SPECIAL ISSUE ARTICLE

Migrant Rights, Agency, and Vulnerability: Navigating Contradictions in the Eurasian Region

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Abstract

Migrants are often presented in simplified terms that focus on the threats they experience or pose to the host society. This produces an image of migrants who have no agency and are victims of their circumstances or who respond to their circumstances by turning to crime and illegality. In this special issue, we reframe migration by highlighting how migrants leverage the various vulnerabilities they encounter, turning them into agency and self-sufficiency. We explore different types of vulnerability and agency for migrants in the Eurasian region, which often originate from the same sources, including structural factors, state and governance practices, social networks, and gender roles. Through interactions with a variety of state and nonstate actors, migrants have the ability to make choices that reduce uncertainty and risk in their migration environment and on returning home. These choices coexist with vulnerability and a lack of formal rights but do not replace them, creating complex and contingent relationships between precarity and agency.

Keywords: Mobility; migration policy; precarity; agency; informal practices; Russia; Eurasia

Migrants often suffer from an image problem. They are portrayed either as criminals bent on exploiting the resources and criminal opportunities of their host countries, or as poor, bedraggled souls pushed from vulnerability and poverty at home to exploitation abroad. The first image has become all too familiar in the wake of the Syrian refugee crisis (2014–), especially in the European context, where populist and nationalist discourses associate refugees with bogus asylum claims, criminality, and terrorism. The second image is driven by a human rights agenda that focuses on migrants' lack of rights in their destination countries. It is a view that frames migrants as victims of circumstance. If they have any choice, it is between a bad situation in the host country or worse conditions at home. The public is left with the impression that if migrants have any agency at all, it derives from the sinister motives of the first image.

This special issue challenges these images of migrants by demonstrating that mobile groups, whether they are refugees, labor migrants, return migrants, or internally displaced people (IDPs), indeed have agency that is not limited to criminal choices. Through interactions with a variety of state and nonstate actors, migrants have the ability to make choices that reduce uncertainty and risk in their migration environment and on returning home. These choices coexist with vulnerability and a lack of formal rights; they do not replace them. Migrant vulnerabilities come from many directions, including but not limited to a lack of legal status. Social and labor market discrimination, racism, familial expectations and responsibilities, and structural factors such as poverty and war all contribute to migrants' experiences of exploitation, injustice, and precarity. At the same time, agency comes from many sources, sometimes from the same origins: being embedded in social structures that offer a safety net in times of precarity, being able to navigate informal norms and spaces where laws are unevenly enforced, and being able to leverage one's legal or social status to

reach goals. In this way, migrants find spaces to pursue well-being and to engage systems that do not offer overt protection.

The scholarly literature that analyzes the contexts of migration is generally built on the experience of Western countries and therefore has as its foundation assumptions based on liberal societies, states, and the cultural categories that emerge from them (Levitt 2012; Natter 2018). Despite the fact that liberal norms often do not fully extend to migrants even in Western, liberal, democratic receiving countries, or perhaps because of this vexing contradiction, the literature has been driven by the "liberal paradox," or the puzzle that the migration policies of liberal states often contradict liberal ideals (Hollifield 1992). As a result, the literature's dominant framework is one of rights, particularly which rights are granted to migrants by state policy and which are denied in practice (Ruhs 2013, 2018; Boucher and Gest 2018).

As the literature has expanded to minimally include an increasing number of nondemocratic immigrant-receiving countries, the liberal paradox has remained central. The expectation that illiberal immigration policies will be par for the course in authoritarian countries has not challenged the rights framing of migration. The literature that analyzes the effect of authoritarianism and immigration policy tends to converge on the finding that dictatorships are more open to immigration but offer migrants fewer rights (Mirilovic 2010; Breunig, Cao, and Luedtke 2012; Shin 2017). Many of these studies argue that it is precisely because migrants can be offered fewer rights while extracting their labor that authoritarian leaders prefer them to domestic workers. The discourse that authoritarian states are key violators of rights is often built on the idea that a weak rule of law produces consequences such as corruption. Often these assumptions are embedded in a neo-Weberian modernization perspective that expects movement toward rights and the rule of law as countries develop or the idea that there is a naturalness to the values of Western democracies that should be embraced by all countries as they develop (Radnitz 2011; Beissinger 2017). These orientations assume that what is formal (legal) is legitimate and even moral, while those practices that occur off the books or informally are illegal, corrupt, and even immoral (Alpes 2013; Ledeneva 2018).

This starting point, that immigration within the Eurasian region occurs outside the rule of law without the protection of formal rights, has undergirded an approach to migration in Eurasia and elsewhere that casts migrants as victims without agency. The resulting literature, often connected to a large advocacy network of international organizations, focuses on the inability of migrants to access basic rights and consequently protect themselves vis-à-vis the state or employers. Though this discourse intends to humanize migrants, it instead objectifies them as vulnerable nonactors (Dahinden 2016).

While it is without dispute that formal rights can offer migrants protection, the converse, that migrants without formal rights and access to the rule of law cannot reduce vulnerability and risks associated with their mobile lives, underestimates the range of choices migrants can make, even when they are in precarious situations. Bylander's (2019) observation that the elision of "safe" migration with regular (legal) and orderly processes uncovers an assumption of the development community and some scholars that formal rights and legal processes are the mechanisms that produce the best outcomes for migrants. Yet these assumptions are not necessarily borne out in migrants' experiences. The critical literature on human rights, migration, and trafficking offers an important corrective to essentialized assumptions about the types of victimization migrants (and other subject groups) experience, especially in authoritarian contexts (Mutua 2001; Kapur 2002). These scholars demonstrate how focusing on migrants' precarious position in society and the global economy strips them of agency and frames them as victims, which leads to "othering" and renders them powerless (Agustin 2003; Kelly 2005; Srikantiah 2007; Tomkinson 2012). They further give the injunction that the legal choices migrants make and the illegal behaviors in which they sometimes engage, which seemingly reduce agency and increase vulnerability, are not mutually exclusive (Aradau 2004; Kyle and Siracusa 2005; Andrijasevic 2010; Hoyle, Bosworth, and Dempsey 2011).

Studies of migrants and migration naturally engage the legal context within which migrants find themselves. The state, thus, is implicitly taken as an actor that either enfranchises or, more often,

excludes and acts against migrants (Torpey 1997). This special issue builds on the legal landscape in which migrants find themselves to include other sources of vulnerability and agency, constituting a complex and varied picture of migration experiences in Eurasia. Therefore, even when the state does not act on behalf of migrants—for example, by not distributing benefits and legal protections—migrants indeed still act on behalf of themselves. When we look at these micropolitics of migration, we find complicated, nuanced, and complex interactions between vulnerability and agency.

The articles in this special issue offer three contributions to the conceptualization of migrant agency and vulnerability and establish an important confirmation about the location of migrants vis-à-vis legal systems in Eurasia. First, the articles confirm the legal precarity and indeterminacy that migrants experience. Whether migrants are temporary workers, refugees, or internal migrants (and thus citizens), legal status is difficult to come by and does not have a straightforward relationship with either vulnerability or agency. Second, the articles demonstrate overlapping dependencies that migrants experience. Beyond dependence on the state for legal status and formal rights, migrants are dependent on family structures and geopolitical contexts. These embedded relationships provide opportunities and possibilities at the same time as they produce vulnerabilities. Third, the articles show how precarities can be leveraged by migrants to meet migration-related goals. Using diverse empirical material deriving from multiple disciplinary perspectives these articles converge on similar problems faced by different categories of mobile populations and demonstrate a variety of sources and practices of migrant agency.

Discussion of legal precarity in the Eurasian context begins with an understanding of the complex landscape of migration law and enforcement and proceeds to the various ways migrants encounter difficulties legalizing themselves (Reeves 2015; Kubal 2016; Schenk 2018). The authors in this issue engage several specific legal mechanisms that are salient for migrants. Zotova and Cohen analyze the impact of entry bars (*zapret na v ezd*) that have been used to limit migrants' access to Russia beginning in 2013. They demonstrate how the Russian legislation on migrants poses limitations on their ability to cross borders and engage in the transnational lives that often bring them empowerment. They also show how, even when migrants are outside the law (i.e., on the entry bar list), many remain inside Russia and continue their regular work and life activities. Zotova and Cohen's narratives show that it is only when migrants encounter state agents and official structures, either by crossing the border, as in the case of Zeinab, or by getting stopped in the course of street checks by the police, as in the case of Aziz, that migrants encounter the consequences of their legal status. In other cases, as the story of Sayora shows, migrants continue living and working in Russia indefinitely despite their "deportable" status, often precisely because crossing borders would lead to a sure encounter with the state and bring the consequences of any migration violations.

Piiponen and Virkkunen discuss refugee policy in Russia, situating it in a larger context of the variety of legal statuses migrants can pursue. They argue that the main driver of migrant and refugee precarity is the discrepancy between laws and their enforcement. In the case of refugees, the laws on the books are in line with international standards, but in practice, refugees have difficulty accessing asylum. This leaves them to pursue other migration categories and legal statuses via work or residence permits. Often they are able to gain only temporary status, leaving their legality in constant need of renewal and requiring vigilance against any potential lapses. Both Piiponen and Virkkunen and Kuznetsova and Mikheieva include discussions on the legal mechanism of registration, or the legacy of the Soviet *propiska*, in Russia and Ukraine, respectively. These accounts echo much of the previous literature on registration as a perpetually indeterminate, temporary, and problematic hurdle that migrants and mobile citizens alike face in their quest for legal status and access to state services (Reeves 2013; Light 2016; Tukmadiyeva 2016; Chekirova 2018). Despite these legal difficulties, migrants often stay for long periods of time, even decades, as many of the accounts in this special issue show.

Migrants depend on the state for legal status (recognition), benefits, and rights. Yet migrants are often embedded in overlapping dependencies that can either exacerbate vulnerability or provide alternative routes to agency. In this context, migrants depend on a variety of strategies, social

relationships, and structural factors, many of which do not have a straightforward relationship with vulnerability or agency. For example, families can be a source of protection and a safety net (Kuznetsova and Mikheieva, this special issue) or they can impose expectations and gender hierarchy (Zotova and Cohen, this special issue). Religion can likewise be a context in which migrants find networks, trust, and opportunities (Turaeva, this special issue) or one in which they experience oppression and control (Piiponen and Virkkunen, this special issue).

The article by Turaeva shows how economic and social networks emerging from mosques in Russia provide a way for migrants to create alternative means to provide for health and economic well-being when the state does not. Because many migrants find themselves without access to government health care in Russia, alternative healers provide an option for migrants to take care of other migrants. Through the Muslim community of migrants, dependable institutions are constructed and reinforced, providing education, social spaces, business opportunities, and health care.

Zotova and Cohen show how overlapping dependencies do not coexist without tension. Tajik migrants depend on the Russian labor market because of structural poverty and unemployment at home. They are also dependent on family structures that place significant expectations on the financial responsibility of migrants and the gendered behavior of those at home and abroad. Male migrants are expected to support families at home and earn enough money to pay for important social rituals, such as weddings and funerals. At times, these social dependencies conflict with the dependency on the Russian state for legal status. Thus, when migrants find themselves on the entry bar list, they are not able to fulfill their social and familial duties.

Both Zotova and Cohen and Piiponen and Virkkunen show how migrants can become dependent on the social networks and opportunities they find in migration. In other words, integrating and adapting to Russian culture, both for Afghan refugees and for Tajik labor migrants, involves opportunities that migrants would not have at home. For some migrants, this empowered status provides incentives to remain in Russia, sometimes for long periods of time, rather than return home. To frame this in terms of classical migration theory, the pulls of migration are strong, and they include a variety of incentives. We should not forget the pulls of receiving countries like Russia, which one of the Afghan refugees in Piiponen and Virkkunen's study calls "a free country." Focusing only on the push factors, such as the structural factors of poverty, unemployment, and war, does a disservice to the complex and overlapping dependencies migrants experience in their mobile lives.

With this tension in mind, the article by Kuznetsova and Mikheieva demonstrates the extreme circumstances that occur when overlapping dependencies converge on the mobile citizens of war-torn regions in Ukraine. Their use of the concept of intersectionality captures these overlapping dependencies experienced by IDPs. The article highlights how some IDPs use family ties or the informal economy as a counterweight against the legal precarity they experience, but certain groups, such as pensioners, are not as flexible. Because pensioners are especially dependent on the state for legal status and income, other categories of dependency (i.e., family networks) are less able to compensate.

Despite the various legal indeterminacies and overlapping dependencies that create complicated relationships between migrant vulnerability and agency, an interesting finding that emerges from this special issue is how migrants are able to leverage their vulnerabilities to reduce risk and create more certain agency. An example of this is how Afghan refugees on the Finnish border are able to use deportation from Russia as a way to gain more certain entry into Europe. As Piiponen and Virkkunen argue, deportation orders, which come with an automatic five-year entry bar, "guarantee" that migrants will not be returned to Russia. As can be the case with these types of leveraging mechanisms, once discovered they become commoditized; Piiponen and Virkkunen tell of migrants willing to pay for deportation orders to ensure their safe crossing into Finland.

Another example of legal leveraging, as demonstrated in the Zotova and Cohen article, is the experience of migrants who choose to remain in Russia despite their precarious legal status, as mentioned above. In many cases, migrants who might otherwise come and go frequently (i.e., those

with circular migration patterns) do not want to risk leaving because it creates a sure interaction with state agents at the border and the potential that they will not be allowed to return to Russia. This pattern has been increasingly documented in the Russian case, and it mirrors a broader theoretical finding that when migration policies become stricter (both in policy and in practice), previously circular migration patterns become more permanent (Cornelius 2005; Lahav and Guiraudon 2006; Doomernik and Jandl 2008; Massey and Pren 2012; Hollifield 2014; Martin 2014; Schenk 2018).

Other types of leveraging occur in the social sphere. Tajik migrants use their often precarious migrant experience in Russia to increase their social status at home. Despite all the vulnerabilities migrants experience while working in Russia, they return home to increased social status and material possibilities, and an overall better quality of life. A similar process occurs in Turaeva's study of Muslim migrants in Russia. Though their religious and ethnic identities make them targets of xenophobia and discrimination, it is these same identities that are leveraged to create social networks. Migrants are more willing to extend trust to one another based on mosque communities. These networks in turn provide comfort and protected spaces where migrants can insulate themselves from their legal and social precarity in Russia.

Even some IDPs are able to leverage their situation despite layers of vulnerability. As Kuznetsova and Mikhieva discuss, some IDPs choose to not register their status to avoid social or other types of discrimination. By remaining invisible, they might not receive financial support from the government, but they can also avoid problems. Yet this option of invisibility is only available to IDPs who are better able to take care of themselves through other means, such as living with family members in other regions of Ukraine or working in the informal economy. These choices are perhaps between bad and worse, but they nevertheless suggest that the overlapping and layered dependencies migrants experience have complex trade-offs that make the relationship between agency and vulnerability anything but straightforward.

The articles in this special issue demonstrate the tensions between rights, vulnerability, and agency in the Eurasian context. They palpably convey the indeterminacy that comes from a lack of legal rights; at the same time, they analyze a range of vulnerabilities that come from social and economic factors and legal uncertainties. They also uncover multiple sources of agency that are exercised by migrants even within the context of vulnerability and exclusion from legal rights. In particular, the articles demonstrate that migrants are embedded in and must navigate social, economic, and legal contexts as well as the spatial context that creates their identity as migrants. Each of these contexts both limits and empowers.

Often the literature on migration identifies the problems between the state and migrants, presenting migrants' adaptations and coping mechanisms as forms of injustice. Yet injustice can be the entry point into agency and self-sufficiency. There is no question that injustices pervade when migrants lack rights and are situated in non–rule of law contexts where the very entity that should protect (the state) is the one that exploits. But even in these conditions, the resilience of migrants should not be underestimated. If we frame injustice not as an end point but as a catalyst for migration action, we can begin to uncover the complex relationships that migrants have with the state, structural factors, social networks, gender roles, and all the other forces that define their experience.

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