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Politics of (in)visibility: Governance-resistance and the constitution of refugee subjectivities in Malaysia

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Abstract

This article explores the relationality of governance and resistance in the context of the constitution of refugee subjectivities in Malaysia. Whilst recognising their precarity, the article moves away from conceiving of refugees merely as victims subjected to violence and control, and to contribute to an emerging body of literature on migrant resistance. Its contribution lies in examining practices of resistance, and the specific context in which they emerge, without conceptualising power-resistance as a binary, and without conceiving of refugees as preconstituted subjects. Rather, drawing on the thought of Michel Foucault, the article examines how refugee subjectivities come into being through a play of governance-resistance, of practices and strategies that may be simultaneously affirmative, subversive, exclusionary, and oppressive. The relationality and mobility of this play is illustrated through an examination of practices surrounding UNHCR identity cards, community organisations, and education. Secondly, governance-resistance is conceptualised as a play of visibility and invisibility, understood both visually and in terms of knowledge production. What I refer to as the politics of (in)visibility indicates that refugee subjectivities are both constituted and become other than 'the refugee' through a continuous play of coming into being, becoming governable, claiming a presence, blending in and remaining invisible.

Keywords

Refugees; Resistance; (In)visibility; Governance; Politics; Subjectivity

Introduction

This article explores the complex relationality of practices of governance and resistance in the context of the constitution of refugee subjectivities in Malaysia. What I refer to as the politics of (in) visibility indicates that 'refugees' are neither merely victims, subjected to violence and control, nor simply agents of resistance. Something more complex is at play, which pushes beyond the binary of governance *versus* resistance. By examining the relationality of these practices as well as the specific context in and through which they emerge, the article offers a contribution to the emerging body of literature on migrant activism and resistance.

At first sight, precarity may appear to be the most fitting term for the situation of irregular migrants in Malaysia. According to Malaysian law, one is either a legal migrant or an illegal migrant, and the government's approach to 'illegal migrants' is characterised by raids, arrest, detention, and

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corporal punishment.[1] There is no distinction between migrants and refugees in Malaysian law, that is to say the category of the refugee does not exist. Without a legal status, the possibilities of claiming an affirmative identity in resistance to the violence of the state may seem limited. This absence of the category of the refugee differs from the currently prevailing conceptualisation of refugees in terms of crisis and emergency by governments, humanitarian organisations and scholars alike, as a result of which refugees are regarded as a (technical) problem to be resolved.[2] Refugees do exist, yet they constitute an abnormality characterised by a situation of emergency. What these approaches share, however, is that refugees are negatively defined and denied political subjectivity.

Rather than conceptualising refugees in terms of 'speechlessness, placelessnes, invisibility, victim status',[3] this article draws attention to how refugees pursue affirmative political practices in difficult circumstances, or rather, how refugee subjectivities come into being through practices of governance *and* resistance. This approach draws on a body of research that highlights the political character of migrant activism and resistance through notions such as 'agency', 'autonomy of migration', 'irregularity' and 'ambivalence'.[4] Much of this research either highlights the agency of migrants, or posits a more or less binary relationship between mobility and control, that is to say the migrants'

[1] Jeff Crisp, Naoko Obi, and Liz Umlas, *But When Will Our Turn Come? A Review of the Implementation of UNHCR's Urban Refugee Policy in Malaysia* (Geneva: United Nations High Commissioner for Refugees, Policy Development and Evaluation Service, 2012), p. 1.

[2] Peter Nyers, *Rethinking Refugees: Beyond States of Emergency* (New York: Routledge, 2006), p. 6. See also, Liisa Malkki, *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania* (Chicago: University of Chicago Press, 1995), p. 8.

[3] Nyers, *Rethinking Refugees*, p. 45.

[4] See, for example, Claudia Aradau, Jef Huysmans, and Vicky Squire, 'Acts of European citizenship: a political sociology of mobility', *Journal of Common Market Studies*, 48:4 (2010), pp. 945–65; Jonathan Darling and Vicky Squire, 'The "minor" politics of rightful presence: Justice and relationality in city of sanctuary', *International Political Sociology*, 7 (2013), pp. 59–74; Engin Isin and Greg Nielsen (eds), *Acts of Citizenship* (London and New York: Zed Books, 2008); Heather Johnson, 'The other side of the fence: Reconceptualizing the "camp" and migration zones at the borders of Spain', *International Political Sociology*, 7 (2013), pp. 75–91; Malkki, *Purity and Exile*; Anne McNevin, 'Ambivalence and citizenship: Theorising the political claims of irregular migrants', *Millennium: Journal of International Studies*, 41:2 (2013), pp. 182–200; Sandro Mezzadra, 'The right to escape', *Ephemera*, 4:3 (2004), pp. 267–75; Sandro Mezzadra and Brett Neilson, 'Né qui, né altrove – migration, detention, desertion: a dialogue', *Borderlands Ejournal*, 2:1 (2003); Carolina Moulin and Peter Nyers, '"We live in a country of UNHCR" – refugee protests and global political society', *International Political Sociology*, 1:4 (2007); Peter Nyers, 'Abject cosmopolitanism: the politics of protection in the anti-deportation movement', *Third World Quarterly*, 24:6 (2003), pp. 1069–93; Nyers, *Rethinking Refugees*; D. Papadopolous, N. Stephenson, and V. Tsianos, *Escape Routes: Control and Subversion in the Twenty First Century* (London: Pluto Press, 2008); Eeva Puumula, 'Political life beyond accommodation and return: Rethinking relations between the political, the international and the body', *Review of International Studies*, 39:4 (2013), pp. 949–68; Kim Rygiel, 'Bordering solidarities: Migrant activism and the politics of movement and camps at Calais', *Citizenship Studies*, 15:1 (2011), pp. 1–19; Vicky Squire (ed.), *The Contested Politics of Mobility: Borderzones and Irregularity* (New York: Routledge, 2011); Stephan Scheel, 'Autonomy of migration despite its securitisation? Facing the terms and conditions of biometric bordering', *Millennium: Journal of International Studies*, 41:3 (2013), pp. 1–26; Stephan Scheel and Philipp Ratfisch, 'Refugee protection meets migration management: UNHCR as a global police of populations', *Journal of Ethnic and Migration Studies*, 40:6 (2014); Maurice Stierl, '"No one is illegal!" Resistance and the politics of discomfort', *Globalisations*, 9:3 (2012), pp. 425–38; Martina Tazzioli, *Spaces of Governmentality: Autonomous Migration and the Arab Uprisings* (London and New York: Rowman and Littlefield International, 2015); Martina Tazzioli and William Walters, 'The sight of migration: Governmentality, visibility, and Europe's contested borders', *Global Society* (forthcoming).

ability to move and act politically *versus* the state's securitising practices which suppress migrants' claims to (political) existence, although a number of scholars move away from such binary thinking.[5]

The contribution of this article lies, firstly, in exploring the complexity and relationality of practices of governance and resistance as constitutive of refugee subjectivities – moving away from a conception of power-resistance as a binary relationship as well as from the conception of refugees as preconstituted subjects (of control or resistance). Informed by the thought of Michel Foucault, the focus is on the play of power and resistance whereby both are produced by and productive of a multiple field of forces.[6] Taking seriously the idea of a *play* of force-relations, the focus is on the movements in between governance and resistance, that is practices that function as governance and resistance simultaneously: *governance-resistance*.

Moreover, and this is the second contribution of the article, it is a play productive both of subjectivities and knowledges, and the specific environment in which these emerge. Unlike much of the research on migrant activism, which is set in a Western context, this article addresses the situation in a non-Western state that has not signed the 1951 Refugee Convention and its 1967 Protocol Relating to the Status of Refugees. This has considerable implications, for instance, with regard to which actors are involved and how they are constituted in the process, as well as in relation to the potentialities of governance-resistance.[7]

Conceptualising how subjectivities come into being poses a terminological challenge. If refugeeness is an 'effect' of certain processes, we cannot refer to this term from the start. The term migrant will therefore be employed to refer to non-Malaysian citizens in general, thus seeking to avoid reproducing the problematic distinction between 'refugees' as victims in need of protection and 'economic' or 'illegal' migrants who are not. The term 'irregular migrant' will be used to refer to migrants without a legal status under Malaysia law, whilst 'refugee' is used to express their coming into being as refugees. The term 'illegal migrant' is used when referring to the perspective of the government, in order to highlight its criminalisation of irregular migrants. That is to say, the category of the 'illegal migrant' is, like the category of the 'refugee', not an essential identity but a condition that has been produced through particular practices.[8]

The argument develops as follows. The first section examines the production of the 'illegal migrant' in Malaysia through governmental practices of securitisation and criminalisation. The second section

[5] See, for example, McNevin 'Ambivalence and citizenship'; Puumula, 'Political life'; Rygiel, 'Bordering solidarities'; Squire, *Contested Politics*.

[6] Michel Foucault, *The Will to Knowledge: The History of Sexuality: An Introduction*, trans. Robert Hurley (London: Penguin, 1990), p. 329. The article adopts a Foucaultian approach not in the sense of employing Foucault or applying his concepts, but in the sense of developing ideas and engaging with concepts and practices in a Foucaultian manner (see, for example, William Walters, 'Foucault and frontiers: Notes on the birth of the humanitarian border', in Ulrich Bröckling, Susanne Krasmann, and Thomas Lemke (eds), *Governmentality: Current Issues and Future Challenges* (New York: Routledge, 2011), p. 158). Thus, for instance, the article does not seek to understand what power or resistance means, or to define what it is, because concepts have no fixed meaning but are in the process of being created and transformed.

[7] The article is based on fieldwork undertaken in Kuala Lumpur between 2012–13. I lived in Malaysia from 2011–13, during which time I worked at the University of Nottingham Malaysia Campus. During the last six months of this period, I volunteered for the UNHCR, as an English teacher in a (Chin) refugee learning centre.

[8] Cf. Stephan Scheel and Vicky Squire, 'Forced migrants as illegal migrants', in Elena Fiddian-Qasmiyeh, Gil Loescher, Kathy Long, and Nando Sigona (eds), *The Oxford Handbook on Refugee and Forced Migration Studies* (Oxford: Oxford University Press, 2014), p. 191.

turns to the coming into being of the 'refugee', as an effect of practices of (UNHCR) governance. Specifically, it discusses the UNHCR identity card, which migrants receive upon registration with the organisation, and which functions as a device of freedom-security, producing a break between refugees and ('illegal'/'economic') migrants. By contrast, section three conceptualises the identity card and related practices as a play of *governance-resistance*, and discusses the material-discursive character of these processes. It will be suggested that the practices and strategies at play in this context function as forms of affirmation, subversion, control, management, and exclusion simultaneously. Sections four and five turn to the notion of (in)visibility as a visual device and a form of knowledge production respectively. The focus of section four is on the sociopolitical space in which refugee subjectivities emerge, especially in relation to education, through tactics of visibility and invisibility. Section five discusses (in)visibility in terms of knowledge, however, the point is not simply that irregular migrants become governable by becoming knowable. Rather, it is illustrated how visibility can function to invisibilise violence and exclusion, *and* how it can be appropriated to render subjectivities visible as something else than illegal other or (passive) victim. It will be argued that the play of governance-resistance is a politics of (in)visibility in the sense that refugee subjectivities are both produced and become other than 'the refugee' through a continuous play of coming into being, becoming governable, blending in, remaining invisible, and claiming a presence or becoming visible as some-thing/one else.

I. Producing 'illegal' migrants

Only two types of migrants exist in Malaysian law: legal and illegal. The absence of the category of the refugee means that all irregular migrants are considered illegal migrants and subject to the Immigration Act, which allows for their detention, deportation, and (corporal) punishment.[9] Their official non-existence is also manifest in the absence of governmental structures for the registration and administration of refugees, including refugee camps. This differs, for instance, from the situation in Thailand – also a non-signatory state to the UN Refugee Convention – where refugee camps do exist.[10]

Yet, the situation of the camp does exist in Malaysia insofar as 'illegal migrants' are detained in Immigration Depots – detention centres in which migrants are kept upon arrest, without trial and in very poor conditions. Police and immigration authorities conduct regular raids against migrants, assisted by Ikatan Relawan Rakyat, or RELA. The members of this poorly trained 'People's Volunteer Force', which is tasked to function as the 'eyes and ears of the government', are authorised to bear weapons and are immune from prosecution in relation to their conduct as part of the volunteer force.[11] There have been numerous reports of violence and extortion against migrants on behalf of RELA.[12]

[9] Crisp et al., *Our Turn*, p. 10; Eva-Lotta Hedman, 'Refuge, governmentality and citizenship: Capturing "illegal migrants" in Malaysia and Thailand', *Government and Opposition*, 42:2 (2008), pp. 367–8; Alice Nah, 'Struggling with (il)legality: the indeterminate functioning of Malaysia's borders for asylum seekers, refugees, and stateless persons', in Prem Kumar Rajaram and Carl Grundy-Warr (eds), *Borderscapes: Hidden Geographies and Politics at Territory's Edge* (Minneapolis and London: University of Minnesota Press, 2007), pp. 35–6; Pranom Somwong and Marie Huberlant, *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination, No. 489/2* (International Federation for Human Rights/Suaram, 2008), p. 9.

[10] Refugee camps did exist in Malaysia at the time of the so-called Vietnamese boat people refugee crisis. Most of these refugees were resettled in the West. The last refugee camp closed in 2001.

[11] Crisp et al., *Our Turn*, p. 1; Hedman 'Refuge', pp. 371–2; Ministry of Home Affairs, 'The People's Volunteer Force', available at: {http://www.rela.gov.my/index.php/en/maklumat-rela/peranan-fungsi} accessed 13 January 2016.

[12] See, for example, Amnesty International, *Trapped: The Exploitation of Migrant Workers in Malaysia* (London: Amnesty International Publications, 2010); Helen Davidson, 'Malaysia accused of arresting asylum

Drawing on the work of Giorgio Agamben, Prem Kumar Rajaram and Carl Grundy-Warr highlight the precarious situation and abuse of migrants in detention camps in Malaysia. They argue that the distinction made between citizens and illegal migrants results in the use of disciplinary practices that would be 'strictly illegal' if applied to Malaysian citizens. All those considered illegal are 'cast in a zone where illegality and legality are hard to discern, and to whom all citizens are as sovereigns'.[13] Given the deplorable conditions of migrants in detention in Malaysia and the absence of legal rights, the invocation of Agamben's notion of 'bare life' seems apt. However, as has been pointed out by a number of scholars, the ontologisation of this biopolitical state of exception as our contemporary condition is problematic insofar as it denies migrants affirmative, political subjectivity. Moreover, Agamben situates the refugee at the foundation of a 'coming' politics,[14] yet a growing number of scholars seek to draw attention to the political struggles of (irregular) migrants in *this* world.[15]

Another way of making sense of their precarity is to contextualise irregular migrants in Malaysia in relation to both the contemporary securitisation of migration – whereby irregular migrants are identified with crime and disease – as well as part of a longer history of the construction of the Other as a (potential) threat.[16] This became sharply articulated, for instance, during the Malayan Emergency – the post-Second World War communist insurgency –, during which 'the communist' became the dangerous Other within, and the categories of 'Chinese', 'communist', and 'terrorist' became all too readily linked. The 1960 Internal Security Act, emergency legislation introduced to contain the 'communist threat', which allows for detention without trial, remained in place until 2012, when it was rebranded under a new name (Security Offences (Special Measures) Act). More recently, the 'illegal migrant' has become the dangerous Other, as exemplified by a remark made by the Director-General of RELA, the People's Volunteer Force involved in immigration raids. In an interview with *The New York Times*, the DG, Zaidon Asmuni, explains: 'We have no more Communists at the moment, but we are now facing illegal immigrants.' And, according to Asmuni, 'in Malaysia illegal immigrants are enemy no. 2' – drugs top the list of enemies.[17]

In her article on irregular migrants in Thailand and Malaysia, Eva-Lotta Hedman suggests that expulsion 'constitutes a distinct realm for the social (re)production of certain forms of governmentality and national citizenship, closely intertwined with the (contested) political dynamics of state and society in contemporary Malaysia'.[18] The production of the Malay and Malaysian identities is

seekers and refugees', *The Guardian* (4 September 2013); Hedman, 'Refuge', pp. 367–8; Amy Smith, *In Search of Survival and Sanctuary in the City: Refugees from Myanmar/Burma in Kuala Lumpur, Malaysia* (Bangkok: International Rescue Committee, 2012).

[13] Prem Kumar Rajaram and Carl Grundy-Warr, 'The irregular migrant as Homo Sacer: Migration and detention in Australia, Malaysia and Thailand', *International Migration*, 42:1 (2004), p. 50.

[14] For Agamben, the refugee is a 'limit-concept' that challenges the prevailing account of politics defined in terms of citizens, rights, and the nation-state. In this respect, the figure of the refugee could stand at the basis of a 'coming political community' beyond the nation-state. See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press: 1995), p. 78.

[15] See McNevin, 'Ambivalence and citizenship', pp. 194–5, for a critique of this particular point. See fn. 4 for a more general body of literature.

[16] Helen Nesadurai, 'Malaysia's conflict with the Philippines and Indonesia over labour migration: Economic security, interdependence and conflict trajectories', *The Pacific Review*, 26:1 (2013), p. 93; Ernst Spaan, Ton van Naerssen, and Gerard Kohl, 'Re-Imagining borders: Malay identity and Indonesian migrants in Malaysia', *Tijdschrift voor Economische en Sociale Geografie*, 93:2 (2002), p. 166.

[17] Quoted in Seth Mydans, 'A growing source of fear for migrants in Malaysia', *The New York Times* (10 December 2007).

[18] Hedman, 'Refuge', p. 366.

dependent on the continued employment of various forms of governmentality in the realms of law, education, religion, language, and security in which identities are produced, linked and opposed to different internal and external Others. The production of the 'illegal migrant' is part of these processes.

The emergence of the dangerous Other can thus be seen in light of a broader trajectory of the ethno-racial differentiation of people (for example, into Malay, Chinese, and Indian) through practices of categorisation and exclusion. Drawing on Foucault's notion of governmentality, Hedman shows how the negative construction of migrants as the Other feeds into the affirmative production of Malaysian identity. However, what is missing from this analysis, in which the 'illegal migrant' is a product primarily of practices of governmentality, is a consideration of the relationship between governance and resistance, both in Foucault's work and in the context of irregular migrants in Malaysia. For Foucault, power is not simply negative or repressive; it is productive of things. Rather than being imposed from above, or from an external point, power can be seen as a 'productive network which runs through the whole social body'.[19] Power is something that circulates in a 'netlike organisation', which means that '[i]t is never localised here or there, never in anybody's hands' and that people 'are always in a position of simultaneously undergoing and exercising this power'.[20]

As such power is productive, and not totalising but fragmented, and hence intricately bound up with resistance. In his earlier work, Foucault refers to this relationship as a field of forces, which means power and resistance are reversible – continuously being 'turned round' in both directions.[21] In his later work, and especially in the text 'The Subject and Power', Foucault relates power to freedom and describes it in terms of conduct – or action on actions of others –, which is a question of governance. The next sections will draw on the notion of power as a form of conduct, that is, as a form of governance productive of things, in order to explore the *relationship* between governance and resistance, which remains under-researched in scholarship on Foucault, and on migration.[22] For instance, to examine how 'subjects are gradually, progressively, really and materially constituted through a multiplicity of organisms, forces, energies, materials, desires, thoughts, etc.'[23]

II. Producing refugees

By exploring the relationship of governance and resistance as a productive play, the focus of attention moves from the violence of the state and the agency of actors to the relationality of forces. Moreover, insofar as actors are important, we shift away from the state as the main actor to the practices of various other bodies and organisations, such as the UNHCR, NGOs, community organisations, irregular migrants, and volunteers.

[19] Michel Foucault, 'Truth and power', *Power/Knowledge: Selected Interviews and Other Writings 1972–1977* (Brighton: Harvester Press, 1980), p. 119.
[20] Michel Foucault, 'Two Lectures', *Power/Knowledge*, p. 98.
[21] Colin Gordon, 'Afterword', *Power/Knowledge*, p. 256.
[22] Whilst a number of publications discuss both governance and resistance, their relationship is often not explored. See, for example, McNevin, 'Ambivalence and citizenship'; Moulin and Nyers, 'Country of UNHCR'; Puumula, 'Political life'; Scheel and Ratfisch, 'Refugee protection'; Squire, 'Contested politics'; Walters, 'Foucault and frontiers'; Tazzioli and Walters, 'Sight of migration'.
[23] Foucault, 'Truth and power', p. 97.

The ways in which the international plays out through the role of the UNHCR is especially significant in this context. Whilst Malaysia is not the only non-signatory state to the UN Refugee Convention in Southeast Asia,[24] the combination of an absence of nationally managed procedures and structures with extensive international governance within a rather informal and contingent environment is distinct. On the one hand, no asylum system or other governmental structures relating to refugees exist at the national level, whilst, on the other, the UNHCR has extensive capacities, taking up functions often assumed to be the prerogative of the state.[25] In the words of a UNHCR policy report:

> the organisation finds itself directly responsible for almost every aspect of the protection and well-being of the country's refugees: registration, status determination, documentation, detention monitoring, best interest determinations for children, resettlement, assistance in the areas of health, education and livelihoods, as well as community outreach, community development and the search for durable solutions, including resettlement.[26]

Thus, whilst the government officially recognises neither the existence of refugees nor the presence of the UNHCR in the country, Malaysia is one of the UNHCR's busiest status determination operations in the world, both in terms of the number of people registered and the number of people resettled on an annual basis.

Through its far-reaching governance functions at the national level, or indeed at the intersection of the international and the local, the UNHCR plays a crucial role in the production of subjectivities through practices of control *and* contestation that reach not only beyond state authorities but also beyond official procedures and legislation.[27] This is well-illustrated by the UNHCR identity card. Upon registration with the UNHCR, irregular migrants receive an identity card, granting them a kind of unofficial official status. Unofficial insofar as carrying a UNHCR identity card does not give a person an official refugee status under Malaysian law; and unofficial insofar as the card is no certain guarantee against arrest and detention – although, informally, it should give a person this protection. In practice, possession of an identity card helps to reduce violence at least to a degree. The identity cards are official insofar as irregular migrants gain the status of refugee in the eyes of the UNHCR as well as the 'international community'. That is to say, the UNHCR does not so much make visible the existence and plight of refugees in Malaysia, it plays a vital role in producing the category of the refugee by dividing the field of 'illegal migrants' into 'refugees' and 'economic migrants', a distinction not recognised by the government.[28] Whilst those carrying an identity card gain some form of protection as well as a number of other benefits, other irregular migrants remain unrecognised. Around 150,000 people are currently registered as refugees with the UNHCR; the

[24] In fact, most states in the region have not signed the UN Refugee Convention, including Bangladesh, Brunei, Myanmar, Indonesia, Laos, Singapore, Thailand, and Vietnam.

[25] Cf. Moulin and Nyers, 'Country of UNHCR'.

[26] Crisp et al., *Our Turn*, p. 17.

[27] Compare William Walters' article on humanitarian borders, in which he refers to Foucaultian scholarship that shows that knowledges, techniques, and strategies were invented across a great variety of institutional sites and for multiple ends. He suggests approaching humanitarianism 'as a field which exists in a permanent state of co-option, infiltration but also provocation with the state (but also with other supranational and international entities as well).' See Walters, 'Foucault and frontiers', pp. 148–9.

[28] See, for example, United Nations High Commissioner for Refugees, *UNHCR Factsheet: Refugees in Malaysia* (Kuala Lumpur: UNHCR). According to the Factsheet, '[u]nlike migrants, refugees do not choose to leave their countries … The key difference between economic migrants and refugees is that economic migrants enjoy the protection of their home countries; refugees do not.'

majority (around 140,000) are from Myanmar. The estimated number of irregular migrants without refugee status is two million.

The UNHCR's conduct of registration, status determination, and documentation of migrants can be seen as practices of governance productive of a collective subject that did not previously exist. This subject is not simply the Other of the population, but somewhere in the margins, both included and excluded, on the basis of a break created in the field of 'illegal migrants'. Put differently, refugees come into being by becoming visible as subjects to be governed. Here, visibility constitutes a form of knowledge production that enables management and control, as is discussed further below. The collection of data about this new collective subject is therefore an important aspect of this knowledge/subject production, especially since the government does not hold records on refugees.

Obtaining a UNHCR identity card thus constitutes a vital aspect of what can be called the performative production of refugees. Identity cards were first introduced in 2004, at a time when the UNHCR became more active and public in its efforts to protect and gain recognition for refugees in Malaysia. Beforehand, from 2003, the organisation issued irregular migrants registered with the organisation with protection letters, however, these were not recognised by government officials and did little to prevent arrest and detention. By issuing plastic identity cards to registered irregular migrants and by intervening on their behalf when arrested and detained, the identity card gained a level of credibility.[29] Possession of an identity card thereby helped to produce the distinction between refugees and illegal migrants, even if it remained officially non-existent.

The identity card can be seen to function as a practice of security in the Foucaultian sense in respect of the entwinement of freedom and security.[30] The 'freedom' that comes with holding an identity card, and the subjectivity it helps to create – becoming a refugee – is bound up with the production of a framework that is disciplinary and exclusionary: it produces and reinforces both the domain of 'freedom' and the border between inclusion and exclusion. Migrants carrying an identity card are less prone to sovereign violence, yet they also become visible and eligible as subjects to be managed and regulated, in this case primarily on behalf of the UNHCR. In addition, the identity cards have an exclusionary – or decollectivising – function, through the production of several divisions, such as that between those who are eligible for protection and those who are not, as well as the division between those who hold a UNHCR identity card and those whose registration with the UNHCR is pending.[31] The latter division is especially significant given the long waiting times for registration, as discussed below.

The division of the field of migrants into refugees to be protected and 'economic migrants' (according to the UNHCR) or 'illegal migrants' (according to the government) constitutes a form of knowledge production with very real effects on the lives of those granted or denied refugee status. It is not only a matter of being more or less vulnerable to the violence of the state; a number of other benefits are attached to registration with the UNHCR and possession of an identity card, such as eligibility for resettlement in a third country and discount on treatment in government hospitals. More broadly, as Stephan Scheel and Philipp Ratfisch contend, the UNHCR's expanding governance capacities

[29] Nah, 'Struggling with (il)legality', p. 55.
[30] Michel Foucault, *Security, Territory, Population, Lectures at the Collège de France 1977–78*, trans. Graham Burchell (Basingstoke: Palgrave Macmillan, 2007), p. 48; Michel Foucault, *The Birth of Biopolitics. Lectures at the Collège de France, 1978–79*, trans. Graham Burchell (Basingstoke: Palgrave Macmillan, 2010), p. 65.
[31] Cf. Scheel and Ratfisch, 'Refugee protection', p. 928.

internationally can be understood in terms of the merging of practices and discourses of refugee protection with those of migration management. They relate this development to the organisation's 'monopoly over knowledge production on asylum, refugees and forced migration'.[32] In the Malaysian context, this monopoly is undermined in several ways due to the informality of practices around identity cards, as discussed next. It is, for instance, resisted by government officials' non-recognition of cards as well as by migrants' use of fake cards.[33] Moreover, the UNHCR's knowledge production consists of practices of both governance *and* resistance.

III. Governance-resistance

The UNHCR identity card not only produces governable subjects; it also performs a more affirmative function. By obtaining an identity card, irregular migrants can claim a subjectivity other than dangerous Other, even if this production is intricately bound up with forms of governance. The UNHCR's governance through identity cards, as a tool of identity creation, constitutes at the very same time a means of resistance – a claim to an affirmative identity against officially declared illegality of all irregular migrants – *and* a mode of governance, management, and exclusion. In a country where an identity card is required to undertake a large variety of tasks, from opening a bank account to gaining entry to a gated residential condo, irregular migrants resist their illegality by possessing and using the UNHCR identity card. The partial recognition of these cards by immigration officers and police is an indication of the potential force of this resistance (embedded in governance).

The question here is not so much whether, or under which conditions, something can be seen as power or resistance. Instead, following Foucault, we could point out that practices of resistance are readily reinscribed in relations of power, and employ it as an illustration of the 'reversibility' of power and resistance. However, in this case relationality pushes beyond the idea that, as part of a play of force-relations, governance and resistance are continuously 'turned round'.[34] Rather, the *same* practices function as governance and resistance *simultaneously*: it is a play of *governance-resistance* productive of particular knowledges and subjectivities. For instance, by showing one's UNHCR identity card when stopped by police, a migrant simultaneously resists illegalisation and enacts a governed refugee identity. This means, in turn, that resistance is – like power – not the intentional action of a preconstituted subject but a force that both disrupts and constitutes. As Eeva Puumula suggests with reference to Phillip Darby: resistance does not need to be explicitly expressed for it to contest a particular conception of political community; and, agency does not necessarily derive from a common strategy or identity.[35]

The notion of governance-resistance thus draws on, yet pushes further, existing conceptualisations of migrant resistance, such as 'agency', 'autonomy', 'ambivalence', and 'irregularity'. Engagements with

[32] Ibid., p. 926.

[33] See Moulin and Nyers, 'Country of UNHCR', for a different account of the contestation of the UNHCR's monopoly of knowledge production, whereby refugees reappropriate the category of the refugee direct resistance to the UNHCR.

[34] On 'reversibility', see Tazzioli and Walters, 'Sight of migration'; on 'reinscription', see McNevin 'Ambivalence and citizenship'.

[35] Puumula, 'Political life', pp. 955–6; see also Phillip Darby, 'Pursuing the political: a postcolonial rethinking of relations international', *Millennium: Journal of International Studies*, 33:1 (2004), pp. 1–34.

the notions of 'agency' and 'autonomy of migration' tend to focus primarily on resistance, which is understood as a form of intentional action. Moreover, the relationship between power and resistance, if conceptualised, is understood in oppositional terms, which underplays the random and fragmented character of both governance and contestation as well as their intricate relationality.[36] The concepts of 'ambivalence' and 'irregularity' were developed to offer a more complex and dynamic account, for instance by highlighting the 'reversibility' of power and resistance, or the complex relationship between mobility and control.[37] Nonetheless, the question of how these relations play out is not elaborated upon, nor conceptualised in terms of the *simultaneity* of governance-resistance as a *play of forces*.

The importance of thinking beyond the intentional actions of preconstituted identities and entities, and towards a play of forces of governance-resistance, also becomes manifest by considering the material, or material-discursive dimensions of identity cards and checks. As Jonathan Darling argues in relation to the affective power of letters from the Home Office received by asylum seekers in the UK: asylum governance is 'a material matter, an issue of things, associations, collectives' as well as their multiple entanglements, whereas the migrant is continuously 'being made and re-made by a confluence of discourses and materials in interaction'.[38] These letters, but also identity cards and checks, constitute a materialisation of the state that helps to produce migrants as legal or illegal, deserving or criminal. Whilst part of the material-discursive force of these letters from the Home Office lies in their authority, the more-or-less (in)formal UNHCR identity cards contain the ambiguous potential to materialise by asserting and/or subverting state authority (as well as international governance).

Whichever way(s) this plays out, Darling's point is that these documents have what Jane Bennett calls 'thing-power': the identity card '*does* something', it can 'perform actions, produce effects, and alter situations'.[39] Importantly, it is not the 'thing' as such that performs or acts, but the play of forces that constitutes both the things or subjects and the environment in which they emerge. Put differently, the way things, events, and discourse are made to function in conjunction with one another. For instance, in the case of identity checks in Malaysia, what produces someone as a refugee or illegal migrant comprises a confluence of elements, such as a road block; police officers, and their official and/or personal stance towards migrants, or bribes; their knowledge and understanding of UNHCR processes, or the force of UNHCR knowledge production; whether or not the check happens during an official period of migration raids; the identity card, and how 'genuine' it looks; the migrant, perhaps his or her looks (more or less 'foreign'), and his or her nervousness or confidence and/or familiarity with identity checks and state violence; his or her ability or willingness to pay a bribe, etc.[40]

[36] McNevin, 'Ambivalence and citizenship', p. 193. On 'agency', see, for example, Moulin and Nyers, 'Country of UNHCR'; Nyers, 'Abject cosmopolitanism'; Rygiel, 'Bordering solidarities'; on 'autonomy', see, for example, Mezzadra and Neilson, 'Né qui'; Sandro Mezzadra, 'The gaze of autonomy: Capitalism, migration and social struggles', in Vicky Squire (ed.), *The Contested Politics of Mobility: Borderzones and Irregularity* (New York: Routledge, 2011); Papadopolous et al., *Escape Routes*.

[37] On 'ambivalence', see McNevin, 'Ambivalence and citizenship'; on 'irregularity', see Squire 'Contested politics'.

[38] Jonathan Darling, 'Another letter from the Home Office: Reading the material politics of asylum', *Environment and Planning D: Society and Space*, 32:3 (2014), pp. 485, 495.

[39] Jane Bennett, 'The force of things: Steps toward an ecology of matter', *Political Theory*, 32:3 (2004), p. 355. See also Darling, 'Another letter', p. 490.

[40] Cf. Leif Johnson, 'Material interventions on the US–Mexico border: Investigating a sited politics of migrant solidarity', *Antipode*, 47:5 (2015).

In this context, the notion of *play* seems apt both because it accounts for the dynamic interaction of material-discursive forces, and because practices of governance-resistance are marked by high levels of informality and contingency. As suggested above, depending on how the material-discursive forces interact, immigration officers or police might recognise the UNHCR identity card as a legal document, or they might look the other way when encountering irregular migrants, at other times they might not.[41] Or, irregular migrants are able to pay a bribe to avoid arrest and/or detention. There is also a thriving market in fake identity cards, which allows police and immigration officials to claim that possession of an identity card does not confirm someone is a refugee.[42] This, in their eyes, justifies the continued arrest, detention, and punishment of identity card holders. Nevertheless, such claims by officials can also be understood as recognition of the legitimacy of (genuine) identity cards. Through the use of identity cards, within a wider play of elements and forces, irregular migrants are able to constitute themselves as refugees in resistance to official illegality even though this remains a contingent and uncertain process.

Refugee subjectivities also come into being through practices of governance-resistance in relation to the UNHCR. This is manifest, for instance, in the process of obtaining an identity card. The UNHCR in Malaysia is both understaffed and underfunded, which has resulted in a large backlog in the registration process and long waiting periods for migrants to obtain an identity card. Due to these capacity limitations, the UNHCR draws on refugee community organisations for information and support. Set up by various Burmese refugee groups, these organisations are mostly organised along ethnic lines. For example, the Chin, Mon, Karen, Rohingya, Shan, and Kachin each have their own community organisation(s). In Myanmar, as in Malaysia, ethnic divisions are prime markers of identity. The organisations assist the UNHCR in the registration process by pre-registering migrants in their community through the composition of lists of people on the basis of which the UNHCR proceeds with the registration process. The participation of community organisations in the UNHCR's practices of governance-resistance facilitated the registration of 75,000 migrants between 2008–10.[43]

At first sight, this seems to imply a paradox of protection and self-reliance, as Carolina Moulin and Peter Nyers point out in relation to the UNHCR's position in Egypt: the UNHCR's push to self-reliance and self-governance seems to be at odds with its typical depiction of refugees as those 'dependent on the agency's recognition and care'.[44] However, in Malaysia at least, the discourse of 'self help' has become an intrinsic part of its operation in the country, mostly due to the UNHCR's under-capacity in combination with the absence of constructive government involvement. 'Project Self Help', initiated in 2011, offers a positive (neoliberal) spin on this situation as an initiative to help refugees help themselves, for example, through education.[45] As the next section elaborates, it stimulates them to do what they were to a large degree already doing themselves. In this respect, self-reliance and self-governance have transformed from being paradoxical to becoming an intrinsic part of the organisation's governance-resistance of refugees in Malaysia.

[41] Alice Nah, 'Seeking refuge in Kuala Lumpur: Self-help strategies to reduce vulnerability amongst refugees', in S. G. Yeoh (ed.), *The Other Kuala Lumpur: Living in the Shadows of a Globalising Southeast Asian City* (London and New York: Routledge, 2014), p. 153.

[42] Ibid., pp. 156–7. See also Gerhard Hoffstaedter, 'Place-making: Chin refugees, citizenship and the state in Malaysia', *Citizenship Studies*, 18:8 (2014), p. 878.

[43] Crisp et al., *Our Turn*, p. 21.

[44] Moulin and Nyers, 'Country of UNHCR', p. 363.

[45] See UNHCR Malaysia, 'About Project Self Help', available at: {http://www.unhcr.org.my/Project_Self_Help-@-About_Project_Self_Help.aspx} accessed 13 January 2016.

Nonetheless, self-governance has limits: it stops at the creation of political agency. That is to say, when it is taken in directions not favoured by the UNHCR, or one could call it the problem of the wrong kind of politics. As a UNHCR report notes:

> while registration through refugee associations has proven to be an effective and efficient approach in a situation where the demands made on UNHCR outstrip its capacity, such arrangements place considerable power in the hands of community leaders and run the risk of facilitating corrupt practices.[46]

These 'corrupt practices' relate to accusations made against refugee community organisations of prioritising certain people on the pre-registration list, namely those who pay a fee or are part of the same ethnic subgroup – different ethnic subgroups exist within the various ethnic communities from Myanmar. In the case of Chin refugees, for instance, the controversy surrounding the Chin Refugee Committee's (CRC) role in the pre-registration process in relation to prioritising certain groups led to the founding of a second Chin community organisation, the Alliance for Chin Refugees (ACR), which is explicitly committed to supporting all Chin refugees.[47] The internal politics of community organisations functions as a form of ordering and control productive of ethnic refugee subjectivities based on distinctions between some and others – and can thus be said to fit in with Malaysian ethnic politics – whilst operating as a force of resistance against the modes of governance favoured by the UNHCR. The UNHCR, struggling to grasp the complex dynamics of the various refugee communities in Malaysia, thus becomes caught up in the internal politics and struggles of (self-) governance-resistance of community organisations.[48]

A related mode of (self-)governance and identity creation is at play in relation to the identity cards issued by the refugee community organisations. These cards, which all members receive, offer a form of protection especially for those who have not (yet) obtained a UNHCR card. Although the community organisation cards gain less recognition than the UNHCR cards, they do offer some protection – for example by explaining in the migrant's native language what to do in case of arrest – and function to create an ethnicity-based migrant identity.[49] More generally, community organisations play an important role in the lives of irregular migrants in the sense that they offer advice and assistance – for instance regarding employment and healthcare – as well as education, in the form of refugee schools.

This suggests that refugee subjectivities are not merely produced through UNHCR governance-resistance but also through migrant practices and strategies. From the perspective of the irregular migrant, becoming refugee can be both useful and essential in terms of gaining a form of protection as well as access to work, education, and healthcare. This strategic aspect of becoming a refugee as well as the contingency and informality of the material-discursive practices of governance-resistance at play means that 'the refugee' as such – as a stable individual or collective subject – does not exist. In a similar vein, Liisa Malkki shows that the label of refugee is tactically employed and rejected in different ways by Burundian refugees in Tanzania. Depending on the social setting, it is better to become visible as refugee and be eligible for protection, or to make oneself invisible by not looking like a refugee at all.[50] Not unlike some of the groups of migrants discussed by Malkki, irregular

[46] Crisp et al., *Our Turn*, p. 22.
[47] Zhuang Wubin, *Chin Refugees: A Life in Kuala Lumpur* (Asian Geographic Society, 2007). See also Nah, 'Seeking refuge', p. 162.
[48] See, for example, Crisp et al., *Our Turn*, p. 23.
[49] Smith, *Search of Survival*, p. 37.
[50] Malkki, *Purity and Exile*.

migrants from Myanmar with refugee status often identify more with their (sub)ethnic community and/or religion than with being a refugee. Hence, it can be said that the *play* of practices is mobile not only with respect to the reversibility and simultaneity of governance-resistance but also with regard to the subjectivities that come into being, which are simultaneously produced, shifted, adopted, and contested.

A crucial strategic aspect of becoming refugee through registration with the UNHCR is becoming eligible for resettlement. Most irregular migrants with refugee status in Malaysia do not wish to make a claim to being part the country; they do not seek to settle but to move on. For them, Malaysia is a temporary stop over, *en route* to the desired resettlement in 'the West'. The UNHCR's sole responsibility for resettling refugees is indicative of the far-reaching effects of its migration management capacities – both nationally and internationally – by getting involved in the politics of deciding who gets to move where and when. Hence, it is no surprise that the political demand for resettlement has been made to the UNHCR by means of refugee protests in different contexts, such as Egypt, Morocco, Tunisia, India, and Yemen.[51] This can be seen as a form of direct 'oppositional' resistance against the UNHCR, however, it can also play out as a more subtle subversion of the idea of having to be part of one country or another, which the idea of resettlement still implies. Albeit in a different context, this more mobile politics is well illustrated in Luis Fernandez and Joel Olson's discussion of the Repeal Coalition in Arizona. This grassroots movement of irregular migrants carries the slogan 'to live, love and work anywhere you please' in its campaign for the abolition of anti-immigration legislation. These migrants 'are fighting for the right to *come and go* more than they are for the right to *come and stay*'.[52]

IV. Visual politics of (in)visibility

As suggested above, the governance-resistance of irregular migrants in Malaysia can be conceptualised in terms of (in)visibility, of becoming or making visible and/or invisible. In his early work on discipline, Foucault famously wrote that 'visibility is a trap'.[53] It is by being seen, or presuming one is seen, by an all-seeing power that remains invisible, that disciplinary power operates. However, as Martina Tazzioli and William Walters suggest, the disciplinary gaze is only one way of making sense of the question of visibility in Foucault's work. Instead, they argue that we should think of it 'not as a gaze that emanates from places of authority, but a more complex and variegated field in which multiple practices and orders of visibility intersect, resulting in relations of combination, contradiction and conflict'.[54]

[51] For Egypt, see Moulin and Nyers, 'Country of UNHCR', p. 361; for Morocco, see Scheel and Ratfisch, 'Refugee protection', p. 934; for Tunisia, see Tazzioli, *Spaces of Governmentality*, p. 107; for India, see UNHCR, 'Chin refugees protest in New Delhi, demand resettlement from UN', *Refugees Daily*, available at: {http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=52fc6fbd5&id=5588edd95} accessed 13 January 2016; for Yemen, see Reliefweb, 'Yemen: Somalia Refugees Demand Relocation', available at: {http://reliefweb.int/report/yemen/yemen-somalia-refugees-demand-relocation} accessed 13 January 2016.

[52] Luis Fernandez and Joel Olson, 'To live, love and work anywhere you please', *Contemporary Political Theory*, 10:3 (2011), pp. 412–19.

[53] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1991), p. 200.

[54] Tazzioli and Walters, 'Sight of migration'. For literature on migration that focuses on visibility in relation to disciplinary power, see Simone Browne, 'Getting carded: Border control and the politics of Canada's permanent resident card', *Citizenship Studies*, 9:4 (2005); Mark B. Salter, 'Passports, mobility, and security: How smart can the border be?', *International Studies Perspectives*, 5 (2004).

We could thus speak of a play of (in)visibility. This refers to two interrelated aspects, which will be examined in turn. Firstly, a visual sense of seeing or not-seeing, which is perfectly expressed in RELA's mission to be the 'eyes and ears of the government'. This visual conception often has a spatial dimension, as in Foucault's panopticon. Unlike this disciplinary gaze, however, it will be suggested that both visibility and invisibility can function as either governance or resistance,[55] and certain practices constitute visibility and invisibility simultaneously. Secondly, as already mentioned, (in)visibility can be understood in terms of knowledge production. In *Security, Territory, Population*, Foucault describes liberal governance precisely as an effort of making reality knowable: to make something visible as knowledge is to make it governable.[56] Yet, this could also take the form of producing something as ungovernable or making it unseen, or of seeking to remain off the radar of knowledge production.

The politics of (in)visibility through which refugee subjectivities emerge in Malaysia can firstly be understood visually, and bound up with the production of a particular sociopolitical space or environment. This can be illustrated through a walk around and on the edges of the Golden Triangle, Kuala Lumpur's commercial, entertainment, and shopping hub characterised by luxury malls and skyscrapers. Walking along the northern stretch of Jalan Imbi, a four-lane heavy-traffic road edging the Golden Triangle, one notices a clear division between the luxury shopping malls, tourist hotels, and expensive condos on the one side and the rundown residential area on the other. The latter is the living and community space of irregular migrants as well as of other less well-off people. In some ways, people with refugee status live here invisibly, in the shadow of the visible wealth on the other side of the road. However, in other respects, the picture is more complex, consisting of all manner of (in)visibilities. For instance, irregular migrants walk around in the Golden Triangle and work in the malls and hawker stalls in surrounding streets. Yet, they easily go unnoticed among the masses of tourists, workers, and others unaware of or uninterested in their existence.

The aspect of education illustrates how (in)visibility plays out through practices of governance-resistance. Officially illegal, irregular migrants with refugee status are unable to attend state schools, whilst private school fees are in most cases unaffordable. Subverting this denial of affirmative identity, refugee community organisations have set up their own schools, officially known as 'learning centres'. There are around eighty learning centres in the Kuala Lumpur area, most of which are run by refugee community organisations with UNHCR support. Other learning centres are run by local NGOs or religious organisations. The centres are typically housed in residential properties and may consist of one or two rooms only, which simultaneously function as community centre – thus remaining invisible as schools. They can be found on the edge of the Golden Triangle, in houses that look especially worn in contrast to the shiny luxury malls on the other side of the road. Despite the limited means available the learning centres offer a space for learning and community development and are thereby creative of affirmative subjectivities: a claim to a presence in the centre of the capital, even if irregular migrants must simultaneously remain invisible in order to avoid the risk of arrest.

[55] See, for example, Andrea Brighenti, 'Visibility: a category for the social sciences', *Current Sociology*, 55:3 (2007), p. 340.

[56] Foucault, *Security, Territory, Population*, pp. 20, 109. See also Leonie Ansems de Vries, *Re-Imagining a Politics of Life: From Governance of Order to Politics of Movement* (London: Rowman and Littlefield International, 2014); Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press, 1999), p. 58; Tazzioli and Walters, 'Sight of migration'.

Yet, here, too, practices of resistance are closely bound up with modes of governance. Insofar as the UNHCR supports and guides these initiatives, it is implicated both in resistance against illegality and in the production, governance, and regulation of refugees, for example, through the monitoring and funding of learning centres. In addition, the UNHCR employs volunteers who help out at the centres. Many of these volunteer teachers are Western 'expats' – that is, migrants who are normally not approached with suspicion – who, literally or figuratively cross the road from the luxury malls and condos. In name, the learning centres follow the Malaysian curriculum, however, in practice, the volunteers teach in English, helping the children to develop different ways of expressing themselves. Simultaneously, however, the volunteers bring along their own pedagogical and disciplinary ideas and practices, whether or not these are clearly articulated. The same goes for the refugee teachers who teach in their own ethnic language. This is a departure both from the Malaysian curriculum and from the possibilities of expressing one's identity in Myanmar, where teaching and learning in ethnic minority languages is not allowed. Thus, whilst the learning centres are not assessed, monitored, or controlled by the Malaysian government – and constitute a mode of resistance against the government – practices of governance are very much present in refugee learning centres. Yet, these practices are simultaneously forms of resistance, protection, and identity creation.

The example of school uniforms also illustrates the practices of (in)visibility at play. In an attempt to protect children with refugee status from harassment on their way to and from school, the UNHCR has supplied the children with school uniforms and blue rucksacks with the UNHCR logo. Here, protection, discipline and resistance through identity creation come together, as well as the 'thing-power' of UNHCR uniforms and rucksacks. Wearing a uniform can be seen as a disciplinary technique mediated through the UNHCR, however, in the case of these children, it is also a form of protection. The self-disciplinary practices of taking certain routes to school and avoiding other areas function in a similar manner. Walking to school in their uniforms and carrying UNHCR rucksacks renders the children more visible on the streets, however, at the same time, it allows them to blend in with other (Malaysian) children on their way to school. This (in)visibility – to be there; and to be like everyone else – is a practice of resistance against illegality and thereby part of the creation of an affirmative subjectivity both as refugee and as pupil. Put differently, it is a practice both of invisibility and of becoming visible as some-thing/one else.[57] This also links to the conception of visibility as knowledge production, however, in this case to become visible is not only to be produced as governable (by the UNHCR), but also to resist (being an 'illegal migrant').

Similar practices of (in)visibility are at play in relation to irregular migrants who commute to and from work. Alice Nah describes how they are 'blending in with the cityscape' and try to look like Malaysians, for instance by not walking along highways, which it is thought only foreigners do.[58] Another strategy for remaining invisible to police and migration officers consists of changing one's route to work or jumping off the bus when noticing or hearing about a roadblock ahead. Other irregular migrants practice a form of self-disciplinary invisibility through 'voluntary detention' at home as a means of avoiding the risk of arrest and detention.[59] In short, the visual politics of (in) visibility consists simultaneously of blending in, remaining invisible, and claiming a presence; of inclusion and exclusion; of control and subversion.

[57] Cf. Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (London and New York: Continuum, 2004), p. 262. See also Ansems de Vries, *Politics of Life*.
[58] Nah, 'Seeking refuge', p. 149.
[59] Ibid., pp. 157–8.

V. (In)visibility as politics of knowledge

The second sense of (in)visibility, as a form of knowledge production, plays out paradoxically in Malaysia. The UNHCR's efforts of 'making visible' by producing (governable) refugee subjectivities has already been discussed. What is remarkable about the government's approach is the lack of interest in 'making knowable' in this sense. Rather, its governance consists of producing the category of the 'illegal migrant' to cover all irregular migrants – that is, it governs migration through its illegalisation.[60] It is interesting to note that a government concerned with managing the population in various other respects allows a body that it does not officially recognise to pursue and create far-reaching practices of governance and knowledge, pursuing the mandate of a UN Convention it has not signed. Despite the government's general stance of 'not seeing' refugees, they are (allowed to be) made visible on occasion, especially when the frame of visibility in international. Two recent examples illustrate this: firstly, US president Barack Obama's visit to Malaysia; and, secondly, the announcement of the welcoming of Syrian refugees.

Whilst in Kuala Lumpur for a US-ASEAN Summit in November 2015, President Obama visited a learning centre for underprivileged children, some of who are 'refugees'. He also met 'refugee children' who are preparing to be resettled to the US. The international attention to these children as *refugees* could have functioned as a form of knowledge production visibilising their precarious situation, however, on this occasion visibility functioned in effect to invisibilise. Not only was there no mention of the Malaysian government's failure to officially acknowledge refugees, the government was praised for its support for refugees. During his visit to the learning centre, Obama remarked: 'I want to acknowledge the Malaysian government for its efforts to welcome and support refugees from around the world. Today, Malaysia hosts some 150,000 refugees and asylum seekers from countries as varied as Sudan, Somalia, and Myanmar.'[61] Visibility was a kind of trap, albeit in a somewhat different sense than described by Foucault: the knowledge or truth produced – as the words of authority of the US president – rendered invisible the criminalisation, marginalisation, and violence that these same refugees face on a daily basis.

Obama's words functioned to invisibilise in a second sense: he appeared more concerned about the domestic debate on migration in the US than that in Malaysia. In the wake of the 13 November 2015 Paris Attacks, Obama sought to delink the 'threats' of terrorism and refugees by showing how innocent and unthreatening refugee children are, noting that 'they represent the opposite of terrorism and the opposite of the kind of despicable violence that we saw in Mali and in Paris'.[62] In this respect, Burmese refugee children in Malaysia became a political tool to press for the acceptance of more Syrian refugees in the US; they became invisible as refugee children in the particular Malaysian context. Moreover, the learning centre that functioned as the backdrop to the event, which schools

[60] Scheel and Squire, 'Forced migrants'.

[61] Barack Obama, 'Remarks by President Obama at the Dignity for Children Foundation', The White House, Office of the Press Secretary, available at: {https://www.whitehouse.gov/the-press-office/2015/11/21/remarks-president-obama-dignity-children-foundation} accessed 13 January 2016. It is worthwhile to note that this account was not challenged during a press conference the next day. See 'Press Conference by President Obama', The White House, Office of the Press Secretary, available at: {https://www.whitehouse.gov/the-press-office/2015/11/22/remarks-president-obama-press-conference} accessed 13 January 2016.

[62] The White House, 'Remarks by President Obama at the Dignity for Children Foundation'. See also 'President Obama met with young Muslim refugees and it was absolutely heartwarming', *Huffington Post*, available at: {http://www.huffingtonpost.com/entry/obama-muslim-refugees_564ff9c9e4b0d4093a57f652} accessed at 13 January 2016.

some refugees among other underprivileged children, looked a lot better resourced than many of the learning centres run by community centres, which the majority of refugee children attend. In this case, visibility invisibilises: the knowledge created through an official narrative and a set of images renders other realities unseen. This might appear like a straightforward discourse of governance, however, it is enabled by acknowledging and utilising the 'subversive' category of the refugee.

The second example concerns the Malaysian government's announcement that it will accept 3,000 Syrian refugees over a period of three years. Whilst this number seems trivial in comparison to the total number of refugees from Syria (four to five million), its significance lies in the government's recognition of these migrants *as refugees*. Announcing the plan at a session of the United Nations General Assembly in October 2015, Prime Minister Najib turned it into an opportunity to highlight Malaysia's positive track record of welcoming refugees.[63] His remarks can be seen as a practice of visibility that invisibilises along the lines of Obama's words, however, something else is at play as well. The production of refugee subjects by the government is for a very select group of people only, and these 'genuine' refugees remain distinct from other people registered with the UNHCR. It is not yet clear how the government will square the circle of creating a special class of 'refugees' whilst not recognising others who have gained refugee status on the basis of the same UNHCR criteria.

In the 1990s, when Malaysia admitted a group of 'refugees' from Bosnia, they were officially referred to as 'guests'.[64] Whilst the government admits it 'still has to sort out specifics about their status, accommodation needs and ability to work', it is likely that the 'guests' will receive temporary residence passes, allowing them to work, until their UNHCR identity cards are ready.[65] Moreover, unlike other children with UNHCR identity cards, 'guest' children will be allowed to attend state schools. This could be summarised as the creation of a special class of refugees not referred to as refugees and treated like economic migrants (receiving work permits), which renders the situation of others acknowledged as refugees by the UNHCR, but criminalised by the government, invisible. The UNHCR's subversion of the illegalisation of all irregular migrants is turned against itself by the government's practices of governance-resistance.

A different way of conceptualising these practices of visibility that invisibilise is to think of it as a matter of becoming visible as something/one else. This was already touched upon in relation to UNHCR school uniforms and rucksacks, which showed that it can be taken up as a form of governance as well as resistance. Tazzioli and Walters make this point with respect to the rescue of migrants in the Mediterranean Sea:

> Visibility, conceived as a set of practices of knowledge that makes some things and subjects exposable and apprehensible and that at the same time lets others as unseen or unperceivable, can be cunningly replayed by subjects precisely starting from this field of produced visibility and invisibility and on their reversibility.[66]

[63] Kate Mayberry, 'First-class refugees: Malaysia's two-tier system', *Aljazeera*, available at: {http://www.aljazeera.com/indepth/features/2015/12/class-refugees-malaysia-tier-system-151221061627431.html} accessed at 13 January 2016; Intan Zulaika Arfud, 'Malaysia is in no state to accept more refugees – NGOs highlight their concerns', *Malaysian Digest*, available at: {http://www.malaysiandigest.com/news/581592-malaysia-is-in-no-state-to-accept-more-refugees-ngos-highlight-their-concerns.html} accessed 13 January 2016.

[64] Mayberry, 'First-class refugees'.

[65] Prashanth Parameswaran, 'Malaysia begins receiving 3,000 Syrian migrants', *The Diplomat*, available at: {http://thediplomat.com/2015/12/malaysia-begins-receiving-3000-syrian-migrants/} accessed 13 January 2016.

[66] Tazzioli and Walters, 'Sight of migration'.

Refugees at sea, who mostly seek to remain undetected on their journeys towards Europe, reappropriate the EU's migration management preoccupation with making visible-knowable-governable through a form of 'tactical visibility', that is by demanding to be seen and to be rescued, and thereby to become objects not of security but of humanitarian concern.[67]

In Malaysia, practices of making or becoming visible as something/one else, play out in daily life through governance-resistance, both visually and in knowledge terms. For instance, by visually showing their UNHCR identity cards when stopped by police or immigration officials, irregular migrants seek to make themselves knowable as refugees rather than criminals. However, this subversive visibility, or indeed 'thing-power', of becoming something else is grounded in UNHCR governance – that is, in becoming governable in other ways. Yet, having become visible as refugees, one can push further to become other than a mere object of care, and pursue a politics of 'self-help' that breaks the bounds of UNHCR's definition of (acceptable) refugeenness.

Conclusion

Irregular migrants in Malaysia find themselves continuously at risk of arrest, detention, violence, and abuse. Whilst those who have been granted refugee status by the UNHCR are somewhat better off, their lives remain precarious as they are equally considered 'illegal migrants' under Malaysian law. However, the criminalisation and securitisation of irregular migrants does not leave 'refugees' as victims without agency, or as the dangerous Other of the population. Nor is it simply the case that the intervention of an international humanitarian organisation offers these victims of sovereign violence a refuge.

By shifting focus from 'the refugee' as a preconstituted subject to the question of how refugee subjectivities come into being, the article has illustrated that practices of management and exclusion are intricately tied up with practices of resistance. In addition, by shifting focus from the actors involved to the forces at play, it has been suggested that the presumption of binary relations – governance *versus* resistance, state *versus* migrant, visibility *versus* invisibility – fails to grasp the complexities and relationalities at play.

Inspired by Foucault's writings on power and resistance, the article has proposed the idea of a mobile play of governance-resistance through which refugee subjectivities emerge and are simultaneously managed, contested, adopted, and subverted. It is not only that governance and resistance are continuously 'turned round'; the same practices function as governance and resistance simultaneously. This play of governance-resistance is also a play of (in)visibilities, whereby visibility is either a matter of seeing visually and/or of becoming knowable, and hence governable. Yet, both visibility and invisibility can function as either governance or resistance, whilst certain practices constitute visibility and invisibility simultaneously. For instance, claiming a presence as refugee in resistance to official non-existence also means becoming visible and eligible for (UNHCR) governance; and this is simultaneously a form of protection and a practice of management, exclusion, and decollectivisation. Due to the informality of these processes – and the contingency of protection – irregular migrants pursue various other strategies of becoming or remaining (in)visible, for instance by 'blending in' and creating alternative social and educational spaces, both visible and out of sight.

[67] Ibid.

It could be said that migrants with refugee status claim an affirmative subjectivity both in defiance of *and* on the very basis of formally produced illegality. That is to say, the possibility of a politics of (in) visibility emerges not merely despite legal non-existence but also because the absence of governmental structures for the management of refugees at the national level allows for the creation of informal sociopolitical spaces of resistance, even if these are mediated through other forms of governance. To speak of the intricacy of governance-resistance in this context is not so much a claim that resistance is always already hijacked or co-opted by forms of regulation and control. Rather, it suggests that governance can also feed resistance, and become productive of affirmative political subjectivities, in the sense of a becoming different from the (governed) refugee subject. To become visible and knowable is not necessarily to be produced either as criminal or as governable subject, but can also materialise as becoming something/one else that challenges both these categories.

Thus, the mobility and contingency of these processes – affirming a presence in official invisibility; being invisibilised through visibility, or *vice versa*; reappropriating the visibility of being made knowable, etc. – means that refugee subjectivities can be strategic, mobile, emergent and shifting, and produced, managed and employed in various ways simultaneously. In this dynamic politics of (in)visibility refugees come into being *and* become other from the notion of 'the refugee' understood as a particular type of subjectivity characterised by a lack of freedom or individuality. Something comes into being that does not fit pre-existing categories: modes of political subjectivity that are mobile and shifting as well as intricately tied up with established forms of framing and categorisation, whilst simultaneously disrupting these.

The politics of (in)visibility productive and disruptive of refugee subjectivities in Malaysia consists of a material-discursive play of forces that encompasses the (il)legal, the (in)formal, the (in)visible, and everything in between. It features not merely a diversity of actors – government, UNHCR, NGOs, migrants, community organisations, volunteers – but, more importantly, a heterogeneous set of 'things', practices, forces, and effects of governance-resistance that constitute the play, such as: night raids; the fear of arrest; detention; community centres and organisation; the wait for and politics of registration; identity cards, and their acquirement and use; the claim to and prospect of resettlement; (wearing a) UNHCR uniform; going to school; more or less formal employment; walking around the city (in)visibly; not 'looking like a foreigner'; claiming a presence as refugee; being invisibilised through visibility and/or becoming visible as something/one else.

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