

A Logic of Subordination: (Post)colonial Women and the British
Immigration System

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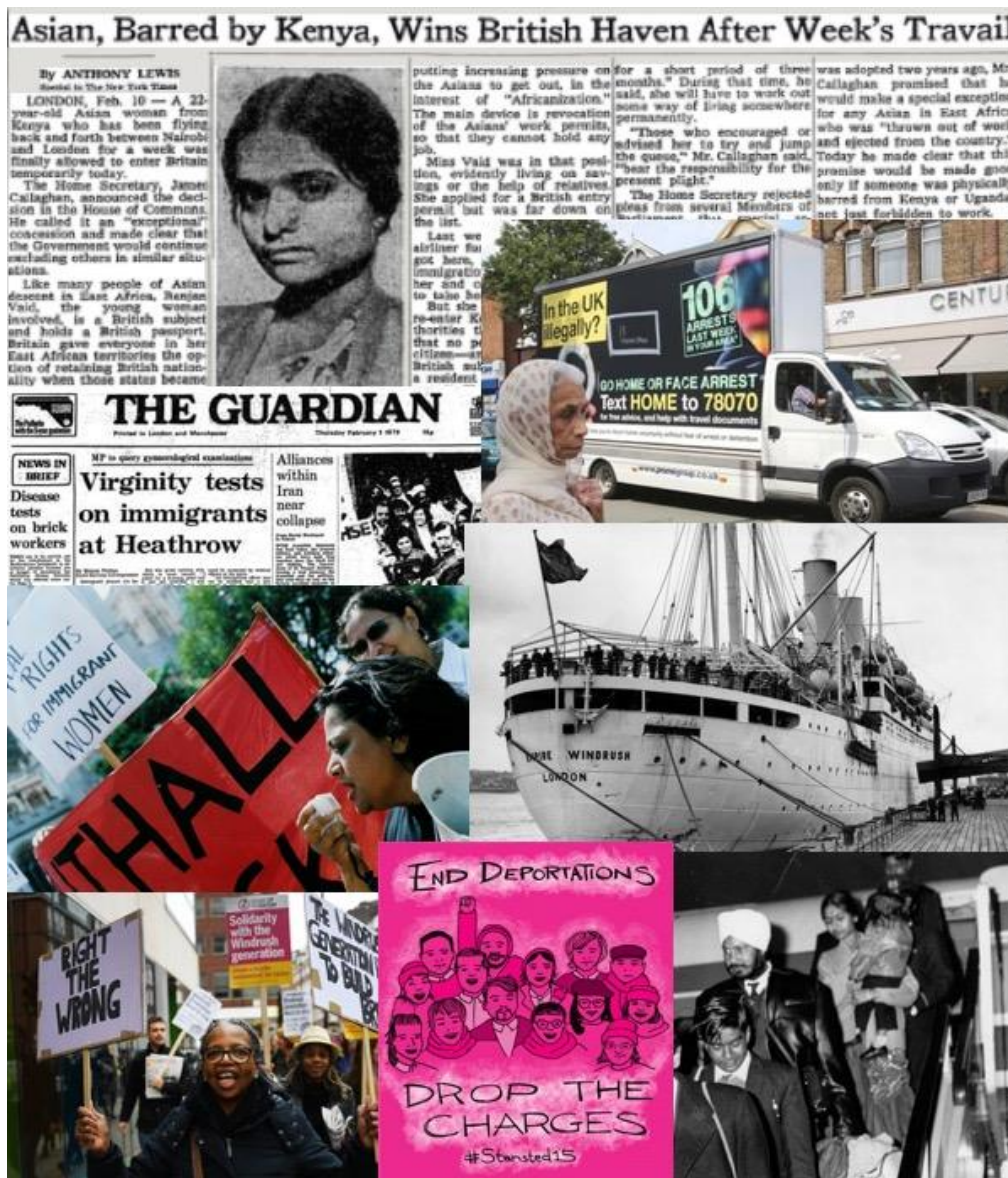


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Clockwise from top left corner: newspaper article on a Kenyan Asian woman seeking to migrate to Britain in 1970; an immigration raid van in Southall, London, the Empire Windrush in 1948; Kenyan Asians disembarking a plane in London in 1968; a poster in solidarity with the Stansted 15, who blocked a deportation flight in London in 2017; a protest in response to the 2018 Windrush scandal; a protest by London's Southall Black Sisters; a 1979 newspaper article on the practice of virginity testing at Heathrow airport.

Abstract

The empirical realities of many migrant women in Britain often indicate vulnerability to various harms. These lived experiences reflect the institutionalised insecurity produced by the confluence of immigration law and varied social processes, and can therefore be understood as illustrative of migrants' 'precarity' in Britain. Many migrants in Britain are also (post)colonial peoples, who carry histories of colonial subjugation. Recent migration scholarship has therefore illustrated a turn towards explaining immigration controls as a tool for maintaining Britain's colonial ethic. According to this narrative, immigration law prevents (post)colonial peoples' access to the advantage concentrated in Britain, produced through the same processes that have enabled their subjugation. Immigration law can thus be viewed as a means of continuing their dispossession. However, this scholarship has rarely traced the impacts of these controls through the lived experiences of (post)colonial migrants in Britain, nor their gendered impacts for (post)colonial women. This dissertation builds on this scholarship by advancing a 'logic of subordination' that contextualises the precarity of (post)colonial migrant wives and women asylum seekers within Britain's continuing colonial ethic. It is argued that (post)colonial women's precarity restricts their access to Britain's colonial advantage, thus protracting their dispossession and legitimising the state's colonial ethic.

Glossary

Abbreviations and terms:

Appendix FM DVILR: The immigration rules that govern applications for Indefinite leave to remain (settlement) as a victim of domestic abuse.

BAME: Black, Asian and Minority Ethnic

DDVC: Destitution Domestic Violence Concession. Grants access to public funds for those who intend on applying for settlement under Appendix FM DVILR.

Home Office: The UK ministerial department responsible for immigration, security and law and order. The UK Visas and Immigration section (UKVI) processes all immigration applications.

ILR: Indefinite Leave to Remain. The UK's terminology for permanent residency.

NASS: The National Asylum Support Service. The body that is responsible for supporting and accommodating asylum seekers.

NRPF: No Recourse to Public Funds, that applies to all temporary migrants in the UK and bars access to many public resources.

PPR: Primary Purpose Rule, applied to British marriage migration between 1980 and 1997.

UNHCR: The United Nations High Commissioner for Refugees.

Women's organisations

Angelou Centre: a Newcastle-based support centre for BAME women. See: <<http://angelou-centre.org.uk>>.

Apna Haq: a Rotherham-based support organisation for women and girls from BAME communities to escape gender-based violence. See: <<http://www.apnahaq.org.uk>>

Imkaan: a national, UK-based women's organisation dedicated to addressing violence against Black and minoritised women and girls. See: <<https://www.imkaan.org.uk/>>

Safety4Sisters: a Manchester-based women's organisation that supports migrant women who have experienced gender-based violence. See: <<https://www.safety4sisters.org>>

Saheli: a Manchester-based women's organisation that supports South Asian women who have experienced gender-based violence. See: <<http://saheli.org.uk>>

Southall Black Sisters ('SBS'): a London-based women's organisation that highlights and challenges all forms of gender-related violence against black and minority women. See: <<https://southallblacksisters.org.uk/about/>>

Women Asylum Seekers Together ('WAST'): A Manchester-based support group for women asylum seekers. See: <<https://www.wastmanchester.com>>

Women for Refugee Women ('WRW'): a London-based organisation that supports and conducts research into refugee and asylum-seeking women. See: <<https://www.refugeewomen.co.uk>>

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Introduction

As for the women, the government seems not to regard them as human beings at all, unless as in the days of the British Empire the fact that they are women can be used to deny them basic rights or torture them in special ways.

Amrit Wilson (2018)

In 1977, journalist Amrit Wilson uncovered a scandal: South Asian migrant women in Britain were being subjected to aggressive practices of immigration control. Wilson (2018) published the story of 16-year-old Pakistani national, Shahnaz Begum, who boarded a plane to Heathrow decked in full bridal dress, anticipating an arranged marriage to her fiancé, a British citizen. However, on her arrival, Shahnaz was taken to Harmondsworth immigration detention centre, before being forcibly returned to Pakistan after a mandated 'sexual examination' allegedly proved that she was younger than she had claimed. Meanwhile, 18-year-old Indian national Zahira Gailara arrived at Heathrow, heavily pregnant, along with her British-settled husband. Zahira was immediately refused entry, questioned for twelve hours without food or water, and sent to immigration detention, where she prematurely gave birth to a child that soon-after died. Wilson (2018) understood that these practices were discretionarily applied to prevent women's entry into Britain. For some, their consequences were cruel.

More than 40 years later, I am in Safety4Sisters' Manchester office. I am speaking to Noor, a 36-year-old Pakistani national who has claimed asylum in Britain. Noor is accustomed to being interviewed – a fact betrayed by the ease with which she rattles off biographical data, her chronological approach to telling her life story, and the tissues she has tucked into her coat pocket. Noor walks me through each year of her life in Britain, from her arrival as a student, to her entry into an abusive marriage with an older man, before her final plunge into a harsh, depleting and humiliating journey through the asylum system. The impacts of fighting a years-long battle for legal inclusion are clear. Noor speaks of her exhaustion, her litany of health problems, and her endless anxiety at the prospect of being returned to Pakistan. She had entered Britain dreaming of safety, opportunity, and the chance to live a better life. Now, she tells me she has placed too much faith in the Home Office, and she feels they do not recognise her as a human being.

Each of these stories has a certain shock value. They provoke outrage, sympathy, embarrassment. Wilson (2018) reflects on the responses she received after publishing Zahira's story, many of them from white English women who expressed horror at the behaviour of the officers in question. But none of these stories is exceptional (Wilson 2018). In fact, they arguably illustrate the very logic that characterises the British immigration system – one that is premised on hostility towards those deemed incongruous with the British nation – including (post)colonial¹ peoples, or those with histories of colonisation by Britain (El-Enany 2020; Mayblin 2017; Goodfellow 2019). These stories further point to the gender-bias of the British immigration system, which manifests in measures that prevent migrant women's entry and facilitate their disadvantage in Britain (Briddick 2019; Menski 1999). Briddick (2019: 9) notes that women disproportionately carry the most disadvantageous immigration statuses, which carry few rights and entitlements, and shape lived experiences characterised by "rights-reduction, dependency and precarity". The lived experiences of many (post)colonial migrant women in Britain certainly appear contradictory to the ideals of a liberal democratic state that prides itself on its commitment to equality before the law and universal human rights (Canning 2017; Menski 1999). How, then, can (post)colonial migrant women's experiences in Britain be reconciled with the normative political project of the British state?

Through case studies of migrant wives and women asylum seekers in Britain, this dissertation seeks to answer this question by developing an account of a (post)colonial 'logic of subordination', that I suggest lies at the heart of the British immigration system. This account borrows from Wolfe's (1999) 'logic of elimination', first adopted within the Australian settler-colonial context to describe the destruction of indigenous peoples, cultures and polities for the purposes of establishing colonial power. Elimination turned on indigenous peoples' relationship to land; extinguishing their claims to territory, and permitting its expropriation by European settlers (Wolfe 1999; 2006). It was additionally motivated by ideological ends; erasing indigenous epistemology to establish a "singular, Western reality" (van der Walle 2018: 46). In time, the elimination of indigenous peoples allowed for the foundation of a comprehensive political, economic, cultural, and racial order that sought to replace what it had destroyed. For Wolfe, the logic of elimination

¹ I adopt the styling of '(post)colonial' to emphasise the uneasy continuity between the colonial past and present, and its impacts for peoples who have been disadvantaged by the colonial project.

remains embedded within the “foundational governing ethic” of the settler-state, and finds continued expression in its contemporary actions (Wolfe 1999 in Elkins and Pederson 2005: 3).

In this dissertation, I adapt the logic of elimination to the non-settler context of Britain. I suggest the British state, through the everyday operation of its immigration system, exercises a ‘logic of subordination’ towards (post)colonial peoples, to support their continuing dispossession. The logic of subordination has been used to describe the ethic of imperial and colonial projects more generally; Benhabib (1992: 15) terms Western imperialism’s project of ‘Other-ing’ non-Western peoples as “a logic of subordination and domination”. It has further been used to analyse the continuation of colonial relations in other contexts: Batra Kashyap (2019) employs subordination to describe the United States’ approach to ‘racialised outsiders’, including African Americans and immigrants, which supports the state with continuing to extract value from expropriated indigenous lands, secure its colonial foothold and fuel its expansion (Batra Kashyap 2019). The advantages produced through elimination and subordination are further reserved for those seen to belong to the national project, which excludes indigenous peoples and racialised outsiders (Batra Kashyap 2019). Subordination is thus enacted through various practices that support these varied objectives, including enslavement, exploitation, exclusion, criminalisation, manipulation and elimination (Batra Kashyap 2019).

In the British context, I highlight that many racialised outsiders are also (post)colonial peoples, who carry histories of colonial subjugation (El-Enany 2020; Mayblin 2017). The European colonial project has produced Britain as a space of enhanced opportunity and capability (Achiume 2019; El-Enany 2020; Patnaik 2017; Sen 1999). Access to this colonial advantage is largely restricted to those with certain forms of political membership in Britain (Achiume 2019; El-Enany 2020). For this reason, some have suggested that (post)colonial peoples’ access to forms of political membership in Britain may constitute redress for the injustices of colonialism (Achiume 2019; Amighetti et al. 2015; El-Enany 2020; Souter 2014). Following from these arguments, I suggest the British state relies on the subordination of (post)colonial migrants to extinguish their claims to its colonially-acquired advantage, which allows it to claim its colonial returns as its own, and maintain its systemic dominance within the global order (Achiume 2019; El-Enany 2020; Quijano 2007). Their subordination thus manifests as various methods and practices of immigration control that together produce their ‘precarity’ in Britain (Anderson et al. 2011; Butler 2009; Paret et al. 2016).

I acknowledge that the British immigration system impacts all migrants to Britain, including those who are not (post)colonial peoples. However, since the post-war period, the British immigration system has arguably evolved with the objective of restricting (post)colonial migrations, which, I suggest, remains embedded within its prevailing ethic, and continues to produce disadvantageous outcomes for (post)colonial peoples (El-Enany 2020; Marmo et al. 2015; Mayblin 2017). I further suggest that immigration laws converge with social processes, including racism and racialisation, to produce particular outcomes for (post)colonial peoples; my focus is therefore the ‘system’ enacted through this encounter, rather than laws or policies themselves. Furthermore, this system has specific consequences for (post)colonial women. McClintock (1995: 6) notes that European colonialism forced “a violent encounter with pre-existing hierarchies of power” for colonised women. I suggest (post)colonial women in Britain carry distinct experiences of subordination, effected through the confluence of immigration practices and gendered social processes. This confluence is visible within the experiences of (post)colonial migrant wives and women asylum seekers, who are the subjects of a rich body of empirical research, which forms the basis of my analysis.

My argument is delimited in the following ways. Firstly, I define ‘(post)colonial’ migrants as nationals of Britain’s former non-settler colonies in the Global South. Some of these countries are often referred to as the ‘new Commonwealth’ (Anderson 2013). While they are not my primary focus, I further consider nationals of the Global South more generally as (post)colonial peoples, who may, by some accounts, may be viewed as peoples who may claim redress through migration to Britain (Achiume 2019)² and whose experiences of the current immigration rules may run parallel to those of nationals of Britain’s former colonies (Mayblin 2017). I consider that nationals of Britain’s settler-colonies, Overseas Territories, or former colonies within the European Union, generally have varying experiences of migration and immigration control, and are outside my scope. Secondly, the subject state of this dissertation is ‘Britain’, rather than the ‘United Kingdom’

² For Achiume (2019), states that have benefitted from colonialism/neo-colonialism, that are mostly located in the Global North, carry an obligation to admit nationals of states that disadvantaged by these same processes, that are mostly located in the Global South, as a means of distributive or corrective justice. These relationships of benefit/disadvantage do not necessarily need to correspond, and states’ obligations to particular groups may be assessed on a case-by-case basis. While a detailed analysis of redress is outside my scope, my argument rests on the assumption that many Global South nationals may seek inclusion in Britain as a means of accessing advantage they have been deprived, and that Britain maintains an interest in their subordination, as it does nationals of its former colonies.

(Canning 2017; El-Enany 2020). El-Enany (2020) notes that the terminology of ‘United Kingdom’ allows us to imagine Britain without its colonies; using ‘Britain’ allows us to refocus our attention on its colonial past and present. Additionally, the legal landscape for immigration and socio-political conditions for migrants across Britain – which is composed of England, Wales, and Scotland – are broadly similar, while Northern Ireland has a distinct legal and political terrain, and a varying landscape for immigration (Canning 2017). Research that relies on sources focused on the English experience, which includes this dissertation, can therefore be generalised across Britain, but not across the UK. For the sake of jurisdictional accuracy, I do, however, employ ‘UK’ when referring to certain centralised processes.

This dissertation adopts a qualitative, ‘critically bifocal’ (Weis et al. 2012) research approach; it is attentive to both immigration law and policy, and the lived experiences of migrants under this system. My analysis is primarily based on critical analysis of a wide range of governmental, legal and third-sector sources. I also draw upon interviews I conducted with two women asylum seekers in the Greater Manchester area in March 2020. Noor is a single 36-year-old Pakistani national, who has claimed asylum in the UK following threats of honour-based violence in Pakistan. Diya is a 47-year-old Indian national with two children, who left a violent marriage to a politically powerful man in India, before claiming asylum in the UK. Both women are members of local third-sector organisations, Safety4Sisters and Women Asylum Seekers Together, that provide support to migrant women. While I had planned to conduct further fieldwork around England, facilitated through community organisations,³ this proved impossible following the onset of the COVID-19 pandemic and the requisite social distancing and lockdown measures. Given the sensitivity of the research material, my suggestion of remotely conducting research interviews was declined. It is perhaps testament to the vulnerability of the subjects of this dissertation that I was unable to gain further access to them at a difficult time. This study has been therefore significantly reconceptualised in line with the research materials that I had available between April and June 2020.

My analysis proceeds in three sections. The first chapter traces the evolution of (post)colonial peoples’ governance under the British immigration system from 1948 to 2016. Between 1948 and 1962, inhabitants of the former colonies shared British subject status, and carried unrestricted

³ These organisations included Southall Black Sisters, London; the Angelou Centre, Newcastle; and Apna Haq, Rotherham.

rights of entry, stay and membership within Britain (Anderson 2013; Goodfellow 2019; Hansen 1999). The following period, however, from 1962 to 1981, saw the erosion of (post)colonial migrants' rights of entry, stay, and membership in Britain, in response to escalating anxieties regarding the country's changing racial demographic (Dummett 1981; Klug 1989; Goodfellow 2019). The final period, from the 1990s to the present day, has seen an unparalleled expansion and fortification of an immigration system that has further stripped (post)colonial migrants of various social rights, whilst seeking to limit their entry to, complicate their lives in, and expedite their departure from Britain through a widened remit of immigration laws, policies and practices (El-Enany 2020; Yuval-Davis et al. 2017). I suggest these measures have together produced (post)colonial peoples' precarity in Britain, which has further heightened their exposure to various harms (Anderson et al. 2011; Butler 2009; Paret et al. 2016).

Building on this historical context, the following chapter will turn to the relationship between the legal and policy frameworks for marriage and asylum migration to Britain, and the lived experiences of the (post)colonial migrant wives and women asylum seekers they govern. This analysis will demonstrate that the legal conditions attached to these women's immigration statuses, and their interaction with varied social processes, facilitate (post)colonial women's precarity in Britain, which drives exposure to various harms, including gender-based violence, destitution, and poor physical and mental health. Finally, to establish a logic of subordination as it affects these subjects, I turn to the relationship between (post)colonial migrants' precarity in Britain, and the interests of the British state. I suggest (post)colonial women's precarity feeds logics of exclusion, elimination, and recognition via a politics of humanitarian exceptionalism, that enact and legitimise their continuing dispossession. I suggest the British state's approach to (post)colonial women is therefore one of subordination, that restricts their access to the colonial advantage within Britain, and legitimises this advantage as the preserve of Britain and Britons, so supporting the state's colonial ethic.

Recent migration scholarship has illustrated a shift towards the recognition of past and present inequities, including colonialism and global economic injustice, in influencing trajectories and experiences of migration (Achieme 2019; Bhambra 2015, 2017; El-Enany 2020; Danewid 2017; Mayblin 2017; Rodriguez 2018). This literature has challenged the tendency, illustrated in some corners of academia, the third sector, and the media, to frame the inclusion of migrants as a humanitarian prerogative, rather than as an appropriate and considered response to structural

inequity (El-Enany 2020; Danewid 2017). Meanwhile, in Britain, highly publicised and controversial Incidents such as the 'virginity testing' employed throughout the 1970s, the concerns of the 2017 Grenfell Tower victims with insecure immigration status, and the 2018 Windrush scandal, have drawn broader public attention to the state's complicity in exacerbating structural inequity and inflicting harm on migrants. This dissertation further contributes to this scholarship by centring the British state in its analysis of the precarity of the migrant experience, and thus exposing Britain as a (post)colonial society that ascribes differential value to human lives (El-Enany 2020; Mayblin 2017). In doing so, it seeks to pave the way for the development of responses to migration that consider questions of justice, accountability and redress for historical and continuing injustices (Achiume 2019; Amighetti et al. 2015; Bhambra 2015; El-Enany 2020; Souter 2014).

Chapter One: From ‘imperial subject’ to ‘precarious subject’: (post)colonial migrations to Britain

In a world in which restrictions on personal movement and immigration have increased we can still take pride in the fact that a man can say Civic Britannicus sum whatever his colour may be, and we take pride in the fact that he wants and can come to the Mother country.

Henry Hopkins, Colonial Secretary (Parliamentary Debate 1954: col. 827 in Hansen 1999: 70).

You were blind, because you believed the [1981 British Nationality] Act was aimed at the blacks; and so you sat back and did nothing as Mrs Thatcher stole the birthright of every one of us, black and white, and of our children and grandchildren for ever.

Salman Rushdie (1982).

The aim is to create, here in Britain, a really hostile environment for illegal immigrants.

Theresa May, Home Secretary (Kirkup et al. 2012).

Introduction

This chapter traces the evolution of (post)colonial peoples’ governance under the British immigration system from 1948 to 2016. I divide this history into three stages. Between 1948 and 1962, after decolonisation across many parts of the Empire, (post)colonial peoples retained British subject status, carrying unrestricted rights of entry, stay and political membership in Britain (Anderson 2013; Goodfellow 2019; Hansen 1999). However, between 1962 and 1981, a series of legislation gradually stripped these rights; (post)colonial peoples were turned from ‘subjects’ to ‘aliens’, whilst their entry was further prevented through various harsh and discriminatory practices (Dummett 1981; Klug 1989; Goodfellow 2019; Marmo et al. 2014; Menski 1999). In the third stage, from 1987 to 2016, the British immigration system has seen rapid reinforcement and expansion; witnessing enhanced capacity for scrutiny, and the extension of immigration control into everyday life. Together, these measures comprise Britain’s ‘hostile environment’ for migrants, that has entrenched the differential rights of citizens and non-citizens, including (post)colonial peoples (El-Enany 2020; Yuval-Davis et al. 2017). Through this historical review, I suggest the

British immigration system has produced (post)colonial peoples' 'precarity', which has accordingly heightened their vulnerability to various harms.

Formal inclusion, covert exclusion: 1948-1962

In the post-war era, (post)colonial peoples were subject to few restrictions on their movement to Britain. All inhabitants of Empire had shared the universal status of British subjecthood, and were in law, political equals, entitled to freedom of movement between imperial territories.⁴ Following post-war decolonisation, the 1948 British Nationality Act ('the 1948 Act') preserved British subject status for Commonwealth citizens; a post-imperial political community that incorporated many former colonies (s. 1). These subjects had rights to enter, settle, and obtain citizenship in Britain (s. 6). However, it was not anticipated that large-scale migration of colonial subjects of colour from the new Commonwealth would ever occur (Anderson 2013). The arrival, then, of 500,000 new Commonwealth subjects between 1948 and 1962 was unexpected, and provoked deep anxiety regarding Britain's racial makeup (Anderson 2013; Carter et al. 1987; Hansen 1999). In 1950, a Cabinet committee was established to consider "further means which might be adopted to check the immigration into this country of coloured people from British colonial territories" (Joshi et al. 1989: 61). While public and governmental anxieties revolved around preserving Britain's racial and cultural character, fears were further expressed regarding the subjects' access to the British welfare system, which was seen as the preserve of white Britons (El-Enany 2020; Jacobs 1985; Joshi et al. 1989).

Determined, however, to maintain the ideological value of British subjecthood following the rapid demise of Empire (Chatterji 2013) – and additionally anxious not to appear racist after committing to the development of an equitable welfare state in the post-war period (Hansen 1999; Lunn 1989) – the government resisted introducing any formal checks on migration. Instead, the state sought to prevent (post)colonial migrations through covert measures, such as raising the price of low-cost tickets on transatlantic crossings, and pressuring governments to limit the number of passports issued to subjects (Goodfellow 2019; Lunn 1989). Meanwhile, (post)colonial peoples in Britain faced considerable public hostility (Anderson 2013; Joshi et al. 1989; Jacobs 1985), and were subjected to various forms of "laissez-faire discrimination" (Sivanandan 1976: 352).

Caribbean labour migrants faced racism by employers, unions, and other workers, that prevented

⁴ While restrictions were placed on the movement of free, non-white subjects to the Dominions, no such restrictions applied to Britain (Anderson 2013).

them from finding work, or pushed them out of their posts (Lunn 1989: 167). Meanwhile, South Asian migrants often found themselves in jobs that were poorly paid and subject to poor working conditions (Brah 1991). While (post)colonial peoples retained their rights of entry, stay and political membership, their experiences were often marked by exclusion and hardship. In the coming decades, this exclusionary logic would harden into measures that would erode their recognition in Britain.

Towards legal exclusion: 1962-1981

The following period, from 1962, saw the rapid erosion of (post)colonial peoples' legal rights in Britain. The 1962 Commonwealth Immigrants Act ('1962 Act') maintained British subject status, whilst differentiating subjects' rights of entry. Only those who were born in the UK, or who held UK passports, maintained unrestricted rights of entry (s. 2) while all other subjects were required to obtain employment vouchers to enter and live in Britain (s. 2 (3)(a)). The 1962 Act was further amended after 1967, following the arrival of several thousand Kenyan-settled South Asians, fleeing the country's Africanist regime (Anderson 2013; Hansen 1999a). Carrying UK passports, the Kenyan Asians had retained their rights of entry under the 1962 Act. The 1968 Commonwealth Immigrants Act ('1968 Act') was therefore introduced to restrict their entry. The legislation's intention was summarised by then-Home Secretary James Callaghan:

Immigration control should be extended to citizens of the United Kingdom and colonies who did not belong to this country in the sense of having any direct family connection with it or having been adopted here (Hampshire 2005: 35).

This statement illustrates a clearly exclusionary logic: the Kenyan Asians lacked connection with Britain, and did not belong here (Anderson 2013; Hansen 1999a; Safran 1997). The 1968 Act thus restricted rights of entry to those who had one parent or grandparent born, adopted, naturalised or registered in Britain as a citizen of Britain or its colonies (s 1(2A)). Given that the population of Britain prior to the post-war period was predominately white British, this legislation implicitly tied these rights to their descendants (Goodfellow 2019). The 1971 Immigration Act ('1971 Act') upheld these restrictions, and christened the descent principle 'patriality' (s 2(6)), which became tied to rights of both entry and settlement (s. 3). Finally, the 1981 British Nationality Act tied rights of *jus soli* citizenship to those who met the patriality requirement (ss. 1-2). (Post)colonial peoples were thus turned into aliens in Britain, without automatic rights of entry, settlement and

citizenship (Dummett et al. 1981; Klug 1989)

In this period, (post)colonial peoples' entry into Britain, particularly through marriage migration routes, was further regulated through intrusive and discriminatory practices. 1980 saw the introduction of the primary purpose rule (PPR), which required foreign nationals seeking to enter the UK as a spouse or fiancé(e) of a British citizen to prove the primary purpose of their marriage was not to obtain British residency. The PPR was aimed at South Asian marriage migrants, and scrutinised their objectives using stereotypical views of gender and South Asian families (Innes et al. 2015; Menski 1999; Patel 2014). By the time of its 1997 abolition, the PPR had divided thousands of couples and families who could not meet the required burden of proof (Wray 2011). Meanwhile, the state's taste for covert controls persisted in the notorious practice of 'virginity testing'; was again targeted at South Asians (Marmo et al. 2014; Patel 2014; Wilson 2018). Women entering Britain as fiancées did not require entry visas if they married within three months of arrival, whilst married women required prior entry clearance (Marmo et al. 2014). Assuming all unmarried South Asian women were virgins, immigration officers mandated invasive examinations for fiancées they suspected of flouting the rules (Marmo et al. 2014). The practice was exposed in 1979, when The Guardian broke the story of an Indian national who testified her experience:

He was wearing rubber gloves and took some medicine out of a tube and put it on some cotton and inserted it into me. He said he was deciding whether I was pregnant before. I said that he could see that without doing anything to me, but he said there was no need to get shy (Phillips 1979).

While these measures were designed to restrict (post)colonial peoples' entry, they clearly caused distress for those they impacted (Marmo et al. 2014; Menski 1999; Wilson 2018). In their analysis of virginity testing, Marmo et al. (2014: 51) further borrow from Agamben's (1998) 'bare life' to highlight that South Asian women's rights to dignity were suspended during their passage across the border. I suggest the developments of this period thus illustrate the beginnings of (post)colonial peoples' institutionalised precarity in Britain. By losing rights of entry, settlement and citizenship in Britain, (post)colonial peoples became "political strangers", non-citizens to whom the state owed little obligation (Achiume 2019: 1515). The erosion of their recognition in turn justified their differential treatment – including exposure to practices that violated and humiliated them, or that severely disrupted their lives (Marmo et al. 2014; Patel 2014; Wilson 2018). The legal developments of this period therefore contributed to institutionalising

(post)colonial peoples' differential value, giving rise to their precarity.

The birth of the 'hostile environment': 1987-2016

From the late twentieth century, the British immigration system has undergone a period of record expansion and reinforcement, witnessing a proliferation of measures aimed at restricting (post)colonial migrants' entry, rights and entitlements, that have entrenched their precarity in Britain. These developments were initially motivated by the rapid growth in the number of asylum seekers in Britain in the late twentieth century (El-Enany 2020; Gibney et al. 2003). Since the early 1990s, most asylum seekers in Britain have come from outside Europe, including from former colonies; a trend often attributed to conflicts in the Global South and the increasing accessibility of international travel (El-Enany 2020; Gibney et al. 2003; Maughan 2010; Mayblin 2017). El-Enany (2020) further highlights that the restrictions introduced in the aforementioned periods had also made asylum one of the most viable routes to Britain for (post)colonial peoples. These peoples have, however, continued to face hostility in Britain (El-Enany 2020). The asylum seekers of this period were perceived as 'different' to those who had previously sought refuge in Britain, who had been mostly Europeans fleeing the Eastern bloc (Chimni 1998; El-Enany 2020; Mayblin 2017). Meanwhile, media and political discourse focused on the need to distinguish between 'genuine' asylum seekers in need of protection; and 'bogus' economic migrants who sought to benefit from Britain's wealth (CW 2017; El-Enany 2020; Kaye 1999; Kushner 2003; Maughan 2010). Immigration law and policy followed suit, developing into a "non-entrée" regime (Hathaway 1992) underlain by rationales of explicit deterrence and restriction (El-Enany 2020; Maughan 2010; Mayblin 2017; Zetter et al. 2005).

This regime has been partly enacted through measures that have reinforced the state's external border (CW 2017).⁵ However, many of this period's developments have focused on fortifying the state's internal border, namely, by enhancing its powers of scrutiny, which seek to clearly demarcate citizens from non-citizens, and mark out the latter for differential treatment (CW 2017; de Noronha 2019; Yuval-Davis et al. 2017). Throughout the 1990s, detention centres were built using private finance, while the Home Office set yearly rising deportation targets (CW 2017). Meanwhile, the Immigration and Asylum Act 1999 ('1999 Act') increased immigration officers'

⁵ These include the 1987 Carriers' Liability Act, which penalised owners/agents of ships/aircrafts that carried passengers without valid leave to remain (s. 1). I have dated this temporal period from its passage.

powers to arrest and detain (s. 154). Since the 1990s, the number of migrants in detention has accordingly significantly increased (Tyler 2010). While asylum seekers dominated the public agenda, other migrants did not escape notice. The 1999 Act further required marriage registration officers to report to immigration authorities where they suspected the occurrence of a sham marriage for immigration purposes (s. 24). Chantler et al. (2009) note that this rule has disproportionately affected certain groups; particularly, South Asian families. Measures of enhanced scrutiny have therefore reinforced (post)colonial peoples' precarity in Britain, heightening their vulnerability to various forms of state aggression, including incarceration, removal and undue interference with their intimate and family lives. I further explore these implications in **Chapter Two**.

In this period, (post)colonial peoples' precarity has been further reinforced through the erosion of their access to social and economic networks (Butler 2009). The 1999 Act abolished asylum seekers' access to welfare benefits (s. 115), and provided for their support under the newly created National Asylum Support Service (NASS), which dispensed subsistence payments via 'vouchers', exchangeable in some shops, that carried a far lower monetary value (Freedman 2007). The voucher has since been replaced with a debit card loaded with a small weekly allowance, which is frequently proved as insufficient to meet basic needs (Refugee Action Case 2014). The 1999 Act further introduced the policy of dispersal, providing asylum seekers accommodation on a 'no-choice' basis (s. 97), often to isolated and socioeconomically deprived areas (Zetter et al. 2005; Goodfellow 2019). While ostensibly intended to relieve housing demand in London/the South-East, dispersal has been viewed to deprive asylum seekers of dignity, whilst heightening their exposure to hostility, violence and discrimination in areas where they are unwelcome (Goodfellow 2019).

(Post)colonial peoples' access to social and economic networks has been further precluded by the 'hostile environment' regime, contained within the Immigration Act 2014 ('2014 Act') and Immigration Act 2016 ('2016 Act'), which have extended processes of immigration control more deeply into everyday life (Yuval-Davis et al. 2017). Yuval-Davis et al. (2017) describe the legislation's impact as one of 'everyday bordering'; responsibility for immigration control has been dispersed amongst actors within the nation's territorial boundaries. The 2014 Act obliges landlords to check tenants' immigration status (s. 23), and prohibits banks from opening accounts for individuals without valid leave to remain (s. 40). Meanwhile, the 2016 Act criminalises employers who knowingly employ persons without the right to work (s. 35), and employees who are found

working without valid leave to remain (s. 34). These measures demarcate citizens from non-citizens in everyday life, whilst making the latter further vulnerable to various harms and disadvantages (Yuval-Davis et al. 2017). I turn to these implications in further depth in **Chapter Two**.

Today, many (post)colonial peoples carry disadvantageous immigration statuses with few rights and entitlements, including asylum seeker and spouse status (El-Enany 2020; Mayblin 2017; Wilson 2018). This 'weak' legal recognition has, in turn, enhanced their vulnerability to various harms. Following the 2017 Grenfell Tower fire, many of the building's tenants, who were found to have insecure immigration status (El-Enany 2020), were too frightened to receive critical healthcare, fearing incarceration and removal (Hiam 2017). In the hostile environment, people of colour, many of whom are (post)colonial peoples, are also disproportionately targeted for immigration control, regardless of their immigration status (de Noronha 2019; El-Enany 2020). This was illustrated through the 2018 Windrush scandal, when members of the 'Windrush generation', who had arrived as British subjects from Caribbean colonies in the post-war period, were wrongfully detained, stripped of their rights, and in some cases, deported, despite their eligibility for British citizenship (de Noronha 2019; El-Enany 2020). (Post)colonial peoples' precarity in Britain, then, heightens their exposure to harm; a predicament that has recently received increasing recognition from the wider British populace.

Conclusion

Through this review, I have illustrated how (post)colonial peoples' precarity has been produced in Britain: through the erosion of their legal rights and entitlements under immigration and nationality law, and the confluence of these restrictions with wider social processes. The precarity produced through their limited rights and recognition in Britain has further heightened their exposure to various harms (Butler 2009; Paret et al. 2016). The migration literature has touched on various explanations for these changes to (post)colonial peoples' status under the British immigration system, some of which I have highlighted in this chapter. These accounts have often highlighted the role of racism, as well as economic and security concerns, in driving these developments (Bhambra 2017; Kushner 2003; Maughan 2010). However, while these are vital considerations, they often overlook the broader historical and political context in which these processes unfold (Mayblin 2017). A growing corner of migration scholarship has therefore turned to contextualising immigration laws and policies within histories and legacies of European

colonialism (Achieme 2019; Bhambra 2015, 2017; El-Enany 2020; Mayblin 2017). Per these narratives, immigration laws and policies can be viewed to perpetuate a continuing colonial ethic, by depriving (post)colonial peoples' access to advantage acquired through their subjugation (Achieme 2019; El-Enany 2020). This dissertation seeks to build on the assumptions of this scholarship by advancing a 'logic of subordination', that explains (post)colonial peoples' precarity in Britain as a process of protracted colonial dispossession.

I further highlight that the existing postcolonial and decolonial literature on migration relies mostly on 'top-down' analyses of immigration law and policy (El-Enany 2020; Marmo et al. 2014; Mayblin 2017). These analyses therefore overlook many of the empirical effects of immigration law, and offer limited analysis of the immigration system's everyday operation. Additionally, while there exists a considerable body of scholarship on the harms faced by migrant women (Anitha et al. 2008; Canning 2017, 2018, 2019; Briddick 2019; Gill et al. 2007; Wilson 2018), the postcolonial and decolonial migration scholarship has, with a handful of exceptions (see Marmo et al. 2014), lacked a gendered perspective, or connected these experiences to Britain's continuing colonial ethic. This dissertation seeks to fill these gaps with attention to both immigration law and policy, and the lived experiences of women under this system. In the following chapters, I home in on (post)colonial migrant wives' and women asylum seekers' experiences of precarity in Britain, and examine their role in driving the state's continuing colonial ethic.

Chapter Two: The precarity of women

Because I was the weakest, still I am in the weak position and [it is] normal human nature when you are in the better position, the other one is [in a] weak position [which leads to] controlling behaviour.

Noor, interview with the author, March 2020.

Refused us, refused us, we appealed, they refused, then we had to go to court.

Diya, interview with the author, March 2020.

Introduction

This chapter examines the relationship between systems of governance for marriage migration and asylum in Britain, and the lived experiences of the (post)colonial migrant wives and women asylum seekers ('(post)colonial women') they govern. I seek to highlight how (post)colonial women's precarity is produced through immigration law and policy, and their interaction with various social processes. My analysis thus illustrates how gender becomes a constitutive category that produces and exacerbates (post)colonial migrants' precarity in Britain (Canefe 2018). I further highlight how (post)colonial women's precarity gives rise to experiences of harm, including gendered violence, destitution, and poor physical and mental health. I do not claim that these are the only challenges faced by (post)colonial women, and this chapter does not seek to provide an exhaustive account of each of the trials they face. However, the selected categories of analysis allow for a comprehensive consideration of several elements of legal and policy frameworks for migration in Britain, and various social processes, that produce the precarity of many (post)colonial women in Britain.

(Post)colonial migrant wives

While I recognise that 'marriage migration' to Britain comprises diverse trajectories and legal routes (Charsley et al. 2012), I restrict my analysis to the most statistically significant of these: non-EEA nationals who have entered Britain as a spouse, fiancée, or partner of a British citizen, person with British settled status, or refugee or humanitarian protection status ('spouse status') (Briddick 2019). A disproportionate number of marriage migrants – about two thirds or more in

each year – are wives (Briddick 2019). Most marriage migrants enter into heterosexual unions (Innes et al. 2015), and a significant proportion also hail from former British colonies, or other Global South countries; In 2018, over half of all spouse visa grants were made to nationals of states subjected to British colonialism, illustrated in **Appendix A** (Home Office 2019). Here, I illustrate how spouse visa law interacts with various social processes to produce disadvantageous outcomes for (post)colonial migrant wives (Menski 1999).⁶

Enforced dependency

Marriage migrants are subject to various conditions, outlined in **Appendix B**, that shape their lived experiences in Britain. Briddick (2019) notes that the migrant wife's experience is characterised by her 'enforced dependency': spouse status necessitates the existence of a 'sponsoring' and 'sponsored' spouse. The former is handed considerable authority over the latter, whose initial application for entry clearance, and every application for renewal thereafter, requires their approval (Anderson 2013; Briddick 2019; Gill et al. 2007; SBS 2014). Feminist legal scholars have therefore linked marriage migration rules to the abolished doctrine of *couverture*, where a woman's independent legal personality, interests and rights were extinguished upon marriage (Balgamwalla 2014; Briddick 2019; Shah 2007). Anderson (2013) further argues that this relationship raises parallels with slavery, indenture and labour contracts. These conceptualisations evocatively emphasise the wife's legal dependency in Britain. I suggest this dependency produces her precarity, that institutionalises her insecurity, and heightens her exposure to various harms (Butler 2009).

The wife's dependency is reinforced through the 'probationary period', during which she cannot apply for 'Indefinite Leave to Remain' ('ILR'), and must maintain her dependant status (Anitha et al. 2008; Briddick 2019). In 2003, the minimum probationary period was raised from 1 to 2 years; in 2012, it was increased to 5 years (Briddick 2019; SBS 2014). The Home Office's (2011: 8) justification for the later extension is that it tests the "genuineness" of the spousal relationship. However, Briddick (2019) highlights that the Home Office does not explain why this should be determined over 5 years, rather than 2. In practice, the probationary period simply prolongs the wife's dependency (Anitha et al. 2008). This dependency is further reinforced through the 'minimum income requirement', that requires the sponsored and sponsoring spouses to earn a

⁶ Following Briddick (2019: 3), I use the terms 'wife' and 'husband' to highlight, rather than reproduce the gendered assumptions and implications of the British immigration system.

combined annual income of at least £18,600. The requirement's stated rationale is to prevent spouses becoming an economic burden on the state (Sumption et al. 2016). This evaluation however disregards any income earned overseas by the migrant spouse, as they may stop working after their arrival (Innes et al. 2015; Sumption et al. 2016). In practice, the requirement may act as a disincentive for the wife to work in her country of origin, which increases her economic dependency on her husband after her arrival (Briddick 2019).

The wife's dependency can make her vulnerable to experiences of harm, such as gendered abuse or destitution. Gendered violence is often linked to imbalances of power within interpersonal relationships (McCarthy et al. 2018). Mirza (2016: 592) notes that British immigration policies therefore equips the perpetrator of abuse with "a powerful tool of oppression" by providing them authority over their partner's status, which institutionalises their interpersonal power. Gendered violence is further linked to rigid patriarchal gender roles and norms, that may accept or condone violence within relationships (McCarthy et al. 2018). Most research into gendered violence among marriage migrants in Britain has focused on South Asian, and especially, Pakistani wives (Charsley et al. 2012). In these instances, immigration law has been seen to interact with gendered norms and processes, such as family and kinship systems, to enact harmful consequences for women (Gill et al. 2007).

The wife is therefore made vulnerable to abuse enabled by her legal dependency, and its confluence with gendered norms. Her husband and in-laws may threaten to report her to immigration authorities or have her deported (Anitha et al. 2008; PICUM 2020; Siddiqui et al. 2011). As she may be economically dependent on them, or may not understand her rights in Britain, she may further be threatened with the prospect of destitution, or of losing access to her children (Anitha et al. 2008; Siddiqui et al. 2011). These threats may be used to shape or condone certain behaviours, including the coercion of domestic and non-domestic labour or sexual activity (Anitha et al. 2008; Siddiqui et al. 2011). Her husband may also use threats of divorce, or threaten to taint her reputation; these are threats that carry considerable weight in South Asian communities, and are intended to stigmatise or intimidate women who do not behave appropriately (Siddiqui et al. 2011).

In some cases, her husband may further refuse to authorise her application for renewal or settlement, which may lead to her losing status and becoming an undocumented 'overstayer' (Gill

et al. 2007; SBS 2014). As the threat of removal is even more salient for those without legal status (De Genova 2002), she may again face threats of deportation, which may be realised. Imkaan describes the experience of Rita, an Indian national and migrant wife, whose husband refused to assist her with applying for ILR and reported her to the immigration authorities as an overstayer, before finally dropping her off a detention centre (Roy 2008: 12). In some communities, ‘transnational marriage abandonment’ has further emerged as a tactic of abuse, where the wife is coerced into returning to her country of origin, before finding she is unable to return to Britain after her visa is cancelled (Anitha et al. 2008; Patel et al. 2016). In these cases, the wife’s removal from Britain is effected by individuals, rather than the state, and is enabled by her enforced legal dependency.

The state has taken some steps towards mitigating the wife’s dependency under some circumstances. Under the Appendix FM DV-ILR immigration rules, some migrant spouses who have experienced domestic violence may apply for ILR during the probationary period (Home Office 2018a). However, most accepted types of evidence require the wife to have publicly disclosed her experiences of abuse (Anitha et al. 2008; Home Office 2018a). Many women do not make such disclosures, whether due to fears of immigration control (HRW 2020), or cultural factors (Anitha et al. 2008; Siddiqui et al. 2011). South Asian women, for example, indicate a preference for internal community mechanisms of conflict resolution, and are less likely to take their problems outside the home (Siddiqui et al. 2011). Additionally, this application is only available to those within Britain, and excludes those who have been removed or abandoned elsewhere. While the rule is a positive development for many women, it cannot alleviate the precarity of all migrant wives.

Constraints on rights and capabilities

The wife’s precarity is compounded by constraints on her rights and capabilities (Briddick 2019). Like other temporary migrants, the wife is subject to a ‘no recourse to public funds’ (‘NRPF’) condition, which she retains unless and until she obtains ILR. She is therefore ineligible for most forms of public funding, including welfare benefits, homelessness assistance, or social housing (HRW 2020; SBS 2020). Meanwhile, though the wife carries rights to work, she may face barriers to finding work. Non-EEA migrant women are one of the most disadvantaged groups in the UK labour market (Sumption et al. 2016). Migrant women may face prejudices regarding their “capability” in the job market (Kesete et al. 2015: 41). Additional barriers may include lack of English-language proficiency, caring responsibilities, lack of support and information regarding

how and where to find employment, the undervaluation of non-British qualifications and work experience, and the frequency with which spouse status must be renewed (Kesete et al. 2015). These constraints thus reinforce the wife's dependency.

These constraints can exacerbate experiences of gendered violence. Without access to public funds, survivors of domestic abuse are often unable to access forms of state support available to British-citizen and –settled women in similar predicaments. Domestic violence refuges rarely accept women with NRPF, as they rely on funding through claims to welfare benefits (HRW 2020). However, since 2012, Appendix FM-DVILR applicants may apply for a Destitution Domestic Violence Concession (DDVC), which grants temporary access to public funds, which they may use to secure a refuge place. Again, this process is not without complications. The DDVC requires that wives illustrate that their relationships have broken down before lodging an application (Home Office 2018b), meaning many experience an intermediate period without support. This can provide disincentive to leave the relationship, or otherwise enforce reliance on charity (Anitha et al. 2008; Roy 2008). Many women have positive experiences of third-sector support. Noor⁷ spoke glowingly of her experiences with the Safety4Sisters directors:

In Manchester these two people are the first times which I knew and I trust, and they are really helpful, which I find out.

Still, I suggest wives' enforced reliance on charity further points to their precarity in Britain. Their dependency on others illustrates their abandonment by the sovereign (Darling 2009), as they are precluded from access to the economic and social networks available to citizens, which can expose them to various risks. Saheli finds that some wives who left violent relationships were forced to stay with strangers, relatives and friends, leaving them vulnerable to sexual abuse and labour exploitation (Anitha et al. 2008). Additionally, the availability of charitable support is inconsistent; most migrant services are concentrated in particular areas, especially in London (MICLU 2020). Access to charitable support is therefore largely dependent on individuals' location, existing networks, knowledge of services, and good fortune. For migrant wives, charity is no replacement for the advantages withheld through the constraints imposed on their rights and capabilities.

⁷ Although Noor is an asylum seeker, Safety4Sisters works with migrant women with varied statuses, whose experiences may be similar.

(Post)colonial women asylum seekers

The legal and policy framework for asylum seekers in Britain is outlined in **Appendix B**. This framework comprises the international refugee regime, defined within the 1951 Convention and 1967 Protocol, and various domestic laws and policies. I define ‘women asylum seekers’ as women who have claimed asylum in the UK, and have not yet been granted refugee or humanitarian protection status. I further include women with refused asylum claims, recognising that many, including Noor and Diya, move between and across these categories (author’s interview notes, 11 March 2020). Most of the UK’s asylum seekers hail from the Global South, including from Britain’s former colonies (Home Office 2020). In 2019, almost half of asylum claimants were nationals of states subjected to British colonialism, illustrated in **Appendix A**. Fewer women than men claim asylum in the UK; in 2019, 24% of asylum claimants were women (Home Office 2020). This is a trend consistent across comparable countries, which is often attributed to the various barriers women face to leaving their countries and travelling internationally (Canning 2019; Crawley 1998). However, it is widely accepted that women asylum seekers face specific challenges, which are explored in this section (Canning 2017; Crawley 1998).

Under- and non-recognition

The UK asylum system presents various barriers to women’s recognition as refugees (Crawley 1998; McIntyre et al. 2012). I suggest these constrain women within the disadvantageous ‘asylum seeker’ status, which produces their precarity. The 1951 Convention has been criticised for its inadequacy in addressing gendered persecution (Crawley 1998; Freedman 2012; Smith 2016). The 1951 Convention does not make a positive attempt at recognising women’s experiences – neither gender, sex, sexuality, gender identity nor family status are enumerated grounds for persecution (Arbel et al. 2014; Freedman 2012; Smith 2016). An additional issue lies in the Convention’s interpretation; those who determine refugee status are prone to constructing persecution based on men’s experiences (Arbel et al. 2014; Crawley 1998; Freedman 2012; UNHCR 2002).

Some efforts have been made to counter the regime’s gender bias by attuning professionals to women’s experiences of persecution. The UNHCR (1991; 2002; 2012) has published various guidelines to this end. The Home Office (2018: 5) has also published its own gender guidance, which lists several observations for caseworkers’ consideration, including that women’s experiences are often “very different” from men’s, that violence against women may be committed by the family, community, and state actors, and that states may not afford women

protection from pervasive gendered persecution. They thus appear to challenge the public/private dichotomy that has traditionally underscored status determination procedures (Crawley 1998); acknowledging that women's experiences within the private sphere may constitute persecution. However, research in the British context consistently evidences non-adherence to such gender guidance (Canning 2017). This is evidenced within claims brought under 'political opinion', where the issue of interpretation continues to present various challenges; women's involvement in political activity is more likely to manifest in supportive roles, or as other forms of resistance, including resistance to gendered social norms, that may not be read as explicitly political (Crawley 1998; Freedman 2012; HRW 2010; HRW 2020; Kirvan 1999; Reehal et al. 2019).

Gender-based and -related asylum claims in the UK are often instead based on 'membership of a particular social group', which may more easily recognise gendered persecution (Freedman 2012; Smith 2016). Under this ground, women, or more commonly, some women who share certain characteristics, may be considered to comprise a group prone to particular experiences of persecution (Freedman 2012; Smith 2016). However, the case law in this area remains highly specialised to the circumstances of each case (Freedman 2012). This is reflected in Lord Steyn's judgment in the *Shah and Islam* case (1999: 2), which notes:

Generalisations about the position of women in particular countries are out of place in regard to issues of refugee status. Everything depends on the evidence and findings of fact in the particular case.

In this case, 'women in Pakistan' were considered a particular social group for the purposes of protection. However, this judgment was established with painstaking regard to the claimants' specific circumstances, which necessarily differ between cases. These claims are therefore narrowly construed, preventing any precedent that might greatly increase women's chances of recognition (Freedman 2012).

Women's under-recognition is further produced by the 'culture of disbelief' embedded within status determination procedures (CW 2017; Webber 2019). Survivors whose claims rest on gendered violence may not consistently disclose these experiences throughout the claims process (Ceneda 2003; Canning 2017; Clayton et al. 2017; Reehal et al. 2018). This tendency towards non-disclosure is exacerbated by the dearth of gender-sensitive support services for asylum seekers

(Canning 2017). Inconsistent or late disclosures can however be disbelieved by immigration authorities (Ceneda 2003; Canning 2017). This was reflected in my own research. Diya tells me that the immigration authorities “don’t understand” several elements of her case, from her daughter’s experiences of sexual assault by her husband, to the fact that she cannot access any of the funds that she earned in India, as they are under her father’s control. Noor further discloses that the Home Office has repeatedly cast doubt on her experiences of domestic violence by her ex-husband, and the threats of honour-based violence she faces by members of her extended family in Pakistan.

Women asylum seekers thus face various barriers to recognition as refugees. I suggest this state of under- and non-recognition enables their precarity in Britain. While asylum seeker status is arguably one of the most disadvantageous legal statuses, its constraints are, perhaps, justified by its implied temporal limitation: it is not a long-term, or even medium-term status, but is rather an intermediate stage ‘on the way’ to recognition as a refugee. However, where serious barriers exist to her recognition, the woman asylum seeker is effectively constrained within this ‘temporary’ status, before she is likely refused. Her confinement within the categories of ‘asylum seeker’ or ‘refused asylum seeker’ further makes her vulnerable to various harms, which I explore below.

Constraints on rights and capabilities

(Post)colonial women asylum seekers’ precarity is further produced by constraints on their rights and capabilities, which are detailed in **Appendix B**. Asylum seekers are effectively prevented from working: they do not have the right to work within the first 12 months of their claim, and afterwards, can only apply for permission to work under certain conditions, outlined in **Appendix B**, which few receive (Kirkwood et al. 2016). They are entitled to minimal support under NASS – today, adult asylum seekers are entitled to £37.75 per week (UK Government 2020). In comparison, single adults entitled to state welfare benefits may claim up to between £342.72 and £409.89 per month (UK Government 2020a). The Home Office has asserted the NASS allowance covers asylum seekers’ “essential living needs” (Refugee Action Case 2014: [1]). This is contested through asylum seekers’ empirical experiences (Mayblin 2017; Mayblin et al. 2019), and, especially, women with children, many of whom are unable to meet their basic needs (MA/BID 2002 in Freedman 2017).

Asylum support policies are therefore often described as ‘enforced destitution’ (Canning 2017; Dudhia 2020). A recent report by Women for Refugee Women (‘WRW’) found that 46% of their 104 women asylum seeker respondents had experienced destitution more than once, which typically occurred before their NASS support had commenced, or following a refusal (Dudhia 2020: 6). Noor mentioned several instances of becoming “destitute”, which occurred in 37s; she received support after lodging a claim, became destitute following a refusal, and had her support reinstated following a fresh claim. Destitution further heightens vulnerability to various harms (Dorling 2012; Dudhia 2020). The woman asylum seeker may engage in irregular work, leaving her vulnerable to exploitation and abuse by unscrupulous employers (Anderson 2010; Dudhia 2020; Freedland et al. 2014). Meanwhile, many women asylum seekers become dependent on male partners, or are coerced into unwanted relationships to avoid destitution (Canning 2017; Dudhia 2020; McIntyre et al. 2012; Reehal et al. 2019). WRW found that 60% of their respondents who had stayed in an unwanted relationship had disclosed they were raped or subjected to another form of sexual violence by their partner (Dudhia 2020: 4).

Destitution, gendered violence, and the stress of the asylum process may further produce or exacerbate poor mental and physical health (Canning 2017; Dudhia 2020). WRW found that 95% of their respondents were depressed, while 78% said that their mental health had become “much worse” after destitution (Dudhia 2020). Meanwhile, policies such as dispersal can disrupt asylum seekers’ access to healthcare, which is particularly troublesome for pregnant women and people with long-term health conditions (Nellums et al. 2018). Noor explained how her health had deteriorated during the asylum process, stating:

At that time my health was really bad...dizziness and diarrhoea especially.

Whenever I was anxious I would go toilet diarrhoea. Two times I went to emergency ambulance call...so much going on in life...my health was going down...

Noor eventually determined that she had a rare autoimmune condition, that has caused visual and hearing impairment. She spent a period in hospital, and jokingly tells me that she was “happy” there, as she was not in her NASS accommodation, and was provided free food. While her tone was light-hearted, I suggest her statement illustrates the high level of stress experienced by destitute asylum seekers, which can corrode their health.

Refused asylum seekers experience further constraints, summarised in **Appendix B** (Darling 2009; McIntyre et al. 2012). While they are expected to leave Britain, many refused women asylum seekers remain fearful of gender-based and –related persecution in their home countries, and may remain in Britain without valid status (Dudhia 2020; McIntyre et al. 2012). Their experiences are not dissimilar to those with current asylum seeker status; they may become vulnerable to exploitation, violence, or destitution (Dorling et al. 2012). However, they may only receive NASS support under a narrow set of circumstances, which further affects their ability to access NHS services; their precarity is arguably enhanced through these constraints.

Asylum seekers, both current and refused, are further reliant on third-sector organisations for support with meeting basic needs (Darling 2009; Dudhia 2020; Mayblin et al. 2019). WRW finds that 82% of their 103 respondents were given small hardship payments by charities (Dudhia 2020: 6). When I spoke to Noor, Safety4Sisters was assisting her with subsistence payments for basic expenses, and funding hostel accommodation. Noor tearfully explained that she had sometimes borrowed money from other women at Safety4Sisters when she had no other option. However, as I have previously highlighted, the availability of charitable support is inconsistent, and cannot meet the needs of all asylum seekers (Mayblin et al. 2019). Demand for services is high (Mayblin et al. 2019), while support networks for asylum seekers are mostly concentrated in certain areas of the country, especially London and other urban centres, which leaves those dispersed outside these areas with fewer options (Mayblin et al. 2019; MICLU 2020; Zetter et al. 2005). I reiterate that asylum seekers' enforced reliance on the third sector illustrates their abandonment by the state, and heightens their vulnerability (Darling 2009). This further illustrates their precarity, which is itself enabled by various constraints.

Conclusion

In this chapter, I have demonstrated how (post)colonial women's precarity is produced through immigration law, policy, and various social processes. I have further illustrated how women's precarity can heighten their exposure to harm, illustrated within lived experiences of gendered violence, destitution and poor physical and mental health. I acknowledge that not all women who migrate under these routes are (post)colonial peoples; however, many are (see **Appendix A**). The empirical research on these migrants is further largely drawn from the experiences of (post)colonial women, which has formed the basis of my analysis, which can therefore be viewed to illustrate the impacts of the British immigration system for this group. Still, while corners of the

migration literature have recognised that immigration law can have harmful effects for (post)colonial women (Anitha et al. 2008; Gill et al. 2007), few have sought to make sense of these experiences in relation to Britain's continuing colonial ethic. In the following chapter, I thus turn to the relationship between (post)colonial women's precarity, and its connection to Britain's project of continuing dispossession.

Chapter Three: A logic of subordination: (post)colonial women and Britain's project of continuing dispossession

Yet this is what they are; part of an attempt to control access to the spoils of empire which are located in Britain. British colonialism is thus an ongoing project, sustained via the structure of law.

Nadine El-Enany (2020: 2).

As always in our history of 'white men saving brown women from brown men', 'honour killings', and Muslim women's oppression generally, began to be used to justify imperialist goals and to unleash imperialism's own violence against women.

Amrit Wilson (2018).

Introduction

In the previous chapter, I established a connection between legal and policy frameworks for migration, and (post)colonial women's lived experiences in Britain. I illustrated how (post)colonial women's precarity is produced through the encounter between immigration law, policy, and various social processes. In this chapter, I advance the logic of subordination as a tool for reconciling (post)colonial women's precarity with Britain's continuing colonial ethic. I suggest (post)colonial women's precarity reinforces and legitimises Britain's project of continuing dispossession in three ways. Firstly, the constraints imposed on (post)colonial women's recognition and rights in Britain largely preclude their access to Britain's colonial advantage, including access to those public resources enriched through colonially expropriated wealth (El-Enany 2020; Shachar 2009). Secondly, (post)colonial women's precarity heightens their exposure to harms that facilitate their elimination, further preventing their assertion of claims to Britain's colonial advantage. Thirdly, (post)colonial women's recognition through a politics of humanitarian exceptionalism elides their entitlements to Britain's colonial advantage, and thus legitimises the state's project of dispossession (Danewid 2017; El-Enany 2020). I suggest the British immigration system's approach to (post)colonial women, and (post)colonial peoples, is therefore one of subordination; that prevents them from asserting their rightful claims to the advantage produced through their subjugation, and that so entrenches Britain's continuing colonial ethic.

A logic of exclusion

(Post)colonial women's continuing dispossession is enacted through their legal and political exclusion; effected through constraints placed on their rights and recognition in Britain. I have previously suggested that the benefits accrued through colonial conquest have produced Britain as a space of enhanced opportunity and capability. Shachar (2009) notes that citizens of wealthier states win 'the birthright lottery', gaining access to opportunity unavailable to those excluded from their membership. I further draw from Sen's (1999) capability approach to suggest that citizens of the Global North generally enjoy greater human freedoms that are less available to nationals of the Global South. I concede that the advantage of colonial conquest is not evenly distributed amongst those who carry the requisite forms of political membership in the Global North (Batra Kashyap 2019; El-Enany 2020), and that some (post)colonial peoples, such as Global South elites, enjoy greater opportunities and freedoms than others (Achieme 2019). For the sake of brevity, I cannot comprehensively pay due to these considerations, and instead frame my argument in general terms: that some forms of political recognition in the Global North confer access-in-law to colonial advantage, and that (post)colonial women's exclusion from these rights of membership largely precludes their access to this advantage.

I suggest an example of the enhanced opportunity available in Britain is its economic enrichment, produced through colonially-acquired wealth (El-Enany 2020; Patnaik 2017). The British Empire expropriated approximately \$45 trillion USD from British India over two centuries of colonial rule (Patnaik 2017). Meanwhile, slavery and indentured labour were lucrative economic ventures that raised considerable revenue for Empire (Eltis et al. 2000). A significant portion of this wealth was then "drained" into enriching the metropole (Patnaik 2017: 277). In Britain, many public institutions, including healthcare, welfare and transport infrastructures, and cultural and educational institutions, were built using colonially-acquired wealth (El-Enany 2020). El-Enany (2020) therefore argues that access to these resources constitutes access to the 'spoils' of colonial conquest. Access to public resources is further bound to one's legal status in Britain, and is mostly restricted to British citizens and settled persons. The constraints placed on (post)colonial women's recognition and rights in Britain can therefore be conceptualised as barriers to access to colonial 'spoils'. These constraints include the NRPF condition, that precludes temporary migrants from accessing most forms of publicly funded support. These constraints have further been defended as a means of ensuring 'fairness':

Those who wish to establish their family life in the UK, should do so on a basis that prevents burdens on the taxpayer and promotes integration. That is fair to migrants and to the wider community (HM Government 2018: 68).

Marriage migrants' constrained access to resources is thus justified by their construction as an economic 'burden' on the state. Similar arguments have surfaced with regards to asylum seekers, which have been used to justify restrictions on their entry to Britain (Kaye 1999; Maughan 2010). This can be detected in the populist trope of the 'bogus' asylum seeker, who feigns a need for protection, whilst seeking to abuse the state's welfare system (Maughan 2010; CW 2017). They have also been used to justify restrictions on asylum access to resources. In a debate regarding the 1999 Act, David Lidington, the MP for Aylesbury stated:

This house...supports the abolition of cash benefits for asylum seekers but deplores the Government's incoherent and ineffective attempts to implement new arrangements for their support and the continued burden on local authorities...
(Parliamentary Debate 2000: col. 427)

Per this narrative, Britain's public resources remain the preserve of a national community, that comprises only those with the requisite forms of political membership in Britain.

While the NRPF rule applies to all migrants, I suggest its application to (post)colonial peoples raises questions of colonial injustice, and can be viewed to prevent their access to advantage produced through colonially-expropriated wealth, therefore continuing their dispossession (El-Enany 2020). I further suggest that (post)colonial women's access is precluded through the constraints placed on their recognition. As I have previously highlighted, (post)colonial peoples' rights in Britain have been steadily eroded in the last half century. Today, ever-increasing probationary periods continue to restrict the migrant wife's access to settlement and citizenship, while the woman asylum seeker faces various barriers to becoming recognised as a refugee; both are therefore prevented from accessing forms of political membership that would confer greater access to public resources. These constraints can therefore also be viewed to continue their dispossession.

I recognise that (post)colonial women do have access to some public resources. All people in Britain, regardless of their immigration status, have access to some basic NHS services, outlined in **Appendix B**. However, even these rights have recently been undermined. 2015 saw the introduction of the ‘immigration health surcharge’, that requires most migrants – including marriage migrants – to make an annual contribution of £400 towards public health services (Dorling 2019). For these migrants, access to the NHS no longer necessarily confers access to public resources. It is also worth considering that (post)colonial women may be further prevented from accessing public resources through informal restrictions. As I have previously highlighted, in the hostile environment, many migrants are wary of approaching public services, including the NHS, due to fears of immigration control (Hiam 2017; Nellums et al. 2015). Noor feels that she cannot approach most public services due to her status, which, she says, is a ‘sticker’ that marks her out for differential treatment. She states:

That ‘sticker’ is really disaster, when you tell somebody you are asylum seeker, that is really...straightaway, no, nobody going to help you...being asylum seeker, is rejection everywhere.

(Post)colonial women may therefore be further prevented from accessing colonial spoils through public hostility or prejudice, or their deportability (De Genova 2002). These processes may further impact racialised or minoritised peoples regardless of their immigration status; per the nation’s increasingly autochthonous politics of belonging (Yuval-Davis et al. 2017), the national community arguably further comprises mostly white Britons, and largely precludes most others, including (post)colonial women (Bhambra 2017; de Noronha 2019; Joshi et al. 1987; Goodfellow 2019). In summary, (post)colonial women’s legal and political exclusion – as well as their marginalisation within the hostile environment – prevents their access to the colonial advantage contained in Britain, including the ‘spoils’ of colonial conquest. I suggest this deprivation legitimises this advantage as the preserve of a select few who are seen to unquestionably belong to Britain (El-Enany 2020). (Post)colonial women’s exclusion is, therefore, a tactic of subordination that reinforces and legitimises their dispossession, and so supports Britain’s continuing colonial ethic.

A logic of elimination

(Post)colonial women’s dispossession is further supported by their elimination, enacted through their degradation. This argument brings my theorisation of subordination closer to Wolfe’s (1999)

theory of elimination. For Wolfe (1999), indigenous peoples' presence in the settler territory was eliminated to extinguish their claims to land. Wolfe (2006) later clarified that elimination was effected through various processes, and does not necessitate genocide, as the term seemingly implies. Elimination encompassed various strategies, from a 'crude' period of initial massacres, to the coercion of survivors into reservations, formally encouraged miscegenation, the breaking-down of native title and native citizenship, child abduction, religious conversion and resocialization in total institutions (Wolfe 1999; 2006). Here, I suggest the British immigration system eliminates (post)colonial women by producing their precarity, which heightens their exposure to processes of harm. Feminist scholars have often recognised and condemned the state's perpetration of violence against women (Canning 2017, 2018, 2019). Canning variously describes the state's approach towards women asylum seekers as one of "degradation by design" (2019) or "corrosive control" (2020), due to its enactment of various harms reminiscent of tactics of gendered violence committed by abusive partners. I highlight that these processes can facilitate (post)colonial women's demise, or expulsion, both of which can be viewed to enact their elimination, and so extinguish their claims to Britain's colonial advantage.

As I have previously highlighted, (post)colonial women's precarity can expose them to harms, including gender-based violence, destitution, and poor physical and mental health. Each of these processes overlap, and can bear heavily on women. Violence may impart severe psychological injuries, which for migrant wives and women asylum seekers, can be exacerbated by the processes of the state (Canning 2019; Siddiqui et al. 2011). Women asylum seekers who have survived gender-based violence may be re-traumatised through inappropriate questioning during asylum interviews, or being surveilled by male guards in immigration detention (Canning 2017, 2019). Violence may also lead to physical injuries, that may evolve into long-term health conditions, or lead to premature fatality, whether by homicide or suicide (Siddiqui et al. 2004, 2011). WRW finds that third of respondents had tried to kill themselves, and almost a quarter had self-harmed (Dudhia 2020: 7). Research on migrant survivors of gendered violence with NRPF illustrates similar trends. Siddiqui et al. (2004) note that most women who approach SBS have contemplated or attempted suicide. Saheli further reports severe and ongoing health problems amongst migrant survivors, including suicidal thoughts and attempts, fears, anxiety and panic attacks, depression and eating and sleeping difficulties (Anitha et al. 2008). From these lived experiences, we can see that gendered violence quite literally kills women – or at the very least, can greatly wear them down.

As I highlighted in the previous chapter, destitution makes women further vulnerable to gender-based violence, and can exacerbate poor health. WRW further finds that most of their respondents had reported that their physical health had deteriorated while destitute (Dudhia 2020: 41). Noor's physical health had greatly deteriorated since her initial claim for asylum, and she made frequent mention of the impacts on her body:

...I couldn't move, I couldn't walk, my body was stiff, cramps, until now I get cramps...I can't sit long time...

She further describes other alarming symptoms she has experienced in the preceding years, including significant weight gain and loss, visual and hearing impairment, dizziness, headaches, stomach aches, irritable bowel syndrome, and sinus infections. Noor's exhaustion is palpable. Again, these experiences find some parallels amongst other migrant women with NRPF, including migrant wives. Saheli finds that respondents who had left abusive relationships saw improvements to their physical health over time, but that their mental health was severely impacted in the long-term. Their mental health conditions were further exacerbated due to their limited access to support services due to their NRPF condition (Anitha et al. 2008).

The uncertainty of carrying insecure or temporary immigration status can further contribute to the deterioration of (post)colonial women's mental health (Anitha et al. 2008; Dudhia 2020). Noor tells me that she has also experienced suicidal ideation, stress, anxiety, depression and sleeplessness. These symptoms were often triggered by seemingly trivial events. When describing the impact of learning that she had to be moved from one NASS-provided house to another, she states:

My stress...depression was killing me, I was just shocked how I'm going to travel. My dizziness, my head was killing me, pain was too much and I don't know what to do...

Meanwhile, Saheli notes that many migrant wives, after applying for settlement under Appendix FM DVILR, remain uncertain about the progress of their applications, and are fearful about the future (Anitha et al. 2008). Many continue to fear deportation, which causes considerable stress and depression (Anitha et al. 2008). SBS further notes that many of their clients have never had to

look after themselves, and are frightened by the prospect of surviving in a hostile and unfamiliar environment (Siddiqui et al. 2011).

A considerable body of research has further documented the deterioration of women's health in immigration detention (Canning 2013; MJ 2015; Girma 2014). Concerns have been raised about medical mistreatment of immigration detainees (MJ 2015), and sexual abuse of women detainees by male security guards (Canning 2013; Dorling et al. 2012). Between 2000 and 2019, there were 37 deaths in immigration detention (Inquest 2020). However, Canning (2013: 10) notes that those who work closely with asylum seekers have expressed surprise that there have not been more deaths, which she suggests is "a stark and damning reflection of a toxic system and practice". Women in detention are therefore subjected to various risks that can threaten their survival.

Drawn together, I suggest these varied processes amount to degradation, that facilitate (post)colonial women's elimination. This elimination can be corporeal, manifesting as their demise. In other cases, elimination may manifest as their expulsion, where women's lives are made so unbearable that they become inclined to leave Britain, effectively erasing their presence from the metropole. This latter argument is consistent with the government's publicly stated intentions regarding the hostile environment, which seeks to complicate the lives of migrants to encourage their return to their countries of origin (Kirkup et al. 2012). As for the former, I am not the first to have ascribed the British immigration system with such sinister motivations. El-Enany (2020) argues that the British immigration system reproduces the 'let die' logic of colonialism, where administrations allowed disease and famine to eradicate colonised peoples; evidenced in the case of *N v UK*, where a refused Ugandan-national woman asylum seeker died of health complications after being denied medical treatment and removed from Britain. Meanwhile, WRW quotes the following from a woman asylum seeker in detention, which, I suggest, further highlights the system's depravity:

*In my country people do bad things to you but they will finish you off and be done.
In this country they push you to kill yourself* (Girma 2014: 35).

Still, irrespective of the state's intentions, this section has illustrated that (post)colonial women in Britain do often face heightened risks of mortality due to the precarity of their circumstances. Their mortality, or alternatively, state-incited expulsion, can be viewed to constitute their

elimination; this can be read as a tactic of subordination, which successfully erases their claims to Britain's colonial advantage, and allows the state to maintain its colonial returns as its own.

A logic of humanitarian exceptionalism

Lastly, I suggest (post)colonial women's dispossession is legitimised by their recognition through a politics of humanitarian exceptionalism. International migration is largely governed by exception: states retain unfettered discretion over who to admit into, and exclude from their borders (Achiume 2019; Shachar 2009). All non-nationals are automatically excluded, unless their circumstances are seen to warrant exception (Achiume 2019; Shachar 2009). Exceptions may, at times, be granted on humanitarian grounds. The refugee is perhaps the archetypal humanitarian exception; their inclusion is justified by their victimhood (Achiume 2019; Malkki 1996). In the UK, humanitarian exceptions are further granted to migrant wives who have experienced domestic abuse through the Appendix FM DVILR route. Here, I suggest the logic of humanitarian exceptionalism elides (post)colonial women's entitlements to Britain's colonial advantage, and so legitimises their dispossession.

The logic of humanitarianism frames (post)colonial women's inclusion in Britain as an act of charity, grounded in their victimhood. Malkki (1996) suggests that the international community has come to associate refugees, and particularly, women and children, with a 'helplessness' that warrants their protection. Women asylum seekers' claims are therefore more likely to be successful where they rely on their victimisation (Freedman 2012; Smith 2016). This helplessness is reproduced in (post)colonial women's own contestations. When I ask Noor why she thinks she should be allowed to remain in Britain, she is clear that her claim to inclusion rests on her protection needs. She emphasises that she is a human being, before reiterating the reasons listed on her application; her serious medical needs, the threats of honour-based violence that she faces, and her lack of male protection in Pakistan. A narrative of victimhood is further evidenced through women's claims to inclusion through Appendix FM DVILR and the DDVC, which turn on women's experiences of gendered violence, and appear chiefly motivated by humanitarian concerns. This is evidenced in the commentary of the incumbent Minister for Women, Victoria Atkins:

We must be careful to recognise that the immigration system operates in and of its own right. That is precisely why we have the destitute domestic violence concession

to help women in these desperate circumstances...if appropriate (Parliamentary Debate 2019: col. 397).

Atkins is careful to clarify that migrant survivors of violence constitute an exception from the usual immigration rules, which remain otherwise unchanged. Their inclusion is thus based on their victimhood, and is informed by humanitarian exceptionalism. This sense of victimhood is, at times, reproduced in the contestations of third-sector or media organisations (Menski 1999; Thomlinson 2016). Representations of asylum seekers and refugees, including of women and children, often emphasise their vulnerability as forced migrants, rather than acknowledging the structural inequities that give rise to their out-migration (Danewid 2017; Malkki 1996; Souter 2014). Meanwhile, Menski (1999) and Thomlinson (2016) both remark that BAME women's activists in Britain are prone to emphasising survivors' experiences of gendered abuse by their families and communities, rather than the state policies that enable this harm. This criticism is perhaps slightly unfair – the role of activists, after all, is to effect systemic change, and drawing attention to the hardships experienced by (post)colonial women is an effective means of garnering public and political support. Still, it is true that this narrative of victimhood often elides the broader structural conditions that enable (post)colonial women's experiences of harm, including those facilitated or exacerbated by actions of the British state.

I therefore suggest that the logic of humanitarian exceptionalism, illustrated in (post)colonial women's claims to recognition in Britain, largely elides their relationship to Britain's colonial advantage as (post)colonial peoples (Achieme 2019; Bhabra 2015; Danewid 2017; Malkki 1996; Souter 2014). This logic legitimises Britain's project of continuing dispossession, by conceding that the British state is in rightful possession of its colonial advantage, and may decide how, when, and to whom to grant rights of access (El-Enany 2020). The (post)colonial woman is thus forced to ask for inclusion through an appeal to charity, rather than relying on any entitlements she may hold to Britain's colonial advantage, which has been produced through processes of expropriation and dispossession. The logic of humanitarian exceptionalism thus allows Britain to reconstitute itself as a benevolent benefactor, whilst ignoring any grounds to inclusion arising from its perpetuation of historical and continuing injustices (Danewid 2017).

Additionally, humanitarian exceptions often rest on gendered and raced stereotypes reminiscent of those produced during Empire. During Empire, the plight of colonised women – evidenced in

‘barbaric’ practices such as widow burning or child marriage – drew the sympathy of imperial feminists and missionaries. Women’s plight was further used as evidence of (post)colonial peoples’ ‘backwardness’, and served as justification for their subjugation (Abu-Lughod 2002; Marmo et al. 2014; Spivak 1988). I suggest these tropes can be traced within leading asylum cases on gender-based and –related persecution in the UK, which may provide gratuitous details regarding women asylum seekers’ plight to establish their needs for protection. The *Fornah* (2006: [92]) case contains a detailed analysis of female genital mutilation in Sierra Leone:

They are usually performed by traditional practitioners using crude instruments and without anaesthetic. Immediate complications include severe pain, shock, haemorrhage, tetanus or sepsis...

I suggest the wording of this statement – notably, the mention of ‘traditional’ and ‘crude’ practices – implies the existence of a ‘backward’ periphery, that subjects its women to all manner of horrors. In a direct link to Empire, an objective of the immigration system thus becomes premised on “white men [are] saving brown women from brown men” (Spivak 1988: 92). This logic is reproduced in the contestations of (post)colonial women. Diya tells me that she believed living in Britain would offer her a chance to live in “a very modern kind of a world...it would be different”. I suggest her words are reflective of Gupta’s (1998) ‘postcolonial condition’, that illustrates a feeling of being underdeveloped, backward and behind the West, which forms the basis for her claim to inclusion in Britain.

I suggest the British immigration system’s focus on women’s victimhood by regressive cultures further obscures Britain’s complicity in enacting harm against (post)colonial women. Violence against women in parts of the Global South, which may give rise to claims for asylum, has, at times, been exacerbated by Western intervention. Honour-based violence against women in Iraq, for example, greatly increased amid the instability produced by the 2003 US-led invasion, in which Britain played a vital role (Green et al. 2009). Meanwhile, as I have previously highlighted, gendered violence against migrant wives in Britain is enabled and exacerbated by their precarity, which is partly produced through the conditions of their immigration status. While violence against women in the West is often attributed to black and brown men (Marmo et al. 2014; Rodriguez 2018), the laws and policies of the state in fact produce conditions in which violence against (post)colonial women is likely to be committed (Menski 1999). By focusing on women’s

victimisation by 'Third World' cultures, Britain's complicity in enacting various harms against (post)colonial women is obscured. The logic of humanitarian exceptionalism, then, is one of subordination; Britain is again reconfigured as a benevolent benefactor, that bestows political recognition on (post)colonial women as charity, which elides any grounds to inclusion as redress for historical and continuing injustices (Danewid 2017), and further legitimises Britain's colonial advantage as the natural property of the British state.

Conclusion

In this chapter, I have illustrated how Britain's project of continuing dispossession is enabled, reinforced and legitimised by (post)colonial women's precarity. I have suggested that (post)colonial women's precarity, and its implications, together produce processes of exclusion and elimination, which restrict their access to Britain's colonial advantage. I have therefore suggested that these processes effectively continue their dispossession as (post)colonial peoples, by depriving them of access to the advantage produced through the same historical processes that have enabled their subjugation, to which they are rightfully entitled (Achiume 2019; Amighetti et al. 2015; El-Enany 2020). Meanwhile, (post)colonial women's recognition through a politics of humanitarian exceptionalism legitimises their restricted access to colonial advantage, and reinforces Britain's self-fashioned role as its rightful proprietor (Bhambra 2015; Danewid 2017). Drawn together, I suggest these various logics comprise a logic of subordination, that extinguishes (post)colonial women's claims to advantage produced through the colonial project, allows the British state to claim its colonial returns as its own, and so maintains Britain's systemic dominance within the global order (Achiume 2019; Quijano 2007).

Conclusion

But the connection I want to make is this: that those attitudes are in operation right here as well, in what E.P Thomson has described as the last colony of the British Empire.

Salman Rushdie (1982).

In 1989, Southall Black Sisters raised its first campaign at the intersection of gender and immigration justice (Joshi 2004). Rabia Januja was a Pakistani national who had been pressured into marrying her rapist in Pakistan. When she and her husband were charged with *zina*, or fornication, they escaped to Britain, where she continued to face violence at his hands. One day, Rabia's husband informed police that she was an 'illegal' entrant. She was taken into immigration detention, leaving her eleven-day old son at home, and was booked on a deportation flight to Pakistan that same day. In fact, Rabia did not know whether her husband had taken any steps towards regularising her status. She was, however, already an SBS client, which arranged for her release, and commenced a media campaign to highlight her plight, which led to her being granted leave to remain on compassionate grounds. For SBS, the case triggered decades of campaigning against the British immigration rules, and especially, the probationary period, underlined by the slogan, 'A stark choice: domestic violence or deportation?' (Joshi 2004). The organisation's message was clear: there was something not quite right about a system that was willing to so readily dispose of vulnerable survivors of violence – but most were willing to turn a blind eye.

In March 2020, I am speaking to Diya in Manchester city. She is outspoken and incisive; our conversation is peppered with moments of her self-reflection. Growing up in India, she says, she was given a false sense of freedom, as if she could do whatever she wanted with her life. But looking back, she feels she was always subject to an underlying "shackle", constituted by the expectation that she would, above all else, protect her family's reputation. This has produced many of the challenges she has since faced, including a violent marriage, and ostracism by her family and community. She had hoped that life in Britain might be different; that she would be able to live safely and securely after claiming asylum. So far, this has not run entirely true. She is anxious to regularise her status, but she is seemingly trapped in a cycle of refusals and appeals; a maze laid by judges and caseworkers who do not believe that she cannot safely return to her

country of origin. She expresses her disbelief at being treated in this way. In a civilised society like England, she says, she thought she would be heard.

(Post)colonial women, and their supporters, have long expressed their frustration with the British state. Many are keenly aware that their struggles are often exacerbated – or even produced – by the state’s actions. This cognisance manifests, at times, as a sort of suspicion, illustrated above, that something is deeply wrong with the political system in which they are living. There is certainly something amiss with a state that outwardly claims to respect the human rights of all people, whilst quietly tolerating, or actively inflicting, significant harm against certain groups (Canning 2017; Menski 1999). It is this intuitive sense of dissonance that this dissertation has sought to unpack. The fact remains that concepts such as universal human rights, equality and freedoms have only relatively recently been embraced by Western polities (Moyn 2018). These ideas have further often failed to live up to their promise: they are subject to varying interpretations and applications, which can be exclusionary, and cannot be viewed to consistently apply to everyone (Mayblin 2017; Moyn 2018). Political projects have therefore often been driven by ideas that are seemingly antithetical to common-sense understandings of equality (Eltis et al. 2000; Mayblin 2017). Central to the European colonial project was the idea of differential human value (Mayblin 2017; Quijano 2007). The “idea of ‘man’, as a supposedly universal, rights-bearing subject” (Mayblin 2017: 29) was a status largely afforded to the white European male. The conquest of the non-European was therefore justified due to their being lesser than human (Mayblin 2017; Quijano 2007).

This dissertation has sought to illustrate that this ideology of “differential, hierarchically organised human worth” (Mayblin 2017: 147) persists through the everyday operation of Britain’s immigration system. In the sovereign state, political membership remains a salient marker of one’s rights, privileges, and entitlements (Achiume 2019; Shachar 2009). Precarity, then, or the preclusion of certain peoples from these, can perhaps be constructed as a fundamental condition of the non-citizen, that marks out their differential value and treatment (Anderson et al. 2011; Paret et al. 2016). In Britain, many of those who carry precarious immigration statuses are (post)colonial peoples, with histories of colonial subjugation (El-Enany 2020; Mayblin 2017). I have therefore sought to make sense of their precarity in context of the state’s broader political goals; namely, its continuing colonial ethic. The ‘logic of subordination’ highlights that the various harms experienced by (post)colonial women do not mark an aberration from Britain’s dominant political

ethic, but are consistent with their continuing dispossession. This projected is effected through processes of exclusion, elimination and recognition via a politics of humanitarian exceptionalism. Together, these processes reinforce and legitimise colonial advantage as the preserve of Britain and Britons, and maintains their systemic dominance within the global order (Achiume 2019; Quijano 2007).

While I have restricted my analysis to migrant wives and women asylum seekers, I suggest my conceptualisation of subordination can be further extended to accommodate (post)colonial peoples who carry other legal statuses. Domestic workers are subject to restrictive work conditions, which can heighten vulnerability to exploitation (Briddick 2019). Meanwhile, racialised British citizens may experience discrimination that restricts their access to public resources to which they are legally entitled (El-Enany 2020). (Post)colonial peoples' access to Britain's colonial advantage may therefore be restricted in various ways. In addition, while I have focused on dispossession, the British immigration system may further perpetuate other injustices, that are worthy of further attention. The marriage migration rules, which require compliance with contemporary Western norms of intimate and family relationships (Innes et al. 2015; Marmo et al. 2014; Patel 2014; Wray 2006), can be seen to perpetuate cultural injustice, that replaces or adversely affects the concepts and categories by which (post)colonial peoples understand themselves and their world (Amighetti et al. 2015; Bhargava 2013; Quijano 2007). While a comprehensive analysis of these is outside my scope, there is certainly room for further research into the immigration system's broader colonial ethic.

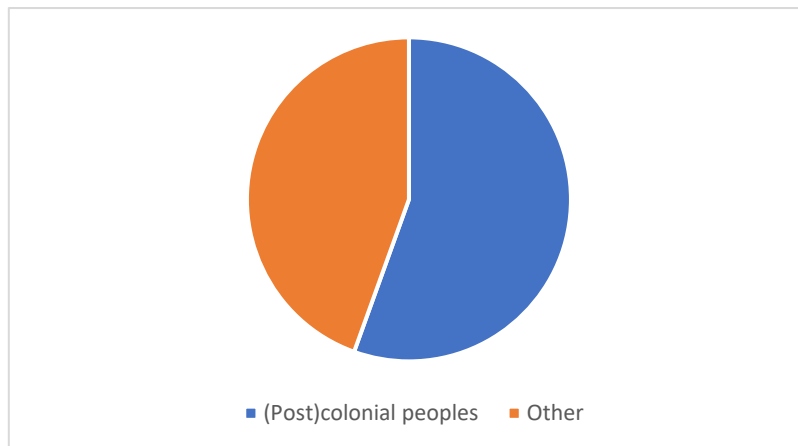
Lastly, I recognise that a limitation of this dissertation is its elision of (post)colonial women's agency. This is perhaps a somewhat inevitable drawback of studies focused on processes of the state; Wolfe's (1994) logic of elimination has been similarly critiqued for its "impoverishment of Aboriginal agency" (Povinelli 1997 in Sissons 1997: 30). Still, it would be a mistake to assume that (post)colonial peoples in Britain do not take any steps towards asserting their rights. Noor and Diya are well known at Safety4Sisters for taking every safe opportunity for public advocacy. Meanwhile, many attempts at defending migrants' rights – including court challenges regarding the 'right to rent' (JCWI Case 2019) and asylum seeker support (Refugee Action Case 2014) – have been driven by the third-sector. This resistance has, at times, illustrated cognisance of (post)colonial peoples' claims to inclusion in Britain following from their historical subjugation; Sivanandan's maxim, 'We are here because you were there' has long been a rallying call for

migrant activists in Britain (Srilangarajah 2018). Considerable research has been conducted into migrant women's resistance (see Joshi 2004; Wilson 2018), and this dissertation has not sought to make a further contribution to this end. However, recognising that an account of (post)colonial women's subordination in Britain would be incomplete without some reference to their agency, I acknowledge the vital role of migrants and the third-sector in asserting and defending their rights.

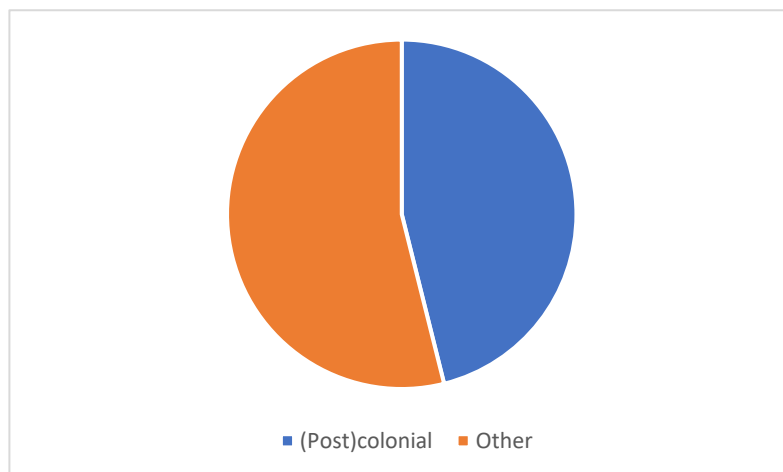
This work has sought to elucidate the relationship between structures of colonialism, the British immigration system, and the lived experiences of (post)colonial women in Britain. As I have highlighted, recent migration scholarship has conceptualised some (post)colonial migrations as a means of reparative, distributive and corrective justice (Achiume 2019; El-Enany 2020; Souter 2014). These are perhaps particularly pertinent considerations at this global moment. Achiume (2019: 1513-1514) draws our attention to the implications of immigration restrictions for Global South migrants moving North, stating, "the project of their exclusion...has reached a fevered, bloody pitch". Meanwhile, at the time of writing, calls for redress for racial and colonial injustices are gaining momentum in many parts. In Oxford, these have culminated in demands to remove the statue of colonialist Cecil Rhodes from Oriel College (Mohdin et al. 2020). This work has sought to centre the British state in its analysis of the harms faced by (post)colonial peoples in Britain, and expose Britain as a society that ascribes differential value to human lives. In doing so, it aspires to pave the way for future work into responses to migration that are informed by questions of justice, accountability, and redress for global inequities (Achiume 2019; Amighetti et al. 2015; Bhabra 2015, El-Enany 2020; Souter 2014).

Appendix A

Grants of spouse visas, 2018



Claims for asylum, 2019



N.B. In my calculation of (post)colonial peoples, I have included nationals from 60 Global South with historic connections to Empire, as former British colonies, protectorates, or mandates. I have not included the Dominions, British Overseas Territories or former colonies in the EU. I further recognise that other states have also experienced varying degrees of intervention by the British state, and that nationals of other states in the Global South may also broadly be considered (post)colonial peoples (Achieme 2019). For the sake of simplicity, I have not included them here. I seek to illustrate that nationals of former colonies are substantially represented among marriage migrants and asylum seekers. Including nationals of these other states would likely increase what is already a sizeable proportion. The spouse visa data refers to entry clearance grants (Home Office 2019), and the asylum data to new claims for asylum in that year (Home Office 2020). These are the most recent years for which data is publicly available.

Appendix B

Spouse visa conditions

Visa requirements

Requirements	Details	Impacts
Legal status	Sponsoring spouse must be either: <ul style="list-style-type: none"> - British citizen; - Settled status in the UK, or; - Refugee status or humanitarian protection (Home Office 2020a) 	
Minimum age	<ul style="list-style-type: none"> • 18 for both sponsored and sponsoring spouse (Home Office 2020a) 	
Minimum income requirement	<ul style="list-style-type: none"> • Minimum income requirement: <ul style="list-style-type: none"> - Both spouses must have combined income of £18,600 per year - Foreign-earned income of migrant spouse disregarded in evaluation • If there are children who not British nationals, then additional requirements apply <ul style="list-style-type: none"> - An additional £3,800 for first child - £2,400 for each child after the first (Home Office 2020a) 	<ul style="list-style-type: none"> • Excludes those who earn under £18,600 threshold, which is 40% of UK population (Sumption et al. 2016) • Increases migrant spouse's dependency on sponsoring spouse (Briddick 2019)
Adequate accommodation	<ul style="list-style-type: none"> • Proof must be provided of adequate accommodation for the couple and any children (Home Office 2020a) 	
Language requirement	<ul style="list-style-type: none"> • Sponsored spouse must establish good knowledge of English (Home Office 2020a) • Requires passage of English language test, unless a national of certain English-speaking countries or have a post-graduate qualification in the English 	<ul style="list-style-type: none"> • Excludes those who cannot illustrate proficiency (Blackledge 2009).

	<p>language (Home Office 2020a) (NB: excludes most (post)colonial countries)</p> <ul style="list-style-type: none"> Exemption can be provided if applicant is over 65, has a disability or other exceptional circumstances that might prevent them from passing test (JCWI 2019) 	
Proof of relationship	<p>Either:</p> <ul style="list-style-type: none"> Civil partnership or marriage recognised in UK Living together in relationship for at least 2 years when you apply Fiancé, fiancée or proposed civil partner and will marry or enter into a civil partnership in UK within 6 months of arriving (Home Office 2020a) <p>If applying as fiancé, fiancée or proposed civil partner, must prove:</p> <ul style="list-style-type: none"> Any previous marriages or civil partnerships have ended Plan to marry or become civil partners within 6 months of arriving in the UK (Home Office 2020a) 	<ul style="list-style-type: none"> Relies on subjective views of intimate and marital relationships. Non-Western relationships difficult to establish, historical discrimination against arranged marriages (Innes et al. 2015; Patel 2014)
Immigration health surcharge	<ul style="list-style-type: none"> £400 for each year of leave to remain (Schedule 1, The Immigration (Health Charge) Order 2015). 	<ul style="list-style-type: none"> Access to NHS services Charges may still apply for certain health services and prescriptions, etc. (JCWI 2018).

Conditions of stay

Conditions	Details	Impact
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Initial length of stay	<ul style="list-style-type: none"> • 2.5 years as spouse/partner/fiancé(e) • 6 months as proposed partner (Home Office 2020a) 	<ul style="list-style-type: none"> • Leave needs to be renewed, which must be approved by sponsoring partner (Briddick 2019) • If the sponsoring partner does not agree, risk of migrant spouse 'overstaying' and losing status, or having to leave the country (Gill et al. 2007; SBS 2014)
Extension	<ul style="list-style-type: none"> • Needs extension after 2.5 years (Home Office 2020a) 	<ul style="list-style-type: none"> • See above.
Probationary period	<ul style="list-style-type: none"> • 5 years <ul style="list-style-type: none"> - can apply for ILR after 5 years continuous residence <p>In cases where not all the eligibility criteria are met, a '10-year-route' visa may be granted instead of a '5-year-route', in which case the applicant is subject to a 10-year probationary period (Home Office 2020a).</p>	<ul style="list-style-type: none"> • Increases migrant spouse's dependence on partner for this time (Briddick 2019)
Rights to work	<ul style="list-style-type: none"> • Spouses and partners have unrestricted rights to work. <p>If applying as fiancé, fiancée or proposed civil partner,</p> <ul style="list-style-type: none"> • Cannot work during engagement of 6 months (Home Office 2020a) 	<ul style="list-style-type: none"> • Migrant spouses may face varied informal barriers to finding work (Kesete et al. 2015)
No recourse to public funds	<ul style="list-style-type: none"> • Barred from accessing public funds. (s 115(9), 1999 Act) 	<ul style="list-style-type: none"> • Cannot access most types of publicly funded support, such as social housing, homelessness assistance and welfare benefits. This also often bars access to women's refuges (ss 115-119, 1999 Act; HRW 2020; SBS 2020).

Access to healthcare	<ul style="list-style-type: none"> • Right to access NHS services. 	<ul style="list-style-type: none"> • Subject to immigration health surcharge, see above.
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Appendix FM DVILR: Indefinite leave to remain (settlement) as a victim of domestic abuse

Requirements	Details	Impact
Legal status	<ul style="list-style-type: none"> • Applicant must carry spouse/partner status of British national, settled person or refugee (Home Office 2018) • The leave doesn't need to be valid, i.e. they can overstay or have left the country and come back and not have status anymore – but should have previously had the correct form of leave (Home Office 2018a) 	<ul style="list-style-type: none"> • Spouses of persons with refugee/humanitarian protection status who were not settled at time of grant of leave excluded (Home Office 2018a)
Relationship requirements	<ul style="list-style-type: none"> • Relationship must have broken down due to the occurrence of domestic violence (Home Office 2018a) 	
Evidence requirements	<p>Accepted types of evidence include:</p> <ul style="list-style-type: none"> • Criminal conviction • Police caution • Order of civil court, e.g. injunction • Multi-agency risk assessment conference (MARAC) referral (local area bodies that review high-risk cases) • Charging decision by prosecutors 	<ul style="list-style-type: none"> • Most of these types of evidence require external intervention, i.e. by police, court or social services. • Most of these also require survivor to have publicly disclosed experiences of abuse (Anitha et al. 2008)

	<ul style="list-style-type: none"> • Domestic violence protection order • Forced marriage protection order • Prohibited steps and contact orders • Letter from social services or welfare officer connected to HM Armed Forces • Letter from organisation supporting victims of domestic violence, including a refuge, confirming they have assessed applicant as being a victim of domestic violence, and detail support being provided (Home Office 2018a) 	
Other requirements	<ul style="list-style-type: none"> • Applicant must be within the UK at time of application • Applicant must not be otherwise exempt, i.e. criminal convictions or be subject to a deportation order (Home Office 2020b) 	<ul style="list-style-type: none"> • Those outside the UK excluded.

Destitution Domestic Violence Concession (DDVC)

Requirements	Details	Impacts
Legal status	<p>Applicants must have been given leave to enter or remain as the:</p> <ul style="list-style-type: none"> • Spouse • Civil partner • Unmarried or same-sex partner of any of the following <ul style="list-style-type: none"> - British citizen - Settled person <p>The concession does not apply to those whose leave was given as the partner of a refugee or recipient of humanitarian protection who was NOT settled at time of application (Home Office 2018b).</p>	<ul style="list-style-type: none"> • Like the Appendix FM DVILR application, the rule is limited in scope and only applies to some migrant wives.
Requirements	<ul style="list-style-type: none"> • Relationship must have broken down as a result of domestic violence. • Applicant must need access to funds to leave violent relationship • Intend to apply for Appendix FM DVILR (Home Office 2018b) 	
Conditions of grant	<ul style="list-style-type: none"> • 3 months leave outside the immigration rules with a condition code that does not restrict access to public funds 	<ul style="list-style-type: none"> • Women may use access to public funds to gain access to a domestic violence refuge.

	<ul style="list-style-type: none"> Applicant must make Appendix FM DVILR application within this time (Home Office 2018b). 	
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Conditions of asylum seeker status

Rights and entitlements

Conditions	Details	Impacts
Right to work	<ul style="list-style-type: none"> No right to work for first 12 months of claim. Following 12 months, may apply for right to work if: <ul style="list-style-type: none"> delay to claim is deemed not to be their responsibility, and; they are able to work in one of the occupations on the shortage occupation list (Kirkwood et al. 2016) 	<ul style="list-style-type: none"> Asylum seekers effectively barred from working (Kirkwood et al. 2016).
Access to healthcare	<ul style="list-style-type: none"> Current asylum seekers have access to NHS services Refused asylum seekers maintain access to NHS services if they are still in receipt of NASS support, either s 95 or s 4, see below. 	<ul style="list-style-type: none"> Barriers to access present in practice. These include: <ul style="list-style-type: none"> Fear of accessing health services Unable to meet travel costs Unable to pay for prescriptions Disruption to healthcare due to dispersal or other relocation (Nellums et al. 2018)
No recourse to public funds	<ul style="list-style-type: none"> General ban on access to public funds (s 115(9), 1999 Act). 	<ul style="list-style-type: none"> No access to benefits, homelessness assistance, social housing, or women's refuge spaces (ss 115-118, 1999 Act).

NASS support

Type of support	Details	Impacts
Section 95 support (current asylum seekers)	<p>Destitute asylum seekers are eligible for s 95 support under NASS (s 95, 1999 Act). A person is destitute if they do not have adequate accommodation or enough money to meet living expenses (s 95(3), 1999 Act).</p> <ul style="list-style-type: none"> £37.75 for each person in household Extra payments for: <ul style="list-style-type: none"> Pregnant mothers, £3 per week Baby under 1 year old, £5 per week Child aged 1 to 3, £3 per week One-off maternity payment of £300 if baby is due in 8 weeks or less, or baby is under 6 weeks old (UK Government 2020) Housing in a flat, house, hostel or bed and breakfast on a 'no choice' basis (policy of dispersal) (s 97, 1999 Act). 	<ul style="list-style-type: none"> Inadequate support to meet basic living needs (Mayblin 2017, 2019a; Refugee Action Case 2014). Policy of housing dispersal further exposes asylum seekers to hostility in areas where there is an oversupply of housing stock, but where they are unwelcome (Goodfellow 2019)
Section 95 support (refused asylum seekers)	<ul style="list-style-type: none"> NASS support generally ends 21 days after claim is refused. Refused asylum seekers with dependant children may continue to receive s 95 support until youngest child turns 18 or until they are removed from the UK (UKVI 2015). 	See above.

Section 4 support (refused asylum seekers)	<p>Asylum seekers without dependant children may receive NASS support (s 4(2), 1999 Act) if they meet one of the following conditions (s 3(2) 2005 Regulations):</p> <ul style="list-style-type: none"> • Intend on returning to their country of origin and have taken steps towards doing so • Cannot leave because of serious medical conditions • Where there is no safe route to return to country of origin • If they are appealing to High Court against refusal • If they can show their human rights would be breached if they don't receive support <p>They may receive:</p> <ul style="list-style-type: none"> • £35.39 per week • Housing on a 'no choice' basis – if this is refused, then no housing or financial support will be provided. (UK Government 2020) 	<p>See above.</p>
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