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This paper was originally submitted as a dissertation in completion of the requirements for the degree Masters in Global Migration. The views expressed in this paper are those of the author(s) and do not necessarily reflect the views of UCL's Migration Research Unit.

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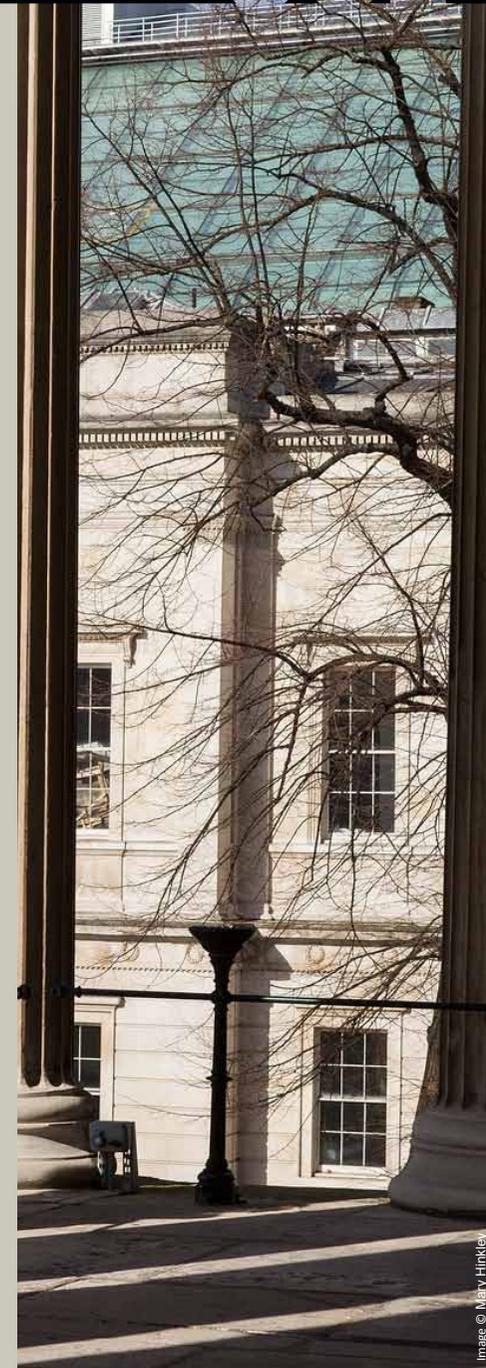
UCL Migration Research Unit Working Papers

No. 2016/3

Controlling Time?

The Influence of UK Tier 2 Status on
Migrants' Relationship with Time

Linn Helene Skovly Aakvik



Controlling Time ?
The Influence of UK Tier 2 Status on Migrants' Relationship
with Time

by

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September 2015

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This research dissertation is submitted for the MSc in Global Migration at University College London

Abstract

This paper explores the lived experiences of migrants subject to ‘temporal restrictions’ on the Tier 2 visa (Parreñas, 2010:319). The effects of such restrictions are yet to be discovered, and deserve attention at a time when temporary migration programmes typically are presented as mutually beneficial.

By bringing together literature on time, immigration controls and precarity, this paper aims to explore how temporariness is experienced and negotiated by migrants, and, simultaneously, how time may function as a mechanism of control.

The paper finds that temporariness, in the Tier 2 context, is associated with highly unequal power relations between migrants and their employers. This relates mainly to the legal and practical difficulties of changing employer while on the visa. Dependency results in precarious working conditions, mostly as migrants alter their own behaviour to meet the assumed expectations of employers.

The future orientations of migrants on the Tier 2 visa are closely linked to the Path to Citizenship, setting out the criteria for permanence. These criteria have considerable implications for migrants’ lives, as personal priorities, such as family decisions, are put on hold. This paper finds the Path to Citizenship to promote migrants’ worker-identities at the expense of other identities. The reduction of migrants to workers is also evident in the UK’s preference for “skilled” (a proxy for income) migrants. As rights depend on permanence, and permanence on “skill”, rights are effectively reserved for high income migrants. Migrants themselves also adopt the “skilled” discourse to negotiate access to rights. This further naturalises the idea that migrants’ rights should be left to depend on the market.

The paper highlights the challenges of temporary migration. However, rather than critiquing temporariness as such, the correlation between temporariness and the lack of rights is

highlighted. While changing the nature and source of rights appears an almost utopian project, attending to precarity in academic research is suggested as a strategy to unite those who may otherwise be constructed at opposite sides of the temporary-permanent binary (Vosko et al, 2014).

Acknowledgements

I am greatly indebted to all of those who shared with me their experiences of life on the Tier 2 visa. Their enthusiasm, interest and openness were the sources of many discussions that were invaluable to this research and that taught me a lot, at an academic as well as on a personal level.

I would also like to thank Julie Moktadir at the Royal College of Nursing (RCN), Susan Cueva at UNISON and Sophie Barrett-Brown at Laura Devine Solicitors and the Immigration Law Practitioners' Association (ILPA) for sharing their time and impressive knowledge of Tier 2 issues.

Further, I would like to thank my supervisor, Dr. Claire Dwyer, for encouraging me to pursue this research, and for her insight and guidance.

I am grateful for the help of friends and informants with sharing my call for participants. The project would not have been possible without this support.

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Chapter I - Introduction

Immigration controls, by restricting entry to specific categories of migrants and determining conditions of stay, produce temporariness (De Genova, 2012; Rajkumar, 2012). Temporary migration programmes have typically been described as ‘win-win-win’ schemes based on the assumption that they benefit both migrants and the economies of the sending and receiving countries (IOM, 2008:92, cited in Dauvergne and Marsden, 2014:227). As ‘temporariness is being institutionalized as a condition acceptable for growing numbers of people’, a call for an investigation of the lived experiences of temporariness has emerged (Vosko et al, 2014:3). In contrast to the ‘win-win-win’ assumption, recent work has related temporary visa status to limited rights and uncertain futures (IOM, 2008: 92, cited in Dauvergne and Marsden, 2014:227; Raghuram, 2014; Rajkumar, 2012; Vosko et al, 2014).

This research sets out to explore how temporariness is experienced and negotiated by migrants, while simultaneously investigating how time may function as a mechanism of control. In doing so, the study attempts to respond to the call for more research on the lived effects of ‘temporal restrictions’ (Parreñas, 2010:319). By attending to the relation between time and control, I aim to highlight the relationships between migrants’ experiences of time and the structures that influence them. The focus on structures is reflected in the choice of precarity as a theoretical concept. This allows for an investigation of the *production* of uncertainty and instability, acknowledging the complex causalities of these conditions.

When analysing time as a potential mechanism of control, the role of the state, in this paper a term used interchangeably with the government, is essential. I do not consider the state as a unified actor. Rather, following Foucault (2009), I define state power as relational and dispersed.

To explore the construction of temporariness and migrants' lived experiences of temporary status, migrants on the United Kingdom (UK) Tier 2 visa have been chosen as a case study. The Tier 2 is the most commonly issued work visa in the UK (Blinder, 2014). The 'temporal restrictions' attached to the visa and the criteria for migrants who apply for settlement while on the Tier 2, makes it a particularly interesting case for the purpose of this research (Parreñas, 2010:319). The forthcoming introduction of new, more restrictive, criteria for settlement for Tier 2 migrants adds another layer to the research, as it allows for analysis of the restrictions' causes and the ways in which they are framed.

The research findings are presented in three chapters, following a literature review outlining the relations between immigration controls, time and precarity, the existing work on these topics, and a discussion of the methodological approach. The first empirical chapter discusses Tier 2 migrants' lived experiences of temporariness. I suggest that the link between visa status and employment results in highly unequal power relationships between employers and employees. Future orientation is found to be crucial to migrants' experiences of temporariness, as many negotiate their current precarious condition in relation to the futures they imagine. The second empirical chapter explores the different future orientations of migrants facing uncertain futures. Different future orientations are discussed and their relation to precarity considered. The most commonly found orientation is then developed in relation to the government's power to control time. The final empirical chapter offers a more thorough discussion of how control works through time. The links between the government's prioritisation of "skilled" migrants is related to construction of "deserving" and "undeserving" migrants. Migrants' ways of negotiating access to permanence and rights is discussed in relation to this official discourse.

This research finds that temporariness, on the Tier 2 visa, is associated with considerable dependency on employers, a factor that leads to precarious working conditions. With

permanence as a goal, many 'schedule' their futures in accordance with the Path to Citizenship (Home Office, 2008). This route to permanence emphasises financial contribution through wage labour and in effect constructs workers. As "skilled" (a proxy for high income) migrants are prioritised for settlement, the 'right to have rights' is made dependent on the market (Arendt, 1968:177, cited in Shachar, 2014:114; Dauvergne and Marsden, 2014).

Chapter II - Literature review

This research builds on insights from what may broadly be divided into three areas of theory: the productive capacity of immigration controls, time and precarity. Immigration controls have increasingly been theorised as productive of arbitrary categories such as “illegal immigrants”, and this “illegality” has been linked to precarious lives (Ahmad, 2008; Anderson, 2010; 2013; De Genova, 2013). Precarity, and related though not interchangeable concepts such as vulnerability, have been explored in relation to time (Anderson, 2007; Tsianos and Papadopoulos; Waite, 2009). It is however only recently that the production of categories and dependencies through immigration controls has formed the back-drop for analyses of precarity working through time (Ahmad; 2008; Anderson, 2007; 2010; Griffiths, 2014; Waite, 2009).

Following a review of the relevant literature on the productive capacities of immigration controls, time and precarity will be discussed in relation to migration studies. The aim is to develop the relationships between the three areas while drawing attention to their relevance to the study of the experiences of regular migrants who are subject to immigration controls.

Immigration controls

Immigration law, while seemingly objective, is productive of categories such as “illegality” and creates specific dependencies, such as between migrant workers and their employers (Anderson, 2013; 2014; De Genova, 2013; Robertson, 2014). Whereas the category of “illegal” migrants largely has been deconstructed by immigration scholars and activists, and the taken-for-grantedness of this category challenged by slogans such as ‘No one is illegal’ (No One Is Illegal UK, 2015), the construction of regular migrants as a category subject to

specific dependencies has received less attention (Anderson, 2007; 2013; 2014; Vosko et al, 2014).

Bridget Anderson (2007:306) has argued for the need to move away from a one-sided focus on the construction of illegality to a more general focus on ‘how immigration controls produce status’. This would allow for consideration of the effects of the ‘types of legality’ that are constructed on migrants’ experiences (Anderson, 2007:306). The criteria inherent to specific visa categories are likely to shape who is able to enter the state; how long they are able to stay; who they may bring and, partly, how they must act. In tandem with such direct effects of immigration controls, indirect effects occur, and may include migrants’ response to the fixed time of their visas or taking up labour they otherwise would not, in order to fulfil direct criteria such as full-time employment at a specific salary level.

Thus, the analysis of immigration controls when conceptualised as productive, should be taken further than the consideration of direct criteria and their effects. Rather, their indirect effects, such as the forms of employment they encourage migrants to take up and the effects this has on migrants’ lives, must be considered. Immigration controls might directly and indirectly be regarded as mechanisms controlling migrants’ relationship with time.

Controlling the length of stay on a visa and the intervals at which visas much be extended, affects factors such as the ability to plan ahead.

Time

The meaning of time as well as the importance attached to it is highly contextual (see e.g. Adam, 1995; Thrift, 1981). Rather than attempting to define time, a more productive approach may be to attend to the explanations behind differing approaches to and understandings of it. Seeking to explore and explain different approaches to time allows for

the understanding of time as subjective and as a potential means of control. For the purpose of this research, Shanthi Robertson's (2014:1918) suggested distinction between 'time' as 'senses of objective, or quantitative time' and 'temporality' as 'lived', perceived or experienced time, is however helpful. These broad definitions rely on the idea of time as a social phenomenon, and allow for an exploration of the mechanisms behind "objective" time, such as 'clock time', and its effects (Adam, 1995:52).

Nigel Thrift (1981) has illustrated how the distinction between work and leisure time, increased time consciousness, and future-orientation relate back to the rise of industrial capitalism. Hence, attending to time and imagining different possible futures should be understood as behaviour that originated in a specific context for a certain purpose, such as the effectiveness of industrial production (Thrift, 1981). Reinhart Koselleck (2004) has drawn attention to the crucial role of the state in suppressing certain visions of the future while allowing, or even promoting, others. Whereas Koselleck (2004:16) describes the state control of imagined shared futures as historically enforced by actions such as 'suppressing apocalyptic and astrological readings' of it, the state may also be regarded as controlling the futures available to specific categories of people. Drawing on Koselleck's insights, Richard Kernaghan (2013) has highlighted the criminalisation of certain narcotics and the years of imprisonment that follow from being caught transporting them as ways through which the potential futures of his informants were effectively controlled by the state.

In the context of migration, immigration controls are the main ways through which the temporal realities and imaginations of migrants are controlled. With Koselleck (2004) and Kernaghan's (2013) insights in mind, this paper suggests that the state restricts or shapes the possible futures of migrants by controlling the time they are legally able to stay in the country.

Work combining time and migration is still limited (Anderson, 2007; Griffiths et al, 2013). Much of the literature that does exist assumes that temporary status will eventually lead to permanence (Griffiths et al, 2013; Piore, 1979). This assumption of temporariness *being* temporary may lead to justifications of differential treatment of migrants, as it is assumed that they eventually will return to their country of origin or become citizens of the country to which they have migrated. However, as Melanie Griffiths (2014) has illustrated in the case of detainees, temporariness is not necessarily temporary. Migrants may for example be detained several times, each time with the apparent purpose of return. Being released from detention, then, does not necessarily mean a change in status. Rather, many live in permanent temporariness.

In sociology, the institutionalisation of temporariness has often been linked to the move from permanent to temporary labour (Beck, 1992; Sennett, 1998).¹ Insecure work may be a result of temporary visa status. Migrants on temporary visas might be prone to employment in industries or positions characterised by insecurity. This might be felt particularly strongly by those who depend on a specific job in order to maintain their visa. While migrants appear to be particularly affected by the increasing institutionalisation of temporariness, there is little empirical work on their experiences (Anderson, 2010). Griffiths (2014) does however offer an interesting case study; inspired by Paulo Cwerner's (2001) work on intersecting or conflicting temporalities, Griffiths (2014) has explored the temporalities of irregular migrants in the UK awaiting deportation. She suggests four temporalities: 'sticky time', time passing slowly; 'suspended time', time being 'stuck'; 'frenzied time', changes occurring 'suddenly and without warning' and; 'temporal ruptures'; changes to 'temporal patterns and imaginings' (Griffiths, 2014:1994-2000). She connects the 'temporal uncertainties' of her

¹ Ralph Fevre (2007) has criticised the claim that labour is becoming increasingly temporary in nature. He bases this critique on what he regards as lacking and poorly interpreted empirical data. However, as Anderson (2010:304) argues, regardless of the validity of Fevre's claims, 'migrants are disproportionately concentrated in [insecure work]'.

informants with the simultaneous experience of several temporalities (Griffiths, 2014:2001). The experience of time as slow is for example contrasted by sudden changes to asylum cases, and such discrepancies increase experiences of ‘instability and powerlessness’ (Griffiths, 2014:2001).

Writing on academics on short-term contracts, Oili-Helena Ylijoki (2010) has explored future orientation in situations of temporariness. The academics interviewed by Ylijoki do not know if their contracts will be extended and are unlikely to gain permanent employment for many years to come. Their situations may be compared to those of temporary migrants, who do not know if their visa will be extended and who, if indeed eligible, will have to be in the country for several years in order to gain citizenship. Ylijoki’s case study, therefore, offers interesting insights for this project, and her framework will be drawn on when analysing the future orientations of migrants on the Tier 2 visa. Ylijoki (2010:365; 375-379) distinguishes between three ‘ideal typical future orientations; ‘instant living’ ‘multiple futures’ and ‘scheduled future’. ‘Instant living’ refers to the tendency to live in the present and avoid thinking about the future. ‘Multiple futures’ on the other hand, denotes the tendency to envision alternatives for oneself, decreasing one’s reliance on one specific path. ‘Scheduled future’ characterises one imagined future, which is ensured by conscious planning and hard work. The different future orientations may exist simultaneously, either in contradiction or overlapping at certain points (Ylijoki, 2010).

Temporariness then, institutionalised through immigration controls, may affect migrants’ temporalities. The effects of temporariness on the lives of migrants are further explored by considering precarity in relation to time.

Precarity

Little attention has been devoted to precarity in geographical research (Waite, 2009). In the social sciences it has come to denote both a societal tendency and an individual status. In the case of the latter, it has particularly been used to refer to workers in insecure employment (Waite, 2009). This study considers precarious work, precarious legal status and experienced precarity. These aspects could potentially be considered manifestations of a more wide-ranging societal precarity.

According to Dimitris Tsianos and Vassilis Papadopoulos (2006: n/p), ‘precarity is a form of exploitation which operates primarily on the level of time’. In his study of irregular migrants in London, Ali Ahmad (2008:311) describes his informants as ‘prisoners of time’, arguing that their current status, or lack of it, keeps them from living fulfilling lives in the present, at the same time as a different future is difficult to imagine. The institutionalisation of temporariness, then, might also be characterised as an institutionalisation of precarity, depending on how migrants experience their present conditions and the way they negotiate these in relation to the future.

Precarious work has been defined as ‘some combination of ‘instability, lack of protection, insecurity and social or economic vulnerability’ (Rodgers and Rodgers, 1989 cited in Anderson, 2007:4; Waite, 2009). This definition captures factors such as poor working conditions, little or no representation, low wages and uncertain periods of employment. Migrants are ‘disproportionately concentrated in insecure work’, related to their often precarious legal status (Anderson, 2010; 304; Goldring, 2014). Luin Goldring et al. (2009: 240-241) have defined precarious legal status in the context of Canada, a definition applicable to the UK context:

‘Precarious status is marked by the absence of any of the following elements normally associated with permanent residence (and citizenship) in Canada: (1) work authorization, (2) the right to remain permanently in the country (residence permit), (3) not depending on a third party for one’s right to be in Canada (such as a sponsoring spouse or employer), and (4) social citizenship rights available to permanent residents (e.g. public education and public health coverage).’

Precarious legal status is typically associated with factors that increase dependency, which may lead to precarious working conditions. In order to capture the multiple causes and manifestations of precarity, this study draws upon the definitions of precarious legal status, precarious work *and*, to include experienced precarity, Louise Waite’s (2009: 416) broad definition of precarity as ‘life worlds that are inflected with uncertainty and instability’.

Whereas migrants experiencing precarity might simultaneously be categorised as vulnerable, the two concepts are not interchangeable. According to Anderson (2007:5), vulnerability does not describe the ‘insecurity’ inherent to precarity. Importantly, while vulnerability focuses on a person *being* vulnerable, precarity also emphasises ‘the political, institutional context’ that *produces* this condition (Anderson, 2007:4; Waite, 2009). As such, precarity is a concept with ‘political potential’ as it focuses on structures that can be discovered and challenged (Waite, 2009:417).

Precarious conditions may be experienced differently, and we should be careful not to immediately assume that factors such as insecure immigration status or low income necessarily leads to experienced precarity (Waite, 2009; Anderson, 2007; Fantone, 2007). Depending on each migrant’s life situation, the importance of eventually gaining permanence may, for example, vary considerably. This highlights the importance of attending to the relationship between precarious work or precarious legal status and *experienced* precarity.

Furthermore, intersecting factors such as gender have been found to influence experiences of precarity, and could add to such analyses (Fantone, 2007).

In the current context, with temporary visa status appearing to develop as a new norm, migrants' experiences of temporariness must be explored. The causes of precarity should be investigated in relation to their effects on migrants' lives.

Case Study

In the United Kingdom (UK), it has since 2010 been an official government policy to 'break the link between coming to work and staying permanently' (Home Office, 2012a:1). This policy has manifested in changes to immigration rules, such as the closure of the Post-study Work visa route and stricter criteria for moving from a work visa to Indefinite Leave to Remain (ILR) (Home Office, 2012b). From April 2016, to be eligible for settlement in the UK, migrants on the Tier 2 visa must earn a minimum of £ 35 000, or higher, depending on their employment (Home Office, 2012b).²

The Tier 2 visa was introduced with the Point-Based System in 2008 and in 2013, 11 800 Tier 2 (General) visas were issued in the UK (Blinder, 2014). To be eligible for a Tier 2 visa, migrants must have been offered so-called "skilled" employment by an approved sponsor (Home Office, 2015c). The maximum stay on the Tier 2 visa is six years, but the visa is not offered for more than five years at a time, and often for less (Home Office, 2015c). The number of years for which the visa is given depends on duration of employment by the sponsoring company. The visa depends on continued employment and termination of work prior to the end of the working contract normally results in the legal stay being restricted to 60 days following a decision to 'curtail leave' (Home Office, 2015d:60).

² Job titles that are included on the shortage occupation list are exempted from this rule. At this point, neither nurses (without specialisation) nor teachers are included on the list.

This study attempts to investigate the effects of temporariness as well as the role of the state in controlling both time and temporalities and has been guided by three broad research questions. The question of *how Tier 2 migrants negotiate temporariness in daily life* will be explored followed by an examination of *how Tier 2 migrants relate to the future, and how they imagine the relationship between the present and the future*. The question of *how time might function as a mechanism of control in the context of Tier 2 migrants* will partly be anchored in the investigation of the migrants' experiences, and will be discussed in depth in a final empirical chapter.

Chapter III - Methodology

This qualitative study is primarily based on semi-structured interviews with migrants currently or previously on the Tier 2 visa, and other stakeholders. The interviews are complemented by document analysis and informal data. This ‘triangulation’ of methods allows for both migrants’ experiences and contextual factors to be addressed, while increasing the ‘reliability’ of the research findings (Cope, 2010:441). I will outline these interrelated methods before turning to the analysis of the collected data. This is followed by a discussion of ethics and positionality.

Interviews

A total of 15 interviews with 16 migrants have been conducted for this research, with the aim of understanding Tier 2 migrants’ experiences of temporary status and its influence on their temporalities. For the purpose of context, three interviews have been conducted with representatives from Unison, the Royal College of Nursing (RCN) and the Immigration Law Practitioners’ Association (ILPA). Semi-structured interviews were specifically chosen to allow the participants to shape the direction of the research, as the issues they highlighted guided the conversations (Longhurst, 2010). This has allowed for a grounded approach, reflective of the participants’ priorities (Strauss and Corbin, 1998).

The sample was initially intended to consist solely of migrants on the Tier 2 visa and representatives from relevant stakeholders. A conscious choice was made not to specify which of the subcategories of the Tier 2 would be included in the research as the differences between them could open up interesting comparisons. Of the types of visas that are commonly known as Tier 2, the General category is by far the largest (Blinder, 2014). It was therefore assumed that the majority of informants would hold this visa. The most frequently

issued Tier 2 visa, intra-company Transfer, is commonly known under this name, or ICT, rather than Tier 2. As migrants on this visa eventually are obliged to return to the country they initially transferred from, their experiences of temporariness were assumed to differ considerably from those of migrants who do not have this obligation. Participants on this visa were therefore not actively recruited.

Interviewee Recruitment

In order to discover potentially intersecting factors, I aimed for variation in terms of sector of employment, gender and nationality. The recruitment process reflects these aspirations. The final sample of participants is the result of a combination of recruitment online, personal networks and ‘snowballing’ (Valentine, 2005:117, cited in Longhurst, 2010:109).

Online recruitment

Since May 2015 I have been part of and posted in several online immigration, nationality and sector based groups. I have targeted some members of these groups directly (see Crook and Crang, 2007), though only those who have shown particular interest in Tier 2 issues. Due to ethical concerns, I have consciously avoided contacting anyone posting requests for advice on urgent immigration matters. All the group members have had the option to contact me.

For recruitment purposes, a pre-interview survey was created with SurveyMonkey (appendix D) (Longhurst, 2010). This consisted of basic questions and has not been used to infer statistics. It did however function as a preparation tool before the interviews. The link to this survey was posted as part of the request for participants. It yielded 24 responses, of which only some led to interviews. Participants recruited before this survey was developed, or who

contacted me to plan an interview without having conducted the survey, were not asked to respond to it.

While the majority of the interviewees recruited online were Tier 2 (General) holders, two were Points Based System (PBS)-dependants of migrants on the Tier 2, commonly known as Tier 2 (Spouse). The visa status of PBS-dependants is contingent on the status of their partners (Home Office, 2015b).

Personal network and ‘snowballing’

Due to issues of access and the importance of trust for migrants to volunteer to speak about their personal lives and visa status, my own and my participants’ networks have been crucial to the recruitment process.

I drew on personal and professional contacts in order to share the call for participants widely. Several of my contacts directly invited their own contacts to participate. Some of the interviewees recruited through my network had been on the Tier 2 visa until recently and one was currently applying for it. The initial purpose of these interviews was to provide context as well as to potentially access Tier 2 holders through ‘snowballing’ (Valentine, 2005:117, cited in Longhurst, 2010:109). The interviews did however turn out to be valuable in their own right, as the interviewees compared their current status to the Tier 2 status.

The social network of one of my informants was particularly valuable for further recruitment. This may partly explain the relatively similar occupational profiles of several of the interviewees, as well as the high number of Indian nationals. A considerable majority of the work visas in the UK are however granted to Indian nationals (Home Office, 2015a).

Attending to who I did not reach, and why, has been an important aspect of the research process. These considerations have themselves contributed valuable information. Despite

having contacted a range of nursing associations and been in email and phone contact with nurses on the Tier 2 visa, I have only been successful in recruiting two nurses. These were recruited through the Philippine Nurses Association (PNA). Several of the questions regarding working hours and the balance between work and leisure time while on the Tier 2 visa appear acutely relevant for this category of migrants. From my contact with nurses, it appears that their schedules are irregular and their shifts long. It may also be the case that those who have agreed to be interviewed are those with the least to fear in terms of repercussions from their employers.

Recruiting other stakeholders

The RCN's immigration department and the migrant nurses' representative at Unison were initially contacted in order to provide more information about the experiences of nurses on the Tier 2. These interviews were also conducted to provide information on the current legal and political context for Tier 2 migrants. The ILPA was contacted for an interview with the purpose of discussing the background of the Tier 2 visa and its effects on migrants and employers.

The stakeholders were chosen based on previous knowledge of the organisations combined with desktop research on their engagement with Tier 2 holders. They were contacted via emails in which the purpose of the study and their potential contribution were explained.

Other approaches

In the later stages of the research, I offered help with finding or reading information for the participants' applications for extension of their visa or for their ILR applications. This was communicated on paper flyers and in online calls for participants. I emphasised that I was not

a migration lawyer, and would only be able to point to information already available. All participants, migrants and other stakeholders, were offered a brief summary of the results of the research.

Finally, I have left flyers and hung posters at different locations in London. None of the participants appear to have learned about the research in this way, indicating a bias in favour of those who are active on social media.

Table 1 and 2 below indicate the pseudonym, visa status, nationality, gender, employment, method of recruitment and any additional information for each of the current, previous and future Tier 2 holders interviewed. Table 3 indicates the name, organisation and any additional information regarding the stakeholders.

Table 1: Interviews with current Tier 2 holders

Name (pseudonym)	Visa status	Nationality	Gender	Employment (sector)	Recruitment	Comment
Isha	Tier 2 (General)	Indian	M	Consulting (IT)	Online	
Manjira	Tier 2 (General)	Indian	F	Consulting (Marketing)	Online	Married to Kadhir
Erin	Tier 2 (General)	American	F	Consulting (Political sector)	Personal network	
Sanjit	Tier 2 (General)	Indian	M	IT	Online	
Kadhir	Tier 2 (Spouse)	Indian	M	Unemployed	Informant's network	Married to Manjira
Ajala	Tier 2 (Spouse)	Indian	F	Unknown	Online	Phone interview Not recorded
Sandhya	Tier 2 (General)	Indian	F	Banking	Manjira's network	
Chadna	Tier 2 (General)	Indian	F	Accounting	Informant's network	
Julie	Tier 2 (General)	Filipina	F	Nursing	Philippine Nursing Association	Interviewed with Lea
Rishi	Tier 2 (General)	Indian	M	Consulting (Engineering)	Personal network	
Lea	Tier 2 (General)	Filipina	F	Nursing	Philippine Nursing Association	Interviewed with Julie

Table 2: Interviews with previous and future Tier 2 holders

Name (pseudonym)	Visa status	Nationality	Gender	Employment (sector)	Recruitment	Comment
An	ILR	Chinese	F	Architecture	Personal network	Tier 2 until 2015
Vetri	Tier 1 (the highest skilled entrance category) (Spouse)	Indian	M	Business development	Informant's network	Tier 2 until December 2014
Salem	Tier 4 (student visa)	Jordanian	M	Engineering	Personal network	Currently applying for Tier 2
Sayan	ILR	Singaporean	M	Accounting	Online	Tier 2 until 2015 Not recorded
Rajan	No right to remain in the UK. Currently lives abroad.	Indian	M	Engineering	Personal network	Tier 2 until 2014 Phone interview Not recorded

Table 3: Interviews with representatives for organisations

Name ³	Position and organisation	Comment
Julie Moktadir	Head of the Royal College of Nursing's Immigration Advice Service	Not recorded
Susan Cueva	Responsible for migrant nurses' and care workers at Unison	Not recorded
Sophie Barrett-Brown	Head of Laura Devine Immigration Lawyers' UK office and previous chair of the Immigration Law Practitioners' Association	Phone interview Not recorded

³ As agreed with the interviewees, they are referred to by their real names.

Interview structure

The interviews were loosely based on an interview schedule divided into the categories background and migration history, daily life, the future and control over own time (appendix E). These topics demonstrated the intention to explore both how temporariness is negotiated in daily life, how it influences the participants' ability to plan for the future and the felt effects of temporariness and uncertain futures. Based on the topics that were brought up in the interviews and the language used by participants, the interview schedule was adjusted during each interview as well as throughout the research period in order to be responsive to the informants. The questions were also adapted in order to reflect the interviewees' current visa status.

The interviews with the stakeholders were structured as meetings. Two of these were held late in the research process and this enabled me to share some of my findings. To encourage informal information sharing these interviews were not recorded. The questions were specifically developed for each interview.

Document analysis

The interviews have been complemented by document analysis with the aim of providing legal and political context. The documents have been selected based on recommendations from interviewees and desktop-research. The research has coincided with a debate on the new rules for Tier 2 holders applying for ILR, and several of the documents relate to these proposed changes.

Prior to the interviews with migrants and stakeholders, Home Office documents explaining the new wage criteria for settlement and information on the conditions for stay on the Tier 2 visa were consulted (see appendix C for a list of documents). Later in the research process,

discourse analysis was conducted of official Home Office documents. This has served the aim of uncovering the rationale underlying the current Tier 2 visa regulations and the proposed changes to it. The way in which deserving and undeserving migrants are constructed in these documents has been of specific importance to the analysis of time as a potential mechanism of control.

Informal Data

In addition to interviews and document analysis, this research is informed by observations and experiences that cannot easily be classified. I refer to this as informal data (Cook and Crang, 2007). This data has been collected throughout the research process, mostly during attempts to recruit participants. Being a member of immigration related groups on social media has proved a helpful way of getting an impression of the issues that are experienced by Tier 2 migrants, and the players that are active in this field. Though not rigorously recorded or analysed, I have witnessed the communication between more or less successful applicants for sponsorship, people offering jobs and sponsorships against payment as well as general, visa-related queries that some Tier 2 holders appear to have on a day-to-day basis. This has informed my research and enabled me to contextualise the information provided by interviewees.

Analysis

The interviews were recorded (see tables 1, 2 and 3 for exceptions) and have been transcribed manually throughout the interview period. Relevant pauses, emphasis and ‘non-verbal actions’ have been included and illustrated with symbols (Dunn, 2010:122). During the interviews that were not recorded, extensive notes were made. The coding process has been

inspired by Strauss and Corbin's grounded approach (1998:ch.8-9; Cook and Crang, 2007:140); 'open coding', involving annotation and the discovery of emic codes, has been combined with 'axial coding', involving the development of etic codes and their subcategories. This coding process has allowed for the discovery of factors not necessarily covered by the research questions and reflects the research's foundation in grounded theory (Glaser and Strauss, 1995). During the coding process, 'code notes', explaining the codes developed and 'theoretical notes' outlining potential relations between codes, were written (Strauss and Corbin, 1998:217) (appendix H). A code list with sub-categories was then developed indicating where in the text each code could be found (appendix I). This list served as a tool for comparing the instances given the same code. Finally, the relations between the codes were developed visually, in code maps, and in writing (Cook and Crang, 2007:145).

Ethical considerations and positionality

Researching the experiences of migrants on the UK Tier 2 visa raises questions of ethical engagement with groups not formally classified as vulnerable. The participants in this research have regularised status and are educated at university-level. The majority are currently employed, and earn relatively high wages. Though this is not true of all Tier 2 visa holders, none of the participants in this research were under any immediate pressure to leave the country. Adding to this, several of the participants were well-informed about migration law and politics and thus not only understood the research, but were in a position to challenge or add to my knowledge. However, this research explores the possibility of Tier 2 visa holders being in precarious positions as a result of their temporary status and ethical considerations have guided the research process.

All the interviews with current, previous and future Tier 2 holders have been anonymised. The participants were provided with informed consent forms (appendix F) and these were discussed in detail (Dowling, 2010). The recruitment of participants from the same social network raises particular questions with regards to anonymity. This issue has been discussed with the participants and has been taken into consideration when referring to particular individuals' experiences.

My positionality as a researcher has shaped both the sampling of participants, the interviews themselves and their analysis. This was particularly evident when recruiting online, where I turned down certain candidates who contacted me in response to my posts in online forums. The character of these messages made me doubt the senders' intentions. In this case, my status as a young female researcher can be said to have influenced both the responses I got and the filtering of potential participants.

In the interview situations themselves, my own experience as a migrant to the UK has on several occasions offered a way into interesting conversations and comparisons. However, in this context, being a migrant from an EEA-country is considerably different from being a migrant from a non-EEA country. Simultaneously, rejecting the notion of an objective researcher, I have not attempted to hide my sympathy with the interviewees when they have shared their challenges (Cook and Crang, 2007; Kvale, 2007).

Summary

This research is based on semi-structured interviews, complemented by document analysis and 'informal data' (Cook and Crang, 2007). This 'triangulation' of methods has allowed for the investigation of lived experiences and legal and political context (Cope, 2010:441). The final sample of interviewees is the result of online recruitment, personal networks and 'snow-

balling' (Valentine, 2005:117, cited in Longhurst, 2010:109). Ethical concerns have guided the methodology. Care has been taken to ensure a morally justifiable approach to interviewing migrants who are not officially characterised as vulnerable, but who might be found to be in precarious situations.

Chapter IV - Being Temporary – Experiencing and Negotiating Temporariness in Daily Life

In line with recent calls for research on ‘how temporal restrictions qualitatively shape migrant experiences’, this chapter explores lived experiences of temporariness (Parreñas, 2010:319). By addressing the ways in which temporary visa status is felt and negotiated in daily life by UK Tier 2 visa holders, the relations between immigration controls, time and precarity will be developed. It is suggested that the conditions of the Tier 2 visa leads temporariness to be associated with the felt inability to change ones employer. The dependencies constructed by the status commonly lead to a feeling of investing the present with the hope of achieving a better future in return.

Being tied

Dauvergne and Marsden (2014:231) have challenged the idea of temporary migration as a desired goal by arguing that temporariness ‘normalizes a directionality in which workers’ rights are limited’. The findings of this research clearly point to such a shrinking of the rights of migrants on the Tier 2 visa. While few held to be subject to differential treatment, the inability to change jobs experienced by most participants suggested highly unequal power relations between employers and employees.

The feeling of being ‘tied’ to one’s employer was a recurrent theme in the interviews and was often brought up and stressed by the interviewees themselves. Whereas several of my informants stated this to be a reminder of their temporary status, others framed it as a major drawback to the Tier 2 visa. Isha, commenting on ‘problems’ with the Tier 2 visa, found himself ‘extremely tied’ to his employer. It is important to state that Tier 2 migrants are not theoretically unable to change employer, but changing does entail getting a new sponsor and

reapplying for the visa (Home Office, 2015c). The difficulty of finding a sponsor was frequently brought up by my informants. Many also found the application process itself challenging; two interviewees had for example experienced having their visa applications rejected due to misunderstandings. The difficulty of finding an employer echoes Robertson's (2014:1924) findings of temporary status being a 'barrier to employment'. This is however not to reject Anderson's (2010) suggestion that temporary migrants might be preferred by some employers, as their control over the employees increases.

For Isha and some other interviewees, applying for jobs or receiving offers subsequently turned down once their visa status became known, were constant reminders of their temporariness. It also made them acutely aware of their dependency on their current job. Sanjit described a feeling common to most of the interviewees when stating that his job was the 'foundation' of his life. Lea, commenting on factors that act as reminders of her temporary status, highlighted the link between continued employment and the right to stay in the UK (box 1):

Box 1: Excerpt - interview Julie and Lea

'(...) there are rules that you may not be happy with, but you would need to abide with all those rules, just because you're on a temporary visa. And it's quite, it's quite... worrying, that you may not be comfortable with some of this, but yea, you have to abide with it. You are bounded with it.'

She developed this thought further:

'...so, cause if at any time they decide to "oh, we don't need you anymore"... So we're at their mercy, actually. So, with that, it's quite a restriction'.

Though being tied to one's employer was felt as a restriction, and undoubtedly lead many to worry about the potential consequences of these unequal power relations, few stated that they had experienced discrimination based on their visa status. Manjira's case was an exception to this rule. At the time of the interview she was on sick leave following a serious depression resulting from, in her words, 'bullying' and 'racism' at work. Her visa had been 'used as a leverage' in order to avoid giving her the same pay rises as her co-workers and to exclude her from important projects. Manjira's account of these events highlights the potentially hidden nature of discrimination based on visa status:

'(...) there are laws that govern these things... But things are not very explicitly said always, and it's very, it's *implied*. It's very, eh, subtle, but then, when you think about it, why is this treatment just to me?'

Manjira's case is, in this study, a rare example of serious exploitation and its damaging effects. However, while most employers may not intentionally discriminate, the conditions of the Tier 2 visa do enable exploitation (Oke, 2012).⁴

While serious cases of exploitation occur, the risk that the unequal power relationship with one's employer would have negative consequences was in itself the cause of considerable worry. Chadna, for example, feared being 'a victim of circumstances' at work, a worry that corresponded to the anxious feelings many of the informants had regarding the potentially fatal effects of external circumstances, such as a financial crisis. The prevalence of expressions of worry about losing one's job combined with the awareness of the discretionary power of the employer in this regard, suggests that many of the informants are likely to 'police themselves' (Anderson, 2010:311). Acting in compliance with the wishes of the employer, regardless of whether these correspond with one's own rights or aspirations, is a

⁴ Interview with Susan Cueva, 24/7-2015

strategy for ensuring one's continued employment and by that visa status. Isha articulated his worry and strategy most clearly (box 2):

Box 2: Excerpt – interview Isha

‘(...) it's a time of uncertainty. So it's, that makes me a bit nervous, cause, and also, that makes me... a bit edgy... In the sense that when my boss says [lowers his voice] “you have to work sixty hours this week”... had I been on ILR I would push a little bit harder (...). And, ehm, yea, I'm not saying the company is gonna force me to do things because I'm on a Tier 2 visa, but then, it's, you know, it's human nature, within myself.’

Several of the interviewees reported to regularly work more hours than stated in their contract. During the interviews, the number of hours worked was typically followed by an assertion that this was the standard in their industry. However, the types of employment taken up by Tier 2 migrants are likely to be influenced by the short time they have available to apply between studies and work or between two job positions. This short time period gave many the feeling that their decisions were rushed. This temporality corresponds to Griffith's notion of ‘frenzied time’, found to be prominent among failed asylum seekers in detention. It is thus possible that the tendency to work in companies where longer hours are expected is the result of these companies recruiting Tier 2 migrants who have no other choice than accepting the conditions. These speculations would support Anderson's (2010:310) suggestion that some employers use ‘immigration status as a means of exercising control’.

We should however be careful in assuming that no migrants prefer working longer hours. While exhausted from long hours and hard work, Julie and Lea, both nurses, appreciated doing extra shifts; they paid better and thus financed remittances, savings and pocket money. In Julie's case, the hospital's rule of cancelling all extra shifts for the three weeks following a

sick day, was perceived as a punishment. In this case, the desire to work extra shifts may provide the employer with additional leverage over the employee.

Whereas it is suggested that the conditions of the Tier 2 visa are likely to lead migrants to 'police themselves' in their relation to their employer, the extent to which they do so depends on different, intersecting factors (Anderson, 2010:311). Financial factors and future orientation were found to be particularly significant in this regard.

Financial factors

The costs associated with being on the Tier 2 visa are high; migrants typically pay for visa applications and extensions, healthcare surcharge, potentially a migration lawyer, re-training and language tests. Tier 2 holders have no recourse to public funds, but do pay taxes (Home Office, 2015d). This point was raised by nearly all the respondents, and was perceived as unfair. In addition to it contributing to a feeling of being 'second-class', as Erin described it, the exclusion of Tier 2 migrants from social security effectively constructs precarious workers (Goldring et al, 2009). Not having access to public funds contributes further to Tier 2 holders' dependence on their employers, as they do not have the security offered by public funds in cases of, for instance, job loss. Lea and Julie associated these precarious conditions with temporariness and their comments point to the construction of workers without rights, as opposed to citizens *with* rights (box 3):

Box 3: Excerpt - interview Julie and Lea

Lea: '(...) if we get sick we don't get paid, if we, so basically if you don't work, you don't get anything. If you lose, eh, if you lose your job or anything, you don't get payment, you don't get job seekers allowance, nothing at all. So, that's the very thing that really reminds you that, yea, I'm working here.

Julie: You are a temporary, you are a temporary worker'

For Lea and Julie then, being temporary means being “workers”. This experience of temporariness has obvious links to the Home Office’s (2012a:1) agenda of ‘break[ing] the link between coming to work and staying permanently’. The aim of constructing workers, as opposed to acknowledging people’s multiple identities, is clearly felt by Tier 2 migrants.

Each migrant’s financial situation is another factor influencing the power relationships between employers and employees. Most of my informants had studied in the UK prior to being employed there, and several mentioned repayment of student loans as a factor adding further to their worry of losing their job and having to leave the country. The case of Chadna illustrates how immigration rules may have, possibly unexpected, indirect consequences in this regard; shortly before commencing her degree in the UK, a rule was introduced that made it illegal for students at private colleges to take up work next to their studies. This unforeseen change of rules, another example of ‘frenzied time’, meant Chadna had to borrow large sums of money from friends and relatives (Griffiths, 2014:1998). The desire to pay this back was an important rationale behind her decision to stay and work in the UK.

Future orientation

The findings of this research support Parvati Raghuram's (2014) suggestion that temporariness must be understood in its relation to the future. The informants' present-future temporalities were found to have crucial influence on their negotiation of temporary status.

Robertson (2014:1925) has highlighted the link between dependencies and 'migrants own temporal trajectories and desires'. Most of the interviewees in this study aimed to get ILR. The ILR-criterion of having worked in the UK for five years led many to make choices based on the prospect of staying. While the road to ILR in some cases corresponded with the informants' preferences for the present, in other cases current choices were regarded as mere trade-offs for the future. Manjira, who had particularly negative experiences of being on the Tier 2 visa, regarded ILR as the reward for having 'slave[d] it out for five years'. Precarious conditions in the present can thus be endured for the prospect of a better future. Manjira and her husband, Kadhira, however, actively rejected this trade-off. They were considering alternatives to their current lives that would free them from the sense that the present had to be sacrificed for the prospect of ILR.

While many of the interviewees appeared to be rather satisfied with their work, the feeling of being "stuck" career-wise while on the Tier 2, was prevalent. ILR, on the other hand, was thought to bring more opportunities and allow for career growth. In these cases, it was the future that gave meaning to the present career-stagnation (Ahmad, 2008).

Related to the trade-off between the present and the future most of the interviewees experienced, is the prevalence of decisions being put on hold. Both personal and material investments, were found to be difficult to make while on the Tier 2 visa. For some, family decisions were postponed; Sanjit found it difficult to commit to a relationship, Manjira and Kadhira were hesitant to have children under the current uncertain conditions and Julie

considered it irresponsible to bring her daughter from the Philippines to the UK without having permanent status. The effects of these decisions are to a large extent the creation of a worker-identity at the expense of other identities, such as student, partner or parent. These postponed decisions all point to feelings of uncertainty experienced and negotiated in the present. Julie, who was highly uncertain about her prospects of staying in the UK, described her response to an offer of moving in with friends in a manner illustrative of the inescapable presence of temporariness in daily life (box 4):

Box 4: Excerpt – interview with Julie and Lea

‘(...) my friend offered me, do you want to move out and then live with us, and then I thought... (...) Why would I...? All of you there are already qualified for Indefinite Leave to Remain. *What if* I won’t be able to? Then I will be, I’m not only thinking of myself, but to them as well. I’ll be signing a contract that I’ll be living with them, but after some time I might...so.... (...) Not fair. I just stayed where I am [rueful laughter].

Summary

In this chapter I have illustrated the relationship between temporary Tier 2 status and dependency on an employer. The relation between visa status and continued employment has been suggested as the main cause of dependency. It is however reinforced by Tier 2 migrants’ difficulties with finding an employer, combined with financial factors, such as lack of access to public funds, and a temporality that emphasises the future in order to give meaning to the present (Ahmad, 2008). These factors, as well as the tendency to put family and personal decisions on hold while on the Tier 2, emphasises the migrants’ worker-identities at the expense of others.

Chapter V - Uncertain Futures – Temporalities of Temporariness

Future orientation is essential for the experience and negotiation of temporariness. As Raghuram (2014:182) has argued, temporariness as a condition is largely defined by the (in)'ability to anticipate the future'. Uncertain futures have been held to be manifestations of precarity (Anderson, 2010; Goldring, 2014). By attending to the future orientations of migrants on the Tier 2 visa, I aim to explore how the future is imagined when it cannot easily be anticipated. While considering the potentially felt precarity of migrants facing uncertain futures, I also aim to explore how agency can manifest under precarious conditions. Through an investigation of the relationship between future orientations and the Path to Citizenship, I highlight the effects of discrepancies between “government time and “own time” and relate these to experienced precarity.

Inspired by Ylijoki's (2010:365) framework of future orientations, I classify the future imaginations prevalent in this research as 'scheduled future', 'multiple fronts' and 'open future'. The category 'scheduled future' denoting one imagined future, the way to which is carefully planned, corresponds almost directly to Ylijoki's category with the same name. 'Multiple fronts' is a modified version of Ylijoki's 'multiple futures', and emphasises the difficulties associated with planning for multiple future scenarios. 'Open future', while resembling Ylijoki's 'Instant Living' category, refers to an adventurous approach in which multiple futures appear possible, without any option having been given higher preference than others.

The future orientations rarely figure individually and the relationships between them are significant.

Scheduled future

The future is nearly impossible to anticipate for migrants on the Tier 2 visa. While most of my informants had plans for the future, these depended on getting, or not getting, ILR. While none took it for granted that they would get ILR, the extent to which they expected to get it varied. Erin, who was relatively certain that she would be able to continue her stay in the UK, demonstrated a typical ‘scheduled’ approach, her “final” goal being citizenship: ‘...my plan is to work until I have Indefinite Leave to Remain, after that for a year I’d become a citizen’.

While the ‘scheduled’ orientation to the future for the academics in Ylijoki’s (2010) study is associated with progression in terms of career, it is for Tier 2 migrants rather linked to the idea of not making any drastic changes that could endanger the goal of permanence (box 5):

Box 5: Excerpt – interview Chadna

Chadna: ‘(...) if I don’t make career change, and if I don’t rock the boat and if I stay in the company for five years, then...

Linn: That is your route in then, basically?

Chadna: Yea, but then I, that’s not changing my job, that means if I have to think about changing my job then I’ll have a set of other problems; can someone else sponsor me? If I don’t change my job and if I just continue, be content where I am, then that takes me up to 2019.’

Chadna’s strategy points back to the felt trade-off between the present and the future. Career progression was an important factor for many of the informants and career immobility gave many the feeling of being “stuck”. At the same time, these sacrifices are part of a ‘scheduled’ orientation to the future and ‘not rocking the boat’ is a strategic choice that is thought to lead to ILR.

With the exception of Manjira and Kadhira who rejected planning their lives in accordance with the goal of achieving ILR, all of those who envisaged several futures were also involved in ‘scheduling’. Irrespective of their chances of getting ILR, the Path to Citizenship was highly present in the informants’ ideas of the future. Most were careful not to act in ways that would impede their chances of, potentially, getting ILR as soon as possible.

Multiple fronts

While most considered ILR as the key to stay permanently in the UK, others were interested in the opportunities it offered to migrate to other destinations. The Path to Citizenship, thus, may be regarded by migrants as a strategy to reach goals that differ from those implied by the Home Office.

Isha, who considered both staying in the UK and migrating to Canada, may be said to consider multiple future options *after* ILR, while ‘scheduling’ his future *up to* ILR. For several of my informants, however, the uncertainty as to whether they would qualify for ILR led them to constantly consider alternative futures. This tendency was associated with stress and worry. Interestingly, these negative reactions did not necessarily correspond to the likelihood of getting one’s ILR rejected; Sanjit did for example show these tendencies despite having been head-hunted for a seemingly high position in the company he worked for and meeting the forthcoming wage criteria for settlement. Commenting on the uncertainty he felt about being able to stay in the UK combined with his financial commitments, Sanjit explained his need to consider alternatives: ‘(...) so, you gotta plan, it’s like fighting on multiple battles, multiple fronts, you know. Ok, if this doesn’t happen, then this, then this happens, then this.’

I rely on Sanjit's term 'multiple fronts' to describe a future orientation involving constantly imagining alternatives and ensuring the availability of other options. Though similar to Ylijoki's (2010:377) 'multiple futures', 'multiple fronts' emphasises the difficulties experienced by my informants in envisioning and planning such alternatives. More than a relief from otherwise bleak prospects, it was regarded as a necessity by those who engaged in it, as the alternative would be to be unprepared if losing their status. Rajan, who experienced the rejection of his ILR application as a 'complete surprise', is not alone in having had to leave the UK without an alternative plan. Stories of unsuccessful ILR applications flourish in online migration forums, and many Tier 2 migrants are undoubtedly influenced by this.

Importantly, the different futures imagined by those engaging in planning at 'multiple fronts' were not equally weighted; they reflected the need for, in Vetri's words, a 'plan B'. As responses to uncertain futures, these strategies do however challenge any assumption of migrants as passive victims of their circumstances. The example of Lea clearly illustrates the ability of migrants experiencing restrictions on their futures to create new opportunities. Lea and Julie were probably the interviewees with the lowest chances of getting Indefinite Leave to Remain. As nurses, the minimum wage criteria of £35 000 introduced from 2016 would make it literally impossible for them to qualify unless the rules change. While they hoped for the latter, they emphasised the importance of contingency plans. Lea, a registered nurse in the US with a pending job offer there, explained the factors determining her future plans (box 6):

Box 6: Excerpt – Interview Julie and Lea

‘(...) within these next three years that, eh, that I’m from now to 2017, if the ruling doesn’t change at all, or if there is no indication that it will change, then I will pursue that. I will accept the offer in the United States and migrate there. That would be my plan. Cause there’s no point, if they don’t change it and then I’ll just, I’m going to pay for a visa that is only three years, that will only guarantee me for three years, I might as well just pay for the immigrant visa in the US. And that will guarantee me indefinite visa there, so... It’s just that I have established here, that it’s, moving from one country to another is really, really difficult, that’s why I opted to stay. But worst comes to worst, that would be my option. I’m not going to stay here if they don’t want me anyway.’

While migrating to another destination was a viable, though not preferred option for Lea, not all migrants are in the position to make this choice. The considerable costs associated with migration is one of the factors that makes such options dependent on financial means.⁵ Thus, while planning at ‘multiple fronts’ is draining, the ability to plan *realistic* alternative futures can be a privilege. Julie, who was not registered as a nurse outside the UK, while imagining alternatives, was deemed to rely more on getting ILR.

Open future

Instant living in Ylijoki’s (2010:375) study refers to a future orientation from which ‘long-term plans, goals or aspirations’ are absent. In this research, a similar focus on the presence at the expense of the future was prevalent in Sabitha’s account of her thoughts of the future. Six months after having moved to the UK, she claimed to have ‘no idea’ whether she would

⁵ Interview with Susan Cueva, 24/7-2015

prefer to stay in the UK or at some point return to India. She also suggested the possibility of migrating to another, unknown, destination. Rather than a response to precarious conditions, I suggest Sabitha's orientation to be the result of less, or no, *experienced* precarity compared to the other informants in this study. Though subject to the same, objective conditions, Sabitha's exploratory approach to her migration experience led her perception of these conditions to be very different from that of the other informants. Her three year visa, she stated, had provided her with 'an opportunity to do something different for three years', but with the ability to 'always go back' if she preferred. I refer to this future orientation as 'open future'. While there might be different reasons for Sabitha's 'open' approach, there appears to be a correlation between the short time since migration and the absence of value attached to the different future options available. Other interviewees' accounts of similar experiences earlier in their migratory careers support this suggestion.

Government time/ Own time

Existing literature on the control of time has established the government's significant role in controlling the futures that are available to different categories of people (Kernaghan, 2013; Koselleck, 2004; Thrift, 1981). In order to further explore the effect of government policies on migrants' temporalities, I distinguish between "government time" and "own time".

By "government time", I refer to the temporal implications of UK immigration law. This includes factors such as the maximum length of stay on each visa and the years of stay needed to qualify for ILR, but also the implications of these rules on people's life courses. The uncertain conditions while on the Tier 2 do for example appear to function as a disincentive to have children while on the visa. "Government time" is thus infused with

certain ideas about when is the “right time” for different actions. By “own time”⁶, I refer to people’s *preferred* times for different actions, had they been uninfluenced by “government time”. This latter category is arguably inherently problematic, as people’s temporalities are influenced by a range of external factors, such as the construction of ‘clock time’ (Adam, 1995:52). When excluding other factors than immigration law from the definition of “government time”, the categories do however have analytical value.

In the context of UK Tier 2 migrants, “government time” is most visible in the regulations guiding the so-called Path to Citizenship (Home Office, 2008). The Path to Citizenship has significant effects on migrants’ relationship with time. The criteria for citizenship render some Tier 2 migrants’ ‘permanently temporary’, while others, if they follow the fixed path, have the prospect of achieving permanent status (Bakan, 2014:63). For migrants on the Tier 2 visa, then, their decisions must constantly be evaluated in terms of their coherency to the fixed path. As will be seen, this time does however not always correspond with the ‘temporal complexity’ of the informants’ lives (Adam, 1995:105).

The ‘scheduling’ orientation in the context of Tier 2 migrants is indicative of a temporality in which “government time” often takes precedence over “own time”. Erin’s account of her approach to the future is an illustrative example of how “government time” influenced the informants’ decisions (box 7):

⁶ The concept of “own time” in this regard is different from that developed by Thrift (1981). “Own time” in Thrift’s account, refers to leisure time as opposed to work time, and situates the emergence of such a distinction historically.

Box 7: Excerpt – Interview Erin

‘I’m considering a partner visa, and my partner and I are living together so in two years’ time I could apply for that. Ehm, but I don’t know what that means for my Path to Citizenship. You know, if you’re on a student visa for ten years, you become a citizen. But since I started working, the years as a student don’t count on my Path to Citizenship. So I restarted the clock, and if I switch again, *then* what happens? (...) So it’s a constant calculation. Any decision that I want to make in my life, what does that do to my right to remain?’

Erin, as most of the other informants in this study, scheduled her future in accordance with the Path to Citizenship. Her account further points to the fact that only the years spent on certain types of visas, actually count towards the ILR criterion of five years stay. By saying that she ‘restarted the clock’ when changing visa, Erin demonstrates the feeling that some years of her life, while spent in the UK, are worthless in terms of “government time”. Many of my informants had been in the UK for several years prior to being on the Tier 2 visa, and had thus been temporary for a long time. Such situations point to significant discrepancies between “own time” and “government time”; while the migrants experience their entire stay in the UK as part of their life-course and migratory experience, large parts of their time may not be reflected in terms of rights. The discrepancies between “own time” and “government time” also manifested as trade-offs between the present and the future, as discussed in chapter 4. These trade-offs typically involved staying in a job despite preferring to change, or putting family, education and investment decisions on hold.

Discrepancies between “own time” and “government time”, it is suggested, relates to precarity as migrants may be rendered temporary for long periods of time because not all time “counts”. Precarity may also be a result of personal priorities being put on hold.

In some cases, however, “government time” and “own time” correspond relatively well. This was the case for Chadna; as most of the informants she had spent time in the UK that did not count towards the ILR criterion of five years residence. At the same time, however, she was happy with her job and was at a point in her life where she prioritised her career. Chadna felt that she was doing what she wanted to do, while progressing towards ILR. She was however worried about the prospects of a potential discrepancy, a fear that reflects back on the precarious conditions of the Tier 2 visa.

Decisions postponed to the future due to uncertain conditions on the Tier 2 visa and time that is spent in the country, but disregarded when applying for ILR are examples of discrepancies between “government time” and “own time”. It is reasonable to argue that such discrepancies are associated with increased experiences of precarity. In cases where the two correspond, precarity is likely to be felt less strongly. This does however not eliminate the fear many have of the two potentially colliding.

Summary

In this chapter, I have examined how the future is imagined under conditions that makes it difficult to anticipate. I have suggested that the future orientations of the participants in this study can be categorised as ‘scheduled future’, ‘multiple fronts’ and ‘open future’. With few exceptions, all those demonstrating the ‘multiple fronts’ orientation also ‘schedule’ their futures with ILR as a goal. The Path to Citizenship significantly implicates how futures are ‘scheduled’ and has been argued to have temporal implications that cause potential discrepancies between “government time” and “own time”. It has been suggested that precarity is experienced more strongly in cases of discrepancy.

Chapter VI - Controlling Time – Deserving Permanence?

The effects of temporal restrictions on migrants' lives have been attended to by exploring the lived experiences of temporariness in daily life and the future orientations of temporary migrants. While the significant role of the state has been present in the analyses, this chapter offers a more thorough analysis of time as a potential mechanism of control. I argue that the rendering of many migrants as temporary is a form of "othering" that functions to naturalise these people's restricted access to rights (Dauvergne and Marsden, 2014). The construction and justification of the temporary category, depends on the distinction between "deserving" and "undeserving" migrants, mostly manifesting through the "skilled"- "unskilled" dichotomy (Gabriel, 2014; Anderson, 2014). The emphasis on "skill" relates back to a neoliberal agenda of ensuring 'self-sufficiency' and an unquestioned prioritisation of the labour-market without questioning the underlying assumption that the market should determine people's rights (Abu-Laban, 2014:45; Dauvergne and Marsden, 2014).

Security, following Foucault's (2009) analysis, is characteristic of societies concerned with managing, rather than eliminating risk. Circulation ensures economic productivity and is central to capitalism. The points-based system is an example of a mechanism that serves to 'maximiz[e] the good circulation by diminishing the bad' (Foucault, 2009:18; Raghuram, 2014). The system 'simultaneously serv[es] to include and exclude' (Abu-Laban, 2014:42). In the case of the UK, the definition of what is 'good' and 'bad' circulation is framed in terms of what is thought to contribute to the economic prosperity of the national society (Duffield, 2006; Foucault, 2009:18; Home Office, 2006). While such arguments are typically regarded as objective, they indirectly favour migrants based on class, gender and potentially also nationality as they emphasise higher education and income (Abu-Laban, 2014:42; ILPA, 2008).

The goal of circulation is evident in recent government policies; “break[ing] the link between coming to work and staying permanently” is a stated aim (Home Office, 2012a:1). A distinction must however be made between the official discourse regarding migration and the reality of migration “management” in this regard. While the official aims, such as prioritising those ‘migrants who have most to contribute to the UK’ clearly draws on the underlying idea of profitability, UK companies have typically been unhappy with the points-based system and have expressed concern about the frequent changing of the rules (Home Office, 2006:1; ILPA, 2011). The agenda of protecting the economic welfare of the nation-state from “unprofitable” migrants is perhaps better regarded as a technique for simultaneously upholding the importance of the nation-state as an entity, and the government’s power over it (Ek, 2006; Agamben, 1998).

The goal of ‘break[ing] the link between coming to work and staying permanently’ is also a clear example of guest-worker logic (Home Office, 2012a:1). Migrants are welcomed as workers, not as humans with multiple identities. The criteria of the Tier 2 visa function to reinforce worker-identities in several ways. In chapter 4, I illustrated how the right to stay in the country being linked with continued employer sponsorship leads to highly unequal power relations between Tier 2 migrants and their employers. This leads to many migrants altering their behaviour, constructing themselves as valuable employees (Anderson, 2010). This can entail accepting working conditions they may otherwise have not. Each of the previous empirical chapters have illustrated that personal decisions are put on hold while on the Tier 2 visa. This is the result of a felt inability to attach until the future is more certain, another result of the visa regulations. In the previous chapter I related discrepancies between “own time” and “government time” to precarity. Power thus operates through time by rendering migrants temporary and in that way shapes both their present lives and their experienced relationship between the present and the future. As we have seen, temporariness also shapes

Tier 2 migrants' future orientation, leading many to schedule their futures in accordance with "government time" and several to constantly "fight" on 'multiple fronts'.

Temporariness is contrasted with permanence, which was a much desired goal for my informants. Due to the criteria for permanence in the UK, not all were likely to gain it. The Path to Citizenship introduced the idea that the right to permanence should be *earned* (Home Office, 2008:6). One of the criteria for earning permanence is 'paying tax and becoming self-sufficient' (Home Office, 2008:7). The criteria of financial contribution combined with the neo-liberal ideal of self-sufficiency have been developed further in the recent changes introduced to the wage criteria for ILR that will be adopted in 2016. Migrants in lower paid jobs are denied permanence and must leave the UK when their Tier 2 visa expires. The rationale behind these rules reveal a conflation of skill and income. The Home Office's (2012a:2) economic assessment of the 'do nothing' alternative to introducing the rules, states as a potential risk that 'migrants continue to settle in the UK without sufficiently high skills'. As the alternative policy, adopted, involved introducing a wage criterion, "skills" appear to be a proxy for income.

Rather than focusing directly on income, then, the official discourse centres around "skill" and reflects the government's goal to 'attract the best and the brightest' (Home Office, 2006:n/p). By establishing a Path to Citizenship that involves criteria that must be met in order to 'deserve' permanence, a distinction between "deserving" and "undeserving" migrants is effectively produced. The "deserving" migrants are those with "skills", meaning those who earn high incomes. The "undeserving" migrants are those who do not have 'sufficiently high skills', meaning that their incomes are too low (Home Office, 2012a:2). By making rights dependent on permanence, and permanence dependent on "skill", the government effectively controls the discourse available to migrants to negotiate access to the national community. It was relatively common among the informants in this research to

emphasise their own “skill” in relation to the conditions they were experiencing. This was often contrasted with that of others, suggesting that while they themselves deserved permanence, others potentially did not. Vetri’s account illustrates this; he relied on the “skills” discourse when criticising the unwelcoming attitudes to migrants he was experiencing in the UK (box 8):

Box 8: Excerpt – interview Vetri

‘(...) there’s so much going on in the news, and it certainly makes you uncomfortable that you’re not welcome here. It’s not like you’re doing a menial job, right. It’s not like you’re working in a mom-and pop store, eh, you know, cashing tills and all of that. I mean, that could be while you’re studying, to pay bills, but we’re working in highly skilled jobs and, it kind of makes, gives the, it kind of gives the feeling that competition is not something that the country takes very well’.

The right to remain in the UK, in Vetri’s eyes, is linked to his status as “skilled”, and he is frustrated that the media and the general public does not acknowledge his and others’ in similar situations contributions to the economy. While Vetri negotiated his access by contrasting his position to that of “non-skilled”, some blamed EU migrants for the difficulties facing Tier 2 migrants. While several pointed to the relevant fact that the stricter regulation of non-EU migrants reflects the inability to “manage” EU migration, few pointed to the constructed choice between EU and non-EU migration or questioned the need to manage migration at all.

The dominant discourse of self-sufficiency as a criterion for permanence, and the rights that are attached to it, thus appear to be reflected in the way that migrants negotiate access. By emphasising their financial contribution and contrasting it to the image of EU migrants who are not self-sufficient, they suggest their own eligibility for permanent status and better

treatment. This, I suggest, must be understood in relation to the focus of government discourse on the working identities of migrants. It is a result of the government's concern with managing migration in a way that benefits the labour market and thus the economy (Dauvergne and Marsden, 2014). To welcome migrants based on "skill" entails framing migrants as 'labour' that meet the needs of the national labour market (Dauvergne and Marsden, 2014:226). By drawing on the seemingly objective, economic analyses of the types of labour "Britain needs", a discourse is created that 'makes it seem natural and inevitable' that so-called "lower skilled" workers 'have restricted rights' (Dauvergne and Marsden, 2014:231).

When migrants themselves adopt this discourse to negotiate rights, this reinforces the thought distinction between "lower" and "higher" skilled migrants. It also naturalises the idea that people's rights are determined by the market. This discourse, then, is unmistakably neoliberal in its focus on so-called objective market forces. It leads to a situation in which permanence and rights are reserved for those "the market" needs, and not for those it excludes. In reality, so-called "low skilled" jobs are essential for the workings of the society. Many of these, such as those performed by irregular migrants, may not be included in the official version of the labour market drawn upon to manage migration. For two of the interviewees in this research, it appeared so natural to justify their presence in the UK in terms of their contribution to the market, that several times during the interviews they engaged in what I refer to as 'company logic'. Sanjit's response to the question of whether there was anything about the *life* on a Tier 2 visa that came as a surprise to him, illustrates how his own 'right to have rights' and the company's needs were inextricably linked (box 9) (Arendt, 1968:177, cited in Shachar, 2014:114):

Box 9: Excerpt from interview with Sanjit

‘(...) The three months is not really enough for you if you were to lose your job. Ehm, so I think, so that uncertainty is, is killing. And what also happens is that you’ve got used to being in that country, in the city, to that work culture and then, for a company, for prospective employers to lose you, that’s a loss for them, right. Because if they have tomorrow, or six months down the line, if they want to recruit someone of the same calibre as you, then again it’s a new journey for that person, for that company.’

For Sanjit, it appeared nearly impossible to explain his own challenges on the Tier 2 visa, without also referring to how the policies that made him feel insecure also negatively affected UK business. I suggest this to be an effect of the discourse available to migrants when negotiating rights focusing largely on usefulness to the market.

By negotiating their own permanence and rights in terms of skill and contribution, migrants simultaneously reinforce the naturalness of the temporariness of those who do not meet these criteria. In its relation to temporariness, ‘permanence is inherently exclusive’ (Vosko et al; 2014:4).

Summary

In this chapter, I have argued that control works through time to influence the lives of migrants on the Tier 2 visa in several ways; the uncertain futures of migrants on the visa functions to create “workers”. The conditions of the Tier 2 visa are also a way of controlling migrants’ present-future relationships, leading many to feel that it is worth making sacrifices in the present for the sake of a better future. The futures of migrants are also effectively controlled through the Path to Citizenship, leading many to ‘schedule’ their future in

accordance with the route to permanence. Underlying this, however, is the link between permanence and rights. I have argued that the link between permanence and rights, and the construction of “deserving” and “undeserving” migrants based on “skill” and contribution, works to control the discourse available to migrants when attempting to negotiate rights. This discourse is adopted by migrants themselves, a factor that further naturalises the idea that migrants’ rights are determined by the market.

Chapter VII - Conclusion

This paper explored Tier 2 migrants' lived experiences of 'temporal restrictions' (Parrenas, 2010). By addressing the potential relationship between time, precarity and immigration controls, the "neutrality" of temporariness has been challenged. Precarious legal conditions, such as temporary visa status that excludes migrants from citizenship rights, creates precarious workers (Goldring et al 2009; 2011). The considerable dependency of Tier 2 migrants on their employers can result in direct discrimination, but more often manifests as migrant workers altering their own behaviour to make themselves attractive employees in the eyes of their employers (Anderson, 2010). Adding to this, the uncertain futures of those on the Tier 2 visa lead personal decisions to be put on hold. This again works to reinforce the worker-identities of Tier 2 migrants. The felt inability to make such personal choices, whether they concern family, investment or education, does however result in a feeling of the present being traded off with the future in return. Such discrepancies between "government time" and "own time" have been linked to experienced precarity. "Government time" manifests in the Path to Citizenship, a policy with considerable influence on the lives of migrants who desire permanence. With ILR as a goal, many 'schedule' their futures in accordance with this route, at the same time as the uncertain prospects of actually obtaining permanent status lead many to constantly consider alternative options. The Path to Citizenship is based on the idea that permanence, which is made equivalent to rights, must be deserved (Home Office, 2008). The 'right to have rights' therefore, is reserved for so-called "skilled", a proxy for high income, migrants (Arendt, 1968:177, cited in Shachar, 2014: 114). Migrants' ability to access rights then, is effectively made dependent on the labour market (Dauvergne and Marsden, 2014).

While the experiences of migrants are highly context-dependent, there is reason to assume that the findings of this research are relevant also in the case of other, comparable visa

programmes outside the UK. While different political discourse is likely to alter the ways migrants negotiate rights, increased dependency on the employer is likely to be experienced by migrants on all visas that legally or practically tie them to a job.

Rather than advocating easier access to permanence, in line with several of the contributors to Vosko et al's (2014) edited volume 'Liberating Temporariness?', I suggest that an alternative discourse must be explored, delinking rights from permanence, opening for rights to follow people, regardless of status (see e.g. de Lange and van Walsum, 2014; Latham, 2014). To achieve this, working to improve temporary migration programmes is insufficient. The idea that rights are linked to territories and must be earned would need to be challenged. This project is challenging even to imagine, as it would drastically challenge the legitimacy of nation-states as the entities through which rights are accessed (Arendt, 1968). I do however suggest that attending to precarity rather than concepts such as vulnerability, is one step towards challenging the *structures* that simultaneously create temporariness for some and permanence for others (Anderson, 2007; Waite 2009). It is a way of emphasising the shared struggles of migrants against the conditions that *produce* their precarious situations (Anderson, 2007). It has the potential of uniting people, rather than dividing them in their calls for rights.

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Appendix A - List of documents analysed

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Appendix B – Online survey

Tier 2 visa status and time - pre-interview survey

Information

Thank you for taking the time to fill in this questionnaire. You will be asked to answer a few brief questions about your visa status and history. The information you share will be treated confidentially and will not be used for any other purpose than for a student research project in fulfilment of an MSc in Global Migration at UCL and any possible journal publication that might follow from this. You will not be asked to share your name, but at the end of the survey you will be asked to share your email address. The email address will only be used to contact you to plan a research interview. If you have any questions about this research or are interested in taking part in a 30 minutes research interview in a café of your choice in June 2015, please contact Linn on tier2research@gmail.com or **07592 459380**.

1. Are you currently on the UK Tier 2 visa?

Yes

No

Other (please specify)

2. How many years have you lived in the UK?

1-2

3-4

5-6

More than 6 years

Other (please specify)

3. How many years have you been on the UK Tier 2 visa?

- 1-2
- 3-4
- 5-6
- Other (please specify)

4. Did you change your employer while on the UK Tier 2 visa?

- Yes
- No
- Other (please specify)

5. Are you currently planning to apply for Indefinite Leave to Remain (ILR) in the UK?

- Yes
- No
- Other (please specify)

Next



(<https://www.surveymonkey.com/r/BKLRMCP>)

Appendix C - Interview Schedule: Tier 2

Introduction

- About me
- General aims of the project (temporary visas – migrants’ own experiences, focus on Tier 2: the visa is normally given for short periods of time. How do those who are on this visa relate to time? - Work/leisure, future, control of own time)
- Interview will take between 30 and 45 minutes
- Confidentiality (signature), other ethical concerns?
- Recording

Background

- Age? Where in the UK do you live?
- Since when have you been on the UK Tier 2 visa? Where did you live before being on the visa?
- When you applied for your visa, were you in touch with any organisations, migration lawyers etc.?
- Can you tell me about your decision to apply for the Tier 2 visa? (motivation...)
- Comparing your life as it is now to what you expected when you first decided to apply for the Tier 2 visa, would you say it was quite as you expected or rather different? Examples?
- Did you ever have your visa extended? If yes, can you tell me about that experience? How certain were you that it would be extended?

Daily life

- Can you tell me a bit about the work you are doing at the moment? How long did you have this job? Have you changed your employer while you have been on the Tier 2 visa?
- Approximately how many hours do you work during a normal week? Would you be happy with working the same amount of hours in say 5 years from now?
- Do you think you have enough time for activities outside work? Who decides how much you should work? If you have a say, what makes you decide to work more or less than you would prefer?
- In your daily life, is there anything that reminds you that you are on a temporary visa? Could you give some examples? How do you deal with that?
- Are there any decisions that you find it difficult to make because you are on a temporary visa (e.g. family, investments)? When do you think you can make these? Can you give me an example of one such decision? How was it for you to postpone that/those decision (-s)?

The future

- At the moment you are... How do you imagine your future to look like? When do you think you will do this (depends on first answer...)?
- Have your plans changed as the time to apply for visa extension/ILR approaches?
- When you think about your life as it is now, how does that compare to how you imagine your life to be in 2 years from now? How about in 5 years' time?
- Do you think knowing for certain that you could stay would have made you think differently about your future? If you would have known that you could stay, what would you then have thought about your life 2 or 5 years from now?

Control

- What would you say are the factors that decide how you spend your time at the moment?
- What are the factors that decide how you plan your future?
- Do you feel in control of your own time? What about your future?
- Do you think you being on the Tier 2 visa is one of the reasons why you feel this way? Are there other reasons? (Follow-up A: What is it about being on the Tier 2 visa that makes you feel that you are not in complete control of your own time?) (Follow-up B: What is that makes you feel that you are in control/not in control of your future?)

Conclusion

- Is there anyone you would suggest me to talk to (other Tier 2 visa holders /organisations etc.)?
- Do you have any questions?

Debrief