may have complicated social repercussions. It is a common clause in job contracts that the worker has to return if he or she becomes unable to work, and must be deported immediately in case of infectious diseases, especially sexually transmitted diseases. In Singapore, all unskilled female migrant workers undergo a compulsory pregnancy check every six months, and those found to be pregnant have to return. One of the most difficult moments emotionally in my five-year research was when Zhang Song, a migrant worker from northeast China in Singapore, called me for urgent advice after he found out he had impregnated his wife, Li Na, also working in Singapore. Li's contracts with the recruitment agent in China and the employer in Singapore clearly stated that in cases of pregnancy, workers would be deported at their own cost and the bond deposited with the agent would be forfeited (Li paid RMB 20,000, or USD 3,000, before leaving China). Li had to go for an abortion before the next pregnancy check but did not dare go to a hospital as Zhang said this would be like "throwing oneself into a trap" (*zitou luowang*). According to their understanding, even if the authorities or employer found out about her pregnancy *after* the abortion, Li would be deported as a measure not only aimed at preventing unwanted births, but also as punishment for having sexual intercourse. I was referred to two clinics that did not require proof of patients' identities but charged a fee of USD 300, which they could

not afford. In the end Li's family in China bribed a nurse to buy an abortifacient (mifepristone) that Li had taken before, and sent it to her through another migrant worker. Li bled for three days, and both she and Zhang were relieved.

Return serves as a convenient means of dealing with disputes for employers since, in Japan, South Korea, and Singapore, workers' visas can be canceled anytime. As immigration law supersedes employment and other legislations, migrant workers without visas cannot pursue justice and have to leave unconditionally. Once they return, however, they are effectively deprived of their basic capacity to seek legal redress because of differences in national legal systems, and the territory-bound legal and social responsibilities (particularly of agents and employers). Everything depends on the work permit, so the cancelation of work permits is seen as a magically quick fix, if also a violent act, which Chinese workers in Singapore called *ga*, a colloquialism to describe cutting heavy metal plates by guillotine.

The anxiety to repatriate workers at the earliest sign of trouble is also fueled by employers' concerns about keeping a "clean record": "troublesome" workers might seek help from NGOs, engage lawyers, or lodge complaints with government agencies. The deputy manager of a repatriation company in Singapore told me: "We [the Singaporean society] have a very strict merit system. If these kinds of things [workers complaining to the government] happen, people will ask what is your security system? Where is your safety measure [to prevent workers from causing trouble]? What is your reputation then? People don't want to do business with a company that has a bad name." In other words, the worry is not only about being taken to task over wrongdoings; it is equally about being questioned about failing to cover up wrongdoings! Because of their preoccupation with maintaining a clean record, Singapore employers sometimes convince the Ministry of Manpower to blacklist particular workers after their departure, which will prevent them from reentering Singapore for a number of years and thus ensuring that no past misconduct will surface.

Under pressure from civil society and from migrant workers themselves, state agencies in the three countries also crack down on abusive employers and recruitment institutions; ironically enough, the most common penalty involves forced repatriation of affected workers. In Japan, for example, if an employer or employers' recruitment association is found to violate rules, the so-called foreign trainees have to be sent home and the cases are thereafter often regarded as solved. Out of sight, out of mind. For this reason, between 2003 and 2006, Chinese authorities also identified the

large-scale deportation of Chinese trainees by the Japanese government on account of irregularities in conduct of employers or their associations as a major concern in Chinese labor migration to Japan (Pang 2006).

Forced return is arguably violently disruptive to migrants' lives. International labor migration is not only expensive (the minimum agent's fee in northeast China for work in Singapore, Japan, and South Korea was USD 5,000 in 2007) but also a highly emotionally charged investment that is expected to change one's fate once and for all. Premature return turns this dream into a nightmare. While Li's abortion allowed her to escape this, her husband, Zhang, decided not to see his contract through because the work regime was harsh and the wages were too low to even cover his agent's fee. I attempted to comfort them with the prospect of seeing their one-year-old daughter soon, but Zhang gave me a weary smile. He would not even be able to let their families know of his return: "Our parents won't be able to take it [his early return, after shelling out nearly USD 10,000]. It is so difficult for us already; this will be too much for them." Zhang would not be able to return to his home district where some of his friends were still waiting to hear from him about Singapore, because if they saw him back so suddenly it would create, as Zhang put it, "a bad influence" on his reputation (*yingxiang buhao*, a term used in official documents to describe actions with undesirable public impact). The couple was deciding which friend's home Zhang should stay at until he got a partial refund from the agent in China. In another case, Yan Lei, a twenty-one-year-old Chinese worker, broke down in tears when I met him through an NGO in Singapore just before he was forced to return home early, after a dispute with the employer. He condemned himself again and again for letting his parents down (*duibuqi*) because of this, and for bringing them so much shame that they would not be able to "go outside [of the home]" after his return.

The fear of arbitrary forced return severely undermines migrant workers' bargaining position. This is clearly evidenced in how nine Chinese women reacted to the discovery of a hidden camera installed by their employer in their changing room in Tokushima, Japan, in 2004. When this was reported in the Chinese media, it triggered a huge national outcry. The government of Liaoning province, where the nine workers came from, sent a delegation to Japan to investigate the incident. However, despite the extremely rare public attention and political support that they as migrant workers attracted, they decided not to bring the case to court because, if the employer was convicted, the factory would be closed down and all the workers would have to return to China.⁵ The threat of forced return also

undermines solidarity among workers. In another exceptional case, three female trainees in their last year in Aomori, Japan, demanded that the employer compensate them for poor working conditions. They had left the factory one night and stayed in a hostel, and they faxed their demand to the employer, at the same time contacting an NGO in Osaka. They did so partly to avoid opposition from fellow Chinese trainees in their first and second years who would expect to be sent home because the employer might either dismiss all the Chinese workers as punishment (which had happened before) or, if the compensation demands were satisfied, simply declare the factory bankrupt.⁶ In sum, forced return—or even the possibility of forced return—effectively ruptures migrants’ accumulation of social resources.

Transnational Policing and Encapsulation

Compulsory return aims not only to end a migration project but also to define a series of social relations between the migrant and the host society. Furthermore, the enforcement of return relies on collaborations—not always explicit—between employers, business associations, recruitment agents, and private security companies. Thus, return entails socially complicated and institutionally embedded processes. Preemptive arrangements for compulsory return affect migrants’ living and working conditions and place them in tight social encapsulation throughout their employment contracts.

At the frontline of enforcing compulsory return are employers. In all three countries, although bilateral governmental agreements allow migrants to work up to two or three years consecutively, most employers issue one-year (renewable) contracts in order to be able to terminate the contract quickly when deemed necessary. Most contracts stipulate that workers face deportation if they participate in strike action—in Singapore this is defined as a situation where “two or more persons stop working without employer’s agreement.” In Japan, a workers’ “promise letter,” drawn up by an Osaka garment factory association (the Japanese government requires companies to hire foreign workers through their associations, and associations are designated as the “primary sponsors”), explains the trainees’ agreement to meet the costs of their own return if they:

1. participate in assembly, strike, and collective complaining in any circumstance;

2. work for other organizations or people, regardless of whether the work is paid or unpaid;
3. terminate the contract unilaterally or leave the company;
4. repeatedly sleep in a different room other than [that] designated without permission;
5. report [internal disputes] to any Japanese organization or individual, or entrust other parties to handle the disputes.⁷

But employment contracts are not seen as powerful enough to guarantee compulsory return, and this often necessitates the physical removal of bodies. In Japan this task is taken up by the primary sponsors—the respective employers’ associations. Tano Takashi is the full-time chief executive of an association of scaffolding companies in Kobe. The first thing he said to me, when he arrived for dinner at a Chinese restaurant in Osaka at my invitation for an interview, was that the job was “life shortening.” His wife, through whom I secured the interview, said that she wanted him to meet me because she thought it would be good for his health to have someone with whom to talk these things through. Sending trainees back home before their contracts expired was an important part of his work. Tano emphasized that he had to move very fast to “put the worker in the airplane before he or she woke up from the shock.” One particularly difficult *battle*—Tano used exactly the same word as Tanimura—arose when the association decided to send more than thirty workers, hired by different member companies, back to China before the termination of their contracts after five or six workers had absconded. The association was concerned that more would follow suit and immediately mobilized more than sixty men who formed different teams that stormed into the workers’ dormitories across Osaka at 6 a.m. sharp. Most workers were shocked, some fought back strongly, but nevertheless they were dragged into cars and sent off to the airport. In such difficult circumstances, Tano said, he and his fellow members must rely on their “will and determination” to win the battle.

In Singapore, since the 1980s, the recurrent need for the physical removal, and sometimes the tracking down, of workers after their work permits are canceled has given rise to a new business: repatriation services. There were probably six such companies in Singapore that specialized in repatriating migrant workers in 2007,⁸ all small, staffed with “tough guys,” and registered as transport companies to circumvent the complex regulations that applied to operating private security companies. The price for secure repatriation is fairly standardized. In 2007 companies charged

USD 300 for the capture of an absconded worker when information on the worker's whereabouts was available, and USD 350–700 when there was no information. Companies house workers for USD 100–150 each per night and escort them to the airport for USD 300 each. When being housed prior to repatriation, workers are not allowed to step out of the door or get near to the windows because once their permits have been canceled, they have nothing to lose and can be particularly “unruly,” as a deputy manager of one of the largest repatriation companies put it. Such companies also provide “offshore solutions” — to escort workers all the way home — for which prices are negotiated on a case-by-case basis.

The most important actors in enforcing compulsory return and indeed in regulating, if not policing, the entire migration process are recruitment agents, particularly those based in China, who operate transnationally. Employers in all three receiving countries are required to recruit Chinese workers through a number of designated nationally based recruitment agencies, which in the case of Japan and South Korea only deal with designated sending companies in China. All three receiving countries also blacklist designated sending companies if a certain number of their workers abscond or overstay. Under government pressure to keep migrant workers in line, recruitment agents in the receiving countries also outsource the cost of this responsibility. For each worker overstaying, an Osaka-based enterprises' association, for example, imposes a compensation of USD 50,000 on its designated counterpart in China. For the same purpose, recruitment agents in Singapore require a security bond of SGD 5,000 (USD 4,000) per worker from their counterparts in China, refundable only after the worker's timely return to China.

Bearing the onus of such punitive costs, agents in China habitually employ all manner of safeguards in their recruitment selections. For example, agents conduct detailed interviews with would-be migrants and reject anyone who has relatives or friends overseas, or who betrays some knowledge of the destination country, or any other reason that suggests that they could be emboldened to step out of the cage of legality. Most agents ban related candidates (for example brothers) from going to Japan together. Golden Stage Ltd., a recruitment agent in rural Hebei province in north China, pays village heads nearly USD 100 for detailed information on each candidate they recruit. In one instance, a woman chosen for a job in Japan was immediately dumped after the village head reported that she was in the throes of a divorce. Jin Wan, the general manager of Golden Stage, declared



FIGURE 4.1. Two Chinese migrants in Singapore waiting to be repatriated the next day. After having paid more than USD 5,000 to recruitment agents and having been in Singapore for only two months, they were both dismissed by their employers due to a dispute over salary. Their forced return hence entailed a huge financial loss for them. (Courtesy of the author [2007])

with some satisfaction: “The woman may be mentally and psychologically unstable when divorcing, and may create problems overseas!”

Since the early 1990s, sending agents have exacted sureties from migrants—about USD 3,500 for going to Japan and USD 5,000 for South Korea in 2006—for their timely return and guarantee of not having violated any state law or rules in the workplace. Migrants’ own property certificates are often surrendered as an additional surety. But even these measures are not regarded as sufficient deterrents and, beginning in the late 1990s, it became compulsory for would-be migrants to name one or two civil servants as guarantors who would be held financially accountable to the agent for any wrongdoings overseas. Civil servants are usually the most influential figures in extended family or friend circles, and pressure from them is more powerful than the threat of financial loss in ensuring compliant behavior. Some agents also require migrants to take a vow never to break laws and

contracts: this ritual of *xuanshi* in China is almost exclusively associated with joining the Communist Party or its youth league, where one faces the hammer and sickle flag, right fist raised, and loudly recites the vow of readiness to sacrifice everything for the liberation of the world proletariat.

Apart from predeparture preventive measures, agents in China are also proactive in repatriating migrants. The manager of a state-owned recruitment company in Shenyang in northeast China told me: “We need to make preemptive strikes [*xianfa zhiren*]. If we observe that someone may create problems, we will bring the worker back to China before the contract runs out.” Thus, Tanimura’s collaborator in China, a state-owned labor recruitment company, had dispatched staff all the way to Kobe to escort workers home in 2005 and 2007 after the Japanese government had tightened regulations for foreign trainees. The Chinese company, like Tanimura, was worried that the Japanese human cage might not be effective enough in preventing workers from escaping at the airport.

Of course the system of compulsory return serves the agents’ commercial interest: “How can we make money if they all stay on overseas and foreign companies don’t need new people?” asked a manager of a large labor sending company in China. Recruiters whom I interviewed in China often justified compulsory return by citing the principle of reciprocity. As one informant put it, “you qu you hui, zai qu bunan” (you go and you come back, more people can go), a modification of the proverbial wisdom that is held up as a universal moral principle, “you jie you huan, zai jie bunan” (you borrow and you repay, you can borrow again).

Refusal to Return!

Following the groundbreaking work by E. P. Thompson (1971, 1975, 76–136) and James Scott (1976, 1985, 1990), and informed by Michel Foucault, recent research on power and resistance has moved away from antagonistic binary frameworks to focus on how economic exploitation and political oppressions necessarily take place in a social milieu imbued with customs, symbols, and traditions. The processes of mediation often open new spaces for everyday actions of resistance, negotiation, and appropriation, particularly for the traditionally disadvantaged. For similar reasons, Sherry Ortner (1995) criticizes the “ethnographic refusal” in studies on resistance to recognize complex political and cultural dynamics in the resisters’ own world. Yet international rupture and transnational policing create a special subject by reducing migrants to almost empty lives with minimal social

networks and resources of their own world. The power and policing over the purchase of their labor is indeed crude, and the control over their lives is nearly total.

Are there possible strategies to avoid forced return? Among the minority who managed to fight back, three strategies of resistance can be discerned: to cry out, to clash, and to run away. To cry out entails seeking support from civil society or taking employers or agents to court. For example, in 2002 a group of Chinese workers in Chiba, Japan, brought their employer to court immediately before their return to demand compensation for salary deductions, and also because their sending company in China had failed to refund the security bonds of trainees who had returned on schedule. This group of workers intentionally set out to attract international attention and hedge against further losses upon their return to China (Zha 2002, 146). They were crying out transnationally. But such actions are rare because most migrant workers have limited access to the larger society beyond their workplaces.

The clash strategy is when workers use their bodies as weapons to confront or overcome the coercion of forced return. This was the experience of Tan Mei, a twenty-five-year-old woman from Shandong, east China, who worked in Japan between 2002 and 2004. After a year of working she discovered that her employer had been deducting a sum from her salary and transferring it monthly to the sending agent in China in violation of government rules. When questioned about this, her employer called the Chinese company and, on the spot, it was decided that Tan should be fired and deported. Two days later, the director of the employers' association led two men to Tan's dormitory room to take her away. Tan ran to the workshop and clung to a machine, but, after a struggle in which she was injured, she was eventually carted off to Kansai International Airport. At the airport Tan cried out for help in a female toilet—the only safe space she could find—and a flight attendant called the airport police. The police told Tan that she had to return to China since she had no legal grounds to stay on in Japan because the employer had fired her and escorted her to the immigration checkpoint. Tan refused to go through the channel, the flight took off and the police returned her to the employers' association team but, screaming, Tan made a run for it and the three men finally gave up and abandoned her in the airport. Illegal but now free, Tan contacted a local Chinese newspaper and, subsequently, an NGO and a trade union. She was finally reimbursed the deducted wages owed to her and returned to China voluntarily.⁹

Tan's strategy of clash is reminiscent of that of the suicide bomber analyzed by Michael Hardt and Antonio Negri (2004, 54); the strategy represents the "ontological limit" to the new hi-tech biopower aimed at a death-free state of permanent war. While states attempt to minimize (and legitimize) casualties in military operations, suicide bombers blow themselves up to call into question the very legitimation of violence itself. Similarly, in the case of international labor migration, states attempt to control temporary migrants through complicated rules and regulations rather than mete out physical punishments (now seen as ineffective and backward), while migrants turn their bodies into weapons of resistance against officials, employers, and, most importantly, the logic governing the current temporary labor regime. Peter Lee, the manager of a repatriation company in Singapore, told me that they would not repatriate pregnant women, but instead charged USD 400 per night, four times the average, to house female workers because women were considered too "troublesome and dangerous." When I asked what he meant by dangerous, his company staffers playing mahjong in the office piped up: "Women are insidious [*yinxian*], and "they can hurt themselves and then finger you for injuring them." In general, female migrant workers are more likely than men to succeed in refusing return, simply because the female body is regarded as more vulnerable and thus can be used more effectively to destabilize the so-called civilized mode of governance.

The most common strategy in refusing return is to run away—to go underground. Running away and escaping is obviously different from the strategy of exit or voting with your feet within a sanctioned system. Albert Hirschman's (1970) analysis of exit was concerned with how lapses in the market economy can be corrected at the right time so that the system as a whole sustains itself, but the migrants' strategy of running away aims to escape from and disrupt the dominant system itself as the tight controls render changes from within unworkable. Absconding workers manage to survive underground because, being illegal and therefore freed from tight social encapsulation, they are able to develop social networks and resources. In Japan, for example, there are numerous labor agents in industrial cities (such as Hamamatsu and Toyota City) that find jobs for both legal and illegal migrants. The working conditions can be highly exploitative, but the workers are free to change jobs. In Singapore, despite the small size of the city-state and the very tight government control, illegal migrants still manage to carve out spaces of survival. Huang Ji, originally a trader from China and now a permanent resident, knows a few

migrant workers from Fujian province who have overstayed but get by (in the majority-Chinese Singapore) “because they have been around for so long, people see them as local.” But refusing to return leads to the eventual difficulty of voluntary return (as an illegal) and is not a solution in itself. Huang Ji said,

The problem is that they can't go home. Not to mention that the Singapore authorities will punish them [when apprehended at the airport], they have no face to go home. People at home are doing better than you. This is an awkward situation of Chinese migrants. If you are doing well and your country stays behind, it is okay; but what if your country is improving so fast and you stay behind and are illegal? You can't go home.¹⁰

Discussion

Government-initiated and -enforced return is not a new method of managing flows of temporary labor migrants. The guest-workers program crucial for postwar European reconstruction, particularly in Germany and France, was predicated on the idea that the workers would eventually return, which European governments enforced during the economic recession in the early 1970s (King 1986, 3). France introduced the *aide-au-retour* program, which offered cash to foreign workers who planned to return (Lawless 1986, 218; Rogers 1997, 152). W. R. Bohning (1979) estimates that 1.5 million migrant workers returned home from Western Europe in the mid-1970s. Forty years later, Spain and Japan offered similar incentive packages during the 2008 economic crisis (for the Japanese case, see Sasaki, this volume). Nor is it new in academic literature to use return migration as a lens to examine international labor relations. Bohning (1979, especially 404), for example, points out that return migration served as a mechanism whereby rich and powerful countries shifted burdens in economic downturn to the poor states. Samir Amin (1974) argues that in the absence of structural change, return migration perpetuates rather than ameliorates the economic dependence on work migration in sending places. Moreover, Claude Meillassoux's seminal work (1981) confirms that return transfers the costs of social reproduction, such as everyday caregiving for the young, old, and infirm, to peripheralized migrant places of origin. In Meillassoux's model, return serves as a critical link in the international articulation of the capitalist mode of production in the core (Europe) and in the precapi-

talist mode of reproduction at the periphery (Africa), thus enabling capital accumulation based on international exploitation. Such articulation of modes of (re)production is partially responsible for the partition of life and the selective subjectification of migrants as discussed in the introduction (Xiang, this volume).

While all these insights remain highly relevant, contemporary conditions differ from historical precedents in various respects and require a more nuanced theorization. First, in the current regime of labor migration in East Asia, compulsory return is no longer a reactive, post hoc solution, but is a primary concern that overshadows entire migration programs. Compulsory return is not only about how a migration project ends; it also determines how the migration journey starts. Second, compulsory return aims not only at maximizing capital accumulation but also at ensuring social control and the disciplining of individual migrant bodies. It is thus necessary for regulations to penetrate the fabric of everyday migrant life. This in turn uncovers a third characteristic, namely the societalization of compulsory return programs. That is, states either directly delegate authority to, or indirectly work with, a wide range of institutions in enforcing return. Multiple actors are closely involved in forming a system of transnational surveillance that exceeds the capacity of state agencies. These conditions, which I captured with the notion “transnational encapsulation,” suggest that we are facing a somewhat different and much more complicated institutional infrastructure governing labor mobility in East Asia. The main issue is not whether temporary migrants workers should or should not return (very few migrants regard it as their entitlement to stay indefinitely in the receiving country); what is more important is how compulsory return is enmeshed with other arrangements, including recruitment, contract agreement, wage payments, and living conditions, and how forced return is used as a threat to impose unacceptable controls and varying degrees of exploitation.

Notes

1. Interview with Tanimura Shinji in his Kobe factory, Japan, April 3, 2006. Interviewed in Japanese and English, translated by Mika Toyota. All the names of the migrants, employers, and recruiters in the chapter are pseudonyms.

2. In cases of turnkey projects whereby Chinese companies hire workers in China and dispatch them overseas, especially to countries in Africa, the Caribbean, and Southeast Asia, to carry out the projects, the workers have to return once the projects

are completed. But since project-tied migrations take place collectively and the workers are directly hired by Chinese companies, return is much easier to enforce.

3. South Korea changed its trainee system in 2003 and then again in 2007; in Japan there have been debates about whether the system should be reformed since 2008. But they have not significantly changed the recruitment practices in China.

4. In order to encourage employers to act swiftly in cases where a migrant worker absconds, the Singapore government refunds the employer half of the security bond if the employer provides proof that reasonable efforts have been made to locate the worker, such as a missing persons report from the police.

5. See various reports by Cong Zhongxiao in *Guanxi huawen shibao* (Kansai Chinese Times) from May to August 2004 (for instance, Cong 2004). This event attracted so much attention that Sina.com, the largest portal in China as well as in the world, created a special website dedicated to this “peeping incident.” See <http://news.sina.com.cn/temp/z/watchgirl/index.shtml> (accessed May 19, 2012).

6. Interview with Hayazaki Naomi, May 30, 2007, Osaka. Hayazaki, as the representative of the NGO Rights of Immigrants Network in Kansai (RINK) in Osaka, was the central resource person supporting the workers. Interviewed in Japanese and English, translated by Mika Toyota.

7. I obtained the Chinese version of the agreement from Rights of Immigrants Network in Kansai (RINK), an Osaka-based NGO. The document was signed by workers but not by the employers’ associations or individual employers. It is unclear whether such agreements existed in Japanese.

8. Interview with a founding manager of one of the oldest repatriation companies in Singapore that specializes in migrant workers, August 18, 2007, Singapore. Interview with Mr. Jolovan Wham, August 12, 2007, Singapore. Wham is an NGO activist for migrant workers’ rights in Singapore.

9. Interview with Sakai Kysosuke, May 28, 2007, Osaka, in English. Sakai, an officer at Rengo Osaka, a trade union that provides special support for migrant workers, oversaw the case of Tan Mei throughout and documented the development meticulously.

10. This phenomenon seems more common in large cities in countries with more liberal immigration policies such as New York and London. My brief fieldwork in Chinatowns in the two cities suggests that migrants with professional backgrounds may feel more constrained by the dilemma of return.