Introduction: The Invisible (Migrant) Man

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Introduction: The Invisible (Migrant) Man

ABSTRACT

Migration scholarship has often lagged behind developments in gender studies. The importance of gender has gained increasing recognition but this has predominantly meant a focus on women migrants; only recently has agendered lens been turned to the study of migrant men. Discourses surrounding migrationin law andgovernment, and in legal scholarship, remain characterised by neglect or dismissal of the gendered experiences of male migrants. Where they do appear, men are frequently cast as the oppressor of family members or as abusing legal channels of migration. Their vulnerabilities and affective ties and needs are rarely foregrounded. This negative representation may be instrumentalizedat a variety of levels, and for a variety of purposes, making it difficult for more nuanced critiques to gain purchase.This Special Issue seeks to extend the discussion of migration and gender by exploring the ways in which men's gendered experiences of migration remain marginalised.

Introduction

The inter-disciplinary field of Migration Studies sometimes appears to lag behind developments in the social sciences and humanities, something which has been particularly apparent in the field of gender. As late as the turn of the 21st Century, Gabriella Lazaridis lamented the 'sexist myopia' of migration theories (2000: 53), whilst others remarked on the enduring neglect of women in scholarship on international migration (DeLeat 1999, Kofman 1999). As this suggests, initial moves towards gendering understanding of migration, as in the academy more broadly, took the form of increased attention to the experiences of women, leading Boyd &Grieco (2003) to warn of the danger that in the effort to address the 'invisibility' of women, researchers may'over-emphasize the migration experiences of women, paying less attention to those of men. This would inadvertently undermine the gendered view of migration that helps explain the experiences of both males and females' (cf. Hibbins& Pease 2009). Over the last decade or so, a small body ofsocial science research has belatedly emerged which applies a gendered lens to the study of male migration (e.g. Batnitzky*et al* 2008& 2009; Charsley 2005; Charsley and Liversage 2012; Donaldson *et al*2009; Gallo 2006; George 2005; McDuie-Ra 2012;Osella andOsella 2000; Pease 2006; Sarti and Scrinzi 2010; Walter *et al* 2004). As we set out below, this work has drawn attention to the complex interrelations between masculinities and processes of migration. Such understandings have yet, however, to filter through into the field of immigration law and policy. With a few notable exceptions (e.g. De Hart 2009 and this volume), masculinity has been absent from scholarship on the regulation of migration. Governments often rely on simplistic gendered stereotypes of migrant mento rationalise policy, and these can be difficult to dislodge given the well-established reluctance of courts to interfere with immigration policy (Griffiths 1997; Legomsky 1987; Wray 2013 and this volume).

Inpopular, governmental and legal discourse, migrant men are often cast in a negative and homogenising light[1] – as patriarchs abusing power, or criminal evaders of immigration regimes(De Hart 2009; Wray 2009) – portrayals which conceal their vulnerabilities and emotional attachments. In this sense, men as people with affective lives remain largely invisible. The literature on law and gender, while it is wide-ranging, has not paid attention to the position of migrant men, who do not easily fit within the major paradigms of that scholarship (see Collier 2010: chapter 1). Some migration and law literature has been critical of the construction of Muslim family life in debate on the control of forced marriage (e.g., Razack 2004) and critiques of the regulation of spousal migration have often pointed to the gender stereotyping which has, in the past, permitted severe restrictions on family migrants (Juss 1997; Wray 2011), but more nuanced analysis is needed. As the papers in this collection will show,the reduction of men to 'two-dimensional ciphers' (Chopra *et al* 2004) continues, and is critical to the construction of policy discourses and legal controls, but has the effect of marginalising the complexity and centrality of their emotional lives and needs.

The contributions to this Special Issue bring together legal and social contexts which interpenetrate in the lives of migrant men, creating and compounding vulnerabilities. The papers deal with European contexts and focus on family migration and asylum, areas where the absence of research on men's experiences is particularly acute. In this introduction, we take the opportunity to delineate several key themes in the emerging literatures relevant to this project. We start with the scholarship on masculinity and migration, where nuanced accounts of the experiences of migrant men have begun to emerge, before considering the lack of such development in the arena of legal studies. An overview of a field in its infancy can be useful in itself, as a foundation for future development, but here it also allows us to introduce and set into context the contributions to this volume.

Masculinity and Migration

Whilst an explicit focus on masculinity and migration did not emerge until recent years, it is possible to re-read earlier studies of immigrant communities through a gendered lens, exposing themes of masculinity in, for example, accounts of *izzat*(honour) amongst Pakistani migrants (Jeffery 1976), or the Italian-American 'corner boys' and 'college boys' of White's 1943 classic *Street Corner Society*. Key topics in the literature on women's migration have clearly provided inspiration for some more recent research on migrant men. A focus on feminized migrant labour market niches (the paradigmatic example being domestic work – Anderson 2000; Ehrenreich&Hochschild 2003; Lutz 2002; Parreñas 2001) finds echoes in studies of male migrant workers in the construction industry (Walter*et al*2004) and the 'handy man' sector (Perrons*et al* 2010), and conversely, of the experience of male migrants in feminised sectors such as nursing and care work (McGregor 2007; Batnitzky*et al* 2009). Intersectionality and gendered encounters with the State are also themes shared by both the study of migrant men and women. Elsewhere, however, novel tropes have emerged such as the suggestion that migration may function as a masculine rite of passage (Cohen 2005), or familiar themes have gained new facets, as when discussions around the impact of migration on gender relations (Hondagneu-Sotelo 1992, Kofman 1999) are viewed from the perspective of challenges to masculine identity (Pasura 2008).

The Making of a Man? Rites of Passage and Hegemonic Masculinities

Migration can provide gendered opportunities to acquire new statuses or identities, and as such may be interpreted as a rite of passage. Thus Cohen describes the public inspection undergone by men hoping to migrate under the Bracero programme providing Mexican agricultural workers to the US (1942-64). To be chosen, in addition to knowledge of agriculture, they had to fulfill various criteria of ideal manhood: to be married with children

(i.e. head of a household);have no recent scars, disease or other sign of weakness; and have manly hands (calloused, showing evidence of work). In this selection process, which both judges and produces a certain type of masculinity,peasant men are reborn as ideal masculine representatives of the Mexican State.

Migration itself may be seen as a rite of passage; a liminal phase before the acquisition of a newstatus. In the South Indian state of Kerala, for example, money is an important source of masculine potency. Through migration to the Gulf, young men may acquire the finances necessary for transition from the status of *payyan* (immature youth), to the adult patron-householder role. As transitional *gulfan* on visits home, they prepare for their eventual mature status and married life by accumulating goods which are stored in their parental home (Osella&Osella 2000). In the Nepali hills meanwhile, some young men effect a parallel transition, but without familial approval, covertly migrating to Delhi in search of both employment and adventure, returning clad in fashionable clothes to display their newfound worldliness and independence, as well as the cash in their pockets (Sharma 2012).

The rite of passage model most often involves male migrants traveling alone. Even so, enhanced status is not assured. The Keralanreturnees described above must tread a balance in how they spend and save to avoid being judged to be *kallan* – a self interestedmaximiser disengaged from social obligations – or *pavam* – an over-generous innocent who squanders his resources (Osella&Osella 2000). Financial gains which have been anticipated and invested against may not materialise (Hondagneu-Sotelo 1992). For those aspiring to - or attempting to maintain - a breadwinner role, disappointing returns can be a severe blow. Walter *et al* (2004) report that the shame experienced by some Mexican construction workers in the US who are injured and so no longer able to earn and remit money can contribute to depression and substance abuse (cf. Quayson 2005). At a more mundane level, the type of employment migrants are able to obtain may challenge their models of masculine success, as

migrant employment niches are often in feminized and/or low status sectors. Individuals may vary in their willingness to be flexible with their gendered identities in light of the perceived gains of migration (Batitzky*et al* 2009). These potential pitfalls have been exacerbated as movement for work, particularly through legal channels into developed countries, has become more difficult. Irregular migration motivated by masculine aspirations often leads to precarious and subordinate positions. 'Desire', as Ali Nobil Ahmed comments of Pakistani irregular migrants to Europe, 'makes bad decisions' (2011: 27).

Representations of male migrants have also become more devious and sinister, as states sought to justify policies of closure, but also reflecting changed modes of entry. Men may pursue routes to legal migration which are in themselves less compatible with ideals of masculine independence or authority: as refugees, as dependents of migrant women, or as migrant husbands in transnational marriages. The majority of marriage-migrants globally are probably women, but significant numbers of men also migrate as spouses, and husbands even form the majority in a few contexts, such as Filipino spousal migration to the UK (Charsley*et al* 2012). Studies of South Asian migration have exposed the gendered tensions which sometimes arise when this movement, often against virilocal norms, leaves such men reliant on wives (and sometimes in-laws), upturning conventional gendered domestic relations of power (Charsley 2005; Gallo 2006; George 2005). The challenges such men face do not simply arise from the inversion of a male head of household/breadwinner model. For the husbands of Keralan migrant domestic workers in Italy, for example, a two-income family in which the wife is able to gain employment abroad is compatible with men's ideals of modern couplehood, but the loss of domestic authority, or the ridicule encountered as they wait for their wife to sponsor their immigration, may nevertheless be uncomfortable (Gallo 2006).

Although the question of the impact of migration on gender equality has been widely debated (e.g. Gulati 1993;Gamburd 2000), one common assertion has been that migration

may restructure gendered domestic relations of power (e.g., Gallo 2006; George 2005; Pease 2009). In Hondagneu-Sotelo's (1992) work on Mexican migrants in the US, although both men and women experienced class and ethnic disadvantage, the amount of domestic power they were able to exert moved in opposite directions: increasing for women, and decreasing for men. '[C]lass position, racial-ethnic category, and often legal status further erode their ability to exert patriarchal privilege' (p412). Contributing to this volume, Charsley and Liversage explore narratives of marital failure and divorce recounted by former migrant husbands (from Pakistan and Turkey to the UK and Denmark) in which the weak position of an in-marrying man is compounded by insecure immigration status, and what they view as reliance on negative stereotypes of Muslim men by local organisations and institutions of State (a theme to which we will return below). This combination of official suspicion and relatively weak social position may render men disempowered and vulnerable in hidden ways.

Refugee migration is a further area in which an emerging literature suggests gendered challenges for men (e.g. Rowe 2009). Examples of domestic conflict and frustration over inabilities to fulfil masculine role aspirations and loss of class status have been reported in relation to Eritrean, Ethiopian, Middle Eastern and Cambodian refugee populations in the US, Canada, Sweden and Australia (Haggis &Schech 2009, Matsuoko& Sorenson 1999, McSpadden 1999, Ong 1996). Here women's newly acquired sources of State support, and experience of fending for themselves whilst men fled a conflict zone, collide with the beleaguered self-esteem of husbands often unable to access employment to recreate the (classed and gendered) statuses lost in their forced migration. Men who are awaiting an asylum decision which may take months or years to be made, are often forced into poverty, idleness,and dependency on state handouts or, if these are refused, destitution and illegal working. All of these reinforce existing negative and often gendered public perceptions and

risk creating a cycle of stigmatisation. Melanie Griffiths' contribution to this Special Issue explores the gendered implications for men whose asylum cases have failed and who are detained, frequently for long periods while appeals are made and exhausted, and removal - often delayed for reasons outside these men's control - is organised.

The experience of migration as a dependent or for asylum can thus be undermining of masculine identity projects. The literature also, however, reveals ways in which migrant men may attempt to recoup or redefine a desirable masculine identity in the face of constraints or disappointments: Keralan husbands of migrant nurses in the US seeking positions of authority in the Church (George 2005); husbands of migrant domestic workers in Italy contrasting their own respectable positions with the dangerous masculinity of undocumented Punjabi migrants (Gallo 2006); or middle-class Indians recasting their lowly service sector employment as part of a privileged gathering of cosmopolitan experience, rather than downward mobility (Batnisky*et al*2008).

These situations are complicated by the fluidity of masculinity between cultures and over time, meaning that migrant men may find that the signifiers of masculinity in the new country are not what they expect. The Australian collection *Migrant Men* (Donaldson *et al* 2009), the first to take migration and masculinity as its main focus, provides numerous illustrations of the encounters between varied migrant and non-migrant masculinities. Migration to Australia has come from diverse sources, and each new group of migrants has been subject to infantilization, feminization, and racial taunting, but a common theme of several of the case studies in the book is how 'immigrant men renegotiate their gender identity as they relate their own cultural understandings of masculinity to the meanings and practices in the dominant culture' (p15). The volume also draws our attention, however, to the ways in which national identity is racialized, classed and gendered, with implications for the inclusion or exclusion of immigrants. Masculinity is frequently narrated in relation to

work. The white working-class 'battler' may no longer be a privileged Australian identity (a loss which may be expressed as resentment towards in-comers), but new assertive, materialist, entrepreneurial and neo-liberal masculinities, which shift the focus from race to culture (Haggis and Schech 2009), have new exclusionary implications.

Some may protest against their loss of status and agency; the protest itself offering an opportunity for agency and the performance of a masculine identity (Rowe 2009). Aggressive or violent acts may also be understood in this light: as 'unambiguously masculine though not socially endorsed' (Rowe 2009: 73). The 1999 hijacking of a Greek bus by an Albanian migrant man described by Palailias (2003) was understood from an Albanian perspective as contesting the emasculating exploitation endured by irregular migrants. For Greeks, on the other hand, the seizing of a form of transport associated with women and children had a very different gendered reading, reinforcing the stereotype of dangerous migrant masculinity. As Griffiths (this volume) argues, migrant men are often associated with criminality and misogyny, and their conduct will be interpreted through that lens. 'When agency and masculinity are compromised', Rowe observes, men may 'wrestle with social impotency and psychological emasculation or they find ways to reaffirm their decisiveness and determination as men with voices' (2009: 91). The difficulty of finding an acceptable and effective way for men to express distress and a sense of powerlessness is not confined to migrant men, as demonstrated in the UK debates about fathers engaged in custody proceedings discussed below. Migrant men are, however, particularly disadvantaged in this respect when they lack access to means to articulate their frustration in other ways. Those whose behaviour conforms most with norms of hegemonic masculinity are not necessarily those with the most social power (Messerschmidt 2012: 58; Connell and Messserschmidt 2005: 838-9), with the result that their conduct may be self-defeating, furnishing only new opportunities for misunderstanding and stigmatisation.

Intersectionality: not just a migrant man

We do not mean to suggest that all migrant men are equally vulnerable. Under discussion here are groups of men whose plight may be concealed by the more powerful position held by other men and, sometimes, by their own gendered displays of protest. It is the combination of gender, migration status, ethnicity, age, class and other factors, operating often at a fine-grained level, which produces sites of particular disadvantage. In other words, a complex intersectional understanding is needed to appreciate the position of individuals or different groups of migrant men.

Migration involves multiple cultural contexts, audiences and perspectives, and multiple constructions of masculinity: those which migrants may bring with them may differ from those of co-ethnics in the 'country of settlement'[2], and from dominant models in 'host' societies (e.g. Hibbins 2005), and all parties may hold stereotypes of masculine 'others' and others' masculinities. Thus some British Pakistanis deride new migrants from Pakistan, who may be viewed as part of a threatening masculine Islamic incursion by some ethnic majority audiences, as laughably incapable 'freshies' (Charsley and Liversage, this volume). In this way, men may be regarded as unwelcome or inferior both by state institutions and within their own intimate lives and families, leaving them with few external resources with which to counter their vulnerability. This is not experienced only by family migrants - Martin F. Manalansan IV, writing about queer Filipino migrants to New York , notes that they are gendered and racialized by ethnic, gay and majority audiences, experiencing migrant 'discrimination and stigma from both their own communities as well as from mainstream culture' (2006: 236).[3]

Intersections of gender with sexuality, race, religion, ethnicity, immigration status and labour market position may all be relevant. In both de Hart's and Charsley and Liversage's articles in this volume, orientalist stereotypes of Muslim men play a key role. Particular

ethnic or national stereotypes are also often strongly gendered (cf. Dyer *et al* 2010 on employment segmentation between gendered nationality groups according to their perceived suitability for differing roles in a London hotel). Dealing with these perceptions from a position of weakness can require complex personal presentation. Hence Walter *et al*(2004) provide an evocative description of the stance Mexican irregular migrants adoptas they wait by the roadside to be picked up for casual work - emphasising their physical strength and readiness for work, but also seeking to downplay the stereotypical Latino machismo, to appear docile and untroublesome. Their weak intersectional position - as ethnic minorities, irregular migrants and with insecure contracts - mean that fulfilling the masculine role of provider by migrating for work entails sacrificing some day-to-day aspects of that hegemonic ideal.

Gendered Encounters with the State

The role of the State in gendered experiences of migration has already been mentioned, but merits further exploration as an important frame for our discussion of migrant man in legal contexts. As we have noted, migrant men (particularly migrant husbands) may find themselves with diminished power at home and yet be regarded as patriarchs by state institutions. Such men may perceive State interventions to protect or promote women's interests as further undermining their authority, so that in Ong's (1996) US research with Cambodian refugee families, one research participant complained that '...in America, men feel they have lost value because they are no longer masters of their own families' (p743).

A further level of complexity is involved when migrant men interact with the immigration authorities. Here, the state may act instrumentally, using representations of men as potential abusers to rationalise broader policies of exclusion (Wray 2009). In addition, courts are usually unwilling to intervene in immigration policy out of respect for state

sovereignty (although see Wray 2013 on the UK). In many Western European countries, a highly gendered discourse has explicitly or implicitly presented restrictive measures such as language tests or age limits for spousal immigrants as necessary for the protection of women or to promote gender equality. Even if such measures apply to men and women equally, the underlying assumption is that the root of the problem is patriarchal arrangements within non-European migrant communities (see e.g. Charsley 2012: 193-4; Wray 2009; Liversage and Rytter forthcoming).

This portrait of state institutions intervening on the basis of racialized normative assumptions about gender relations is a key insight. As Hearn and Howson write, 'not only is much policy and policy development constructed by and through assumptions about gender, but also, much policy and policy development can be understood as policy on and about gender relations. Gender constructs policy as policy constructs gender' (2009: 42). In this Special Issue, representations of gender in the legal sphere are an integral part of the context for understanding the experiences of migrant men. The recent social scientific developments in understanding of the variety and nuances of male migrant experience reviewed above, however, have not yet translated into parallel interests in the sphere of legal scholarship.

Migration, Masculinity and Law

Masculinity, Fatherhood and the Law

Gender and the law has become an established research area with a vast literature going through several conceptual evolutions (for a discussion, see Collier 2010). The study of gender in law has been mostly carried out under the rubric of feminist legal studies, and writing on law and masculinity has been predominantly engaged in identifying and challenging discourses, practices, modes of reasoning and assumptions that reinforce traditionally gendered power relations within law and legal practice. Scholars have

recognised that law is not an uncomplicated process through which men oppress women but may be open-ended and contradictory in its effects. However, academic study of masculinity in law has been primarily concerned with the structures and discourses which reinforce male privilege (Collier 2010: 19-25). This has had several consequences. One is that there has perhaps been insufficient critical deconstruction of masculinity itself which has somewhat been taken as a given, reinforcing rather than deconstructing the masculine 'norm' and risking reliance on an essentialist conception of gender. Another is that there has been relatively little attention paid in the legal scholarship to the differences and relationships betweenmen and between masculinities, particularly 'hegemonic' and other forms such as 'subordinate', 'complicit', 'marginalized; or 'subversive' masculinities (Connell 2005: 78-80; Cohen 2010: 524-5; Dowd 2013: 439). Not all men benefit in equal measure (or at all) from the 'patriarchal dividend'; differences in class, ethnicity, immigration status and other factors all determine relative power. This may be disguised because masculinity itself is "a constant struggle, never achieved but always needing to be proved" (Dowd 2008: 213) and men in positions of weakness may seek solutions not in the rejection of the norms of hegemonic masculinity but in their reassertion, even in 'hypermasculinity'. It can be difficult for individual men, operating within the legal system and grounded in particular social, economic or psychological conditions to stand apart from dominant models of manhood. Equally, they may be regarded sceptically if they make a claim based on non-hegemonic attributes.

These tensions are demonstrated by the debates around (non-migrant) fatherhood in family law, which has been the subject of considerable study. Recent years have seen a complex and multifaceted re-evaluation of the role of fathers within families, connected toincreased gender equality, relationship breakdown and female labour market participation (see Drakich 1989; Collier 2010: chapters 5 and 7). These have been accompanied by an increased significance attached to an unmediated and emotionally intimate father/child

relationship (Collier 2010: chapter 5; Dermott 2008) and by reforms to the legal framework governing family life (see Collier and Sheldon 2008).

Withinintact, biological families,there is little role for the law or for legal scholars. The law usually only becomes involved either when relationships break down and there is conflict between parents or where there is otherwise a disjuncture between biological and social fatherhood, for examplethrough assisted reproduction or step-parenting. In that context, it has been proposed that fatherhood should be redefined as the "practice of nurture" rather than as a status based on a legal or biological relationship (Dowd 2003: 135).There is, however,doubt around theextent of actual change (Collier and Sheldon 2008: 103-137) and the reality of the 'new' fatherhood which is regardedas "socially,rather than empirically constructed" (Drakich 1989: 70) and which "misrepresents the reality that mothers are still the primary caregivers of children" (Drakich 1989: 83; see also Fineman 2001; Dowd 2012). Causes may be connected to lack of structural support and social constructions of masculinity (Dowd 2013: 441; Dowd 2012) but, when competing claims arise, fathers who argue that family courts fail to recognise the strength of their ties to their children have had, at best, a mixed reception within feminist legal scholarship, reflecting doubts about the depth and nature of men's commitment as fathers (see Collier 2005:518-520). There is now a significant body of work offering a critique of fathers' claims to equality in parenting as controlling, misogynistic and sometimes putting women and children in danger (see Collier 2010: 210-217; Smart 2006; Fineman 2001) although Collier (2005; 2010) points out the need fora wider and more nuanced debate.

It is not necessary to take a position on new models of fatherhood to recognise that they are contested and unlikely often to assistmigrant fathers, given states' strong interest in resisting their consequences. As Wray shows in her contribution to this Special Issue, the caring performed by migrant fathers is often ignored or reduced to practical essentials which can easily be replaced (cf. Moloney 2001 who shows how the focus in Australian residency

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conflicts is on the mother's adequacy or otherwise, rather than the father's own caring capabilities). While the nurture of children is now one way that migrant parents can found a claim to remain in the country, for many men, this may count for little when, as is often the case, they are not resident with their children orthere is an alternative parent able to perform this role. The position of men who do not have children and are relying only on an intimate relationship with another adult is even weaker.

Men and Migration Law

The paradigmatic migrant is usually presumed to be male, and men often dominate in routes such as economic or refugee migration. The need to highlight 'men's issues' within migration law might therefore be queried. However, what became apparent to the authors of the papers in this collection was that there are groups of men who do not benefit from this masculine predominance. As noted above, an intersectional approach which acknowledges the multiplicity of masculinities and of male experiences enables the identification of men whose position is much weaker than the generality. There is, however, little in the existing academic literature on the position of such men under migration law.

The observation that men have been marginalised in family migration policy is not startling - after all, family relationships are often 'feminised' (Morgan 2001: 223)- but it is not often made. It is perhaps most frequently observed negatively, as when Palriwala and Uberoi (2008: 23-4) note that female marriage migration 'may often be the most efficient and socially acceptable means to disadvantaged women to achieve a measure of social and economic mobility'. In other words, women enjoy advantages in family migration, and they can use that to compensate for lack of leverage elsewhere. By implication, although (some) men may have alternative migration opportunities, they may not carry a gender advantage in the realm of family migration, as the contributions by Wray and de Hart make plain.

Legal debates around gender and asylum have centred on the definition of a refugee - in particular, whether women suffering gender-based discrimination and violence can constitute a 'social group' for the purposes of claiming persecution - and on the difficulties women face in accessing and negotiating the asylum system (see, for example, Freeman 2007, Pickering 2010). Recently, those fleeing homophobic persecution have started to use the asylum system with varying degrees of success (e.g., Spijkerboer2013). Understandings of the experience of gay men, however, may have heteronormative underpinnings which are a poor fit with the reality of their lives, undermining their apparent credibility and the strength of their claim. Chelvan (2012) has outlined the struggle in the UK courts for recognition that gay men cannot and should not be required to conform to heterosexual norms of public behaviour in order to avoid persecution.This has led to some improvements although one perverse consequence of success has been an increased expectation that asylum seekers should establish their sexual identity through stereotyped forms of behaviour, attitudesand knowledge (UKLGIG 2013)

There is some evidence that the recognition rate of male asylum seekers is lower than that for women (Spijkboer 2000: 4;194 but see Keith and Holmes 2009). Recognition rates are only part of the story; most asylum seekers are male, and women may face particular hurdles in undertaking the asylum journey. Yet, as with the migrant family members discussed here by Wray and De Hart, in certain circumstances, gender norms can operate against particular groups of men. As Spijkerboer (2000: 194-5) points out, gender stereotypes are not fixed, but vary according to race and social position and interact in complex ways with other politically and socially determined categories such as the 'genuine' asylum seeker. All refugees are, by definition, vulnerable but some are regarded as particularly so. The UNHCR includes amongst them 'women with special needs' such as those who have suffered sexual violence or who are at particular risk in the host country.[4] 'Women and girls at risk'

are also prioritised in resettlement programmes and are sometimes a separate category in some countries' refugee programmes, for example Australia or Canada.[5] The risk is that forms of violence directed specifically against men and boys, such as forced conscription, killings and male sexual violence may not be recognised as creating their own particular protection needs (Charli Carpenter 2005).

The men discussed in the articles in this Special Issue have little or no power over their representations. The fluidity and complexity of gender does not fit easily within the requirements within law for stable and binary categories (Grenfell 2003). Migrants, as Spijkboer (2000: 6) says of asylum seekers, often have no institutional power, scant financial resources, and little access to information and the media, while the state regards their control as a primordial attribute of sovereignty. While the court process purports to make an objective enquiry, it is a truism that judges are not exempt from the power of gender stereotypes which still appear to underpin judicial reasoning in some instances (e.g. Elvin 2010) despite efforts in recent years to raise judicial awareness of their preconceptions so that, in the UK for example, judges undergo diversity training and are equipped with a handbook on such issues. In the cases discussed here, dominant gender norms are even more difficult to overturn given they are being applied to a supposedly dominant group who are suspect for other reasons. As Wray shows in her contribution, legal claims can only succeed when they are made either by women, or by men who are clearly outside the norms of hegemonic masculinity, while De Hart demonstrates that migrants must construct their masculinity in new approved ways to be taken seriously as fathers.Male migrants may thus find themselves caught between conflicting regulatory and social expectations.

Once immigration or asylum claims have been rejected, these constructions and projections of masculinity become even more complex. In Griffith's account of failed asylum seekers, having exposed their weakness in order to make an asylum claim, the marginal and

stigmatised position and the conditions in which they live (often including detention) increase the pressure to display hegemonic male characteristics and conceal vulnerability. Similar issues arise for the men discussed in Charsley and Liversage's contribution when divorced Muslim marriage-migrant men complain that court and police perceptions of them as likely perpetrators of domestic abuse or child abduction leave their own rights unprotected and emotional ties ignored. In their interactions with the researchers, the divorcés attempted to reconstruct an alternative, respectable masculine identity. The exclusion of men's emotional and family life perpetuates racialized gendered stereotypes about social norms in many communities, whilst cultural ideals of masculinity further inhibit some migrant men's ability to give voice to their vulnerabilities.

The men discussed here may not represent the majority of migrant men, but they are not numerically insignificant. Not only do migrant and asylum-seeking men often establish relationships and father children, but intimate relationships can form the basis for immigration applications. Indeed, as other routes of migration into Europe close down, family migration becomes a more significant means of entry. The governance of marriage-related immigration in particular, reaches to the heart of the reproduction of national belonging, and State approaches to transnational marriage are often strongly gendered (Wray 2011; Charsley 2012). Class, race and gender once more intersect so that the men who are most excluded from family migration are the least likely to find alternative means of entry. Such men are in a much weaker position than the separated citizen fathers who are arguably their cognates and who have received much more attention (not all of it sympathetic) within the legal academy. They are disadvantaged in their encounters with the judicial process by a different form of hegemony; the sovereign power of states to control their borders is widely accepted, not least by the courts, while government largely controls the flow and presentation of information about migrants (see, for example, the highly tendentious representation of the

effect of Article 8 of the European Convention on Human Rights - the right to respect for private and family life). While cases might invoke sympathy at an individual level, general public unease about immigration means that there is little incentive to challenge unfavourable representations.

The Special Issue: The Invisible (Migrant) Man

This volume therefore aims to demonstrate some of the complexities and difficulties facing migrant men for whom masculinity may be both a trap but also a psychological resource both during and after their encounters with the legal system. The suggestion that male migrants' affective lives should be given more attention is contentious in a field where the vulnerabilities of women, as victims of forced marriage, trafficking, or 'patriarchal' immigrant cultures, on the one hand, and state neglect or discrimination on the other are more frequently stressed. Nonetheless, as Rowe has argued, while 'arguments for viewing particular groups of women as especially vulnerable are sound and defensible, the emphasis not only reifies patriarchal notions of feminine weakness but neglects the often severe vulnerability of particular groups of men' (p19). Understanding neglected migrant masculinities and the ways in which masculinity is employed in official discourses surrounding migration, moreover, casts important light on the totality of processes affecting both men and women (as migrants themselves, or in their relationships with migrant men) and their representation in policy and popular discourse. However, we would argue that an increased understanding of the disadvantages suffered by some groups of migrant men is valuable in its own right; a project that aims to understand human experience must operate at the micro as well as the macro level. As such, this volume represents a contribution to the

project of incorporating gender, in its full relational meaning, into our understandings of migration.

The collection brings together social scientists and legal scholars to examine these issues from a number of angles. Analysis of legal and policy discourses, reflected in policy documents and court determinations, is complemented by qualitative research on the effect of these on individuals. Whilst the former highlights problematic representation of migrant men, qualitative research provides evidence of the complexities concealed by these discourses, including the interaction of legal and social contexts, and the ways in which the gendered assumptions of law and policy impact on the lives of migrant men in contemporary Europe.

Helena Wray's article 'A Thing Apart' considers the position of men with family claims to immigration status in British immigration law. She shows how migrant men's family ties and caring responsibilities are consistently marginalised and excluded from relevance. Exceptions exist, and lawyers have succeeded in setting some valuable precedents in the higher courts. These have been achieved either because clients have been established as particularly vulnerable and deserving of sympathy or, atypically, were female. While these successes should benefit all migrants (including men) in similar situations, in practice, women and vulnerable men with emotional lives deserving of protection have been regarded as a separate category to which few belong, so the cases have not always succeeded in challenging dominant models of masculinity which have been reinstated in subsequent judgements.

Betty de Hart's contribution on migrant 'superdads' deals with the European Court of Human Rights, exploring both Family Law and Immigration Law cases involving migrant fathers. She posits a model of fatherhood against which applications for child custody and access, or residency claims, are judged. This model requires qualities of autonomy, economic capacity and intentionality (to start a family), and being a 'hands-on' father. Once more,

some migrant fathers' cases do succeed, but others who live up to this model of the worthy father find that their status as migrants (particularly if they have violated immigration rules) works against the recognition of their bonds to their children. In this article, stereotypical constructs of Muslim men also emerge as important influences in the outcomes of cases, through connections made between Muslim fatherhood and the likelihood of child abduction – once more stressing the importance of an intersectional analysis. Crucially, these cases demonstrate that 'the discourses on migrant fatherhood are not only institutional, but are employed by mothers and fathers, citizens and migrants alike in their struggle over their children. Hence, they are not only subject to, but also active agents of the gendered and racialized constructions of migrant masculinity'.

This point is elaborated in the remaining two articles, which expand the discussion from the evidence of court papers to a more ethnographic appreciation of the ways in which men encounter these legal discourses as part of their migrant experiences. Melanie Griffith's paper, 'Here man is nothing!', focusses on men in Britain whose claims to asylum have failed. Like the Muslim fathers in de Hart's piece, powerful negative stereotypes exist of (male) failed asylum seekers, represented as deceptive, criminal, hyper-sexual and dangerous. As in Wray's piece, these stereotypes affect their treatment and outcomes of the processes of asylum and detention, and once more, emotional needs and familial ties are marginalised: as hyper-masculine self-seeking strategisers, failed asylum seekers are expected to be able to cope with hardship and separation from their families. The experience of seeking and being denied asylum, by contrast, is emasculating and infantilising. Unable to work legally, dependent on state decisions, charities and friends, unable to establish families or maintain families already established, many feel humiliated as men.

The embodied manifestations of these tensions (in sleeplessness, suicide attempts and depression), as well as attempts to recoup some form of respectable masculine identity, find

echo in the accounts of divorced Muslim migrant husbands in Charsley and Liversage's article. In 'Silenced Husbands', the stereotypes of powerful and unfeeling Muslim patriarch once more contrast with vulnerabilities narrated by both Turkish men in Denmark and Pakistani men in Britain, suggesting structural similarities in their positions. Drawing together many themes of the preceding pieces, the article explores three often emotional accounts of the pressures of life as a migrant husband, the failure of marriages, and encounters with others' stereotypes of themselves. For these Muslim family migrant men, the failure of their marriages can have consequences for access to children, and (at least in the early years of a marriage) for residency rights. Returning to the theme of intersectionality, in this concluding paper we move beyond the more commonly employed elements of intersectional analysis to argue for the importance of context-specific identities in creating vulnerabilities which are invisible in dominant discourses. Interviewees' complaints of institutional suspicion of them - as Muslim men and migrants - compounding other legal, social and familial vulnerabilities, once more emphasise the importance of a holistic view of the interpenetration of the institutional and the social, and of law and experience in the lives of migrant men.

The remarkable synergies and similarities between the contexts discussed in these pages, spanning national and European-level courts, and multiple ethnic groups and national contexts, suggest that this marginalisation of migrant men as people with affective ties and vulnerabilities[6]– the 'Invisible (Migrant) Man' of the title – is deserving of more widespread concern and scholarly attention. Whilst important progress has been made in social science research on masculinities and migration, parallel developmentshave until now been absent in legal scholarship.Much therefore remains invisible. In laying the foundations for further investigation of the socio-legal positions and representations of migrant men, we hope that the value of inter-disciplinary conversation is clear in exposing the important social, legal and

experiential consequences of constructions of migrant masculinity which, to use Melanie Griffith's term, 'flatten' complex identities, and mask the nuances of lifestories, relationships, and migration trajectories.

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Notes

[1] CF. US stereotypes of Hispanic immigrant gender relations: 'a caricaturelike portrait of excessively tyrannical men and submissive women' (Honagneu-Sotelo 1992: 397), and Razack on European constructions of Muslim family relations in debates around forced marriage (2004).

[2] The examples of deportation and return presented in this collection, and broader recognition of circular migration and transnationalism, problematize this commonly-used term.

[3] Until 1990, migrants identified as homosexual could be denied entry or deported from the United States (Lubheid 2002), and the question of homosexual men (and women's) unequal ability to gain immigration status on the basis of their relationships with US citizens was a key part of the 2013 debates over immigration and marriage law reform.

[4]*Procedural Standards for Refugee Status Determination under UNHCR's Mandate* Section 3.4.
[5]*The Crisis in Syria*http://www.resettlement.eu/news/crisis-syria;
http://www.immi.gov.au/Visas/Pages/204.aspx;
http://www.cic.gc.ca/english/refugees/outside/resettle-gov.asp
[6] Or 'people with comprehensible emotional lives, who face a range of social, economic, and cultural problems associated with their migration' (Charsley 2005: 101-2)