



From Nanny to Prisoner: detention of irregular women domestic workers in the Middle East

Daphné CAILLOL, Ph.D Student in Geography, University Paris 7

CONTEXT : Migration Legal Framework – The Kafala System

- ▶ The *Kafil* must be the migrant's employer and a national citizen. He is a 'legal representative' and an intermediary with local society, without whom the migrant can not legally exist (Beaugé 1986). Under the *Kafala* system the migrant can only work for her *Kafil*. In most cases, the *Kafil*/employer takes the migrant's passport on arrival in the household to ensure that they do not leave before the end of their contract. The *Kafil* is also referred in the law as the householder and is obliged to employ the worker in his permanent or temporary place of residence. Correspondingly, the migrant shall refrain from leaving the house without permission of her *Kafil* who must be informed of the worker's whereabouts. This representation leads to the development of a normative 'live-in' trajectory for women domestic worker and aim to limit their spatial and social presence in urban public spaces.
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CONTEXT : A Labor Market Organised by Agencies

- The domestic workers labor market is declined and regulated through a specific system of agencies articulated between the sending countries and Jordan. This system of employment agencies uses the criteria of gender, class and race to market women. These agencies play the role of intermediary between women migrants and employers. When they arrive migrant sign a paper by which they accept to be under the name of their employer (Kafil). To find an other employer being legal, they will have to be released on paper from this first employer. If women work without kafil they are irregular and have to pay a tax of 2,5JD per day. Many women accumulate big debt called « overstayed ».
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Plan of the presentation

Three different Time-space of detention

- ▶ Women migrant detention center
- ▶ Time-space of transfer
- ▶ Detention room (police stations)

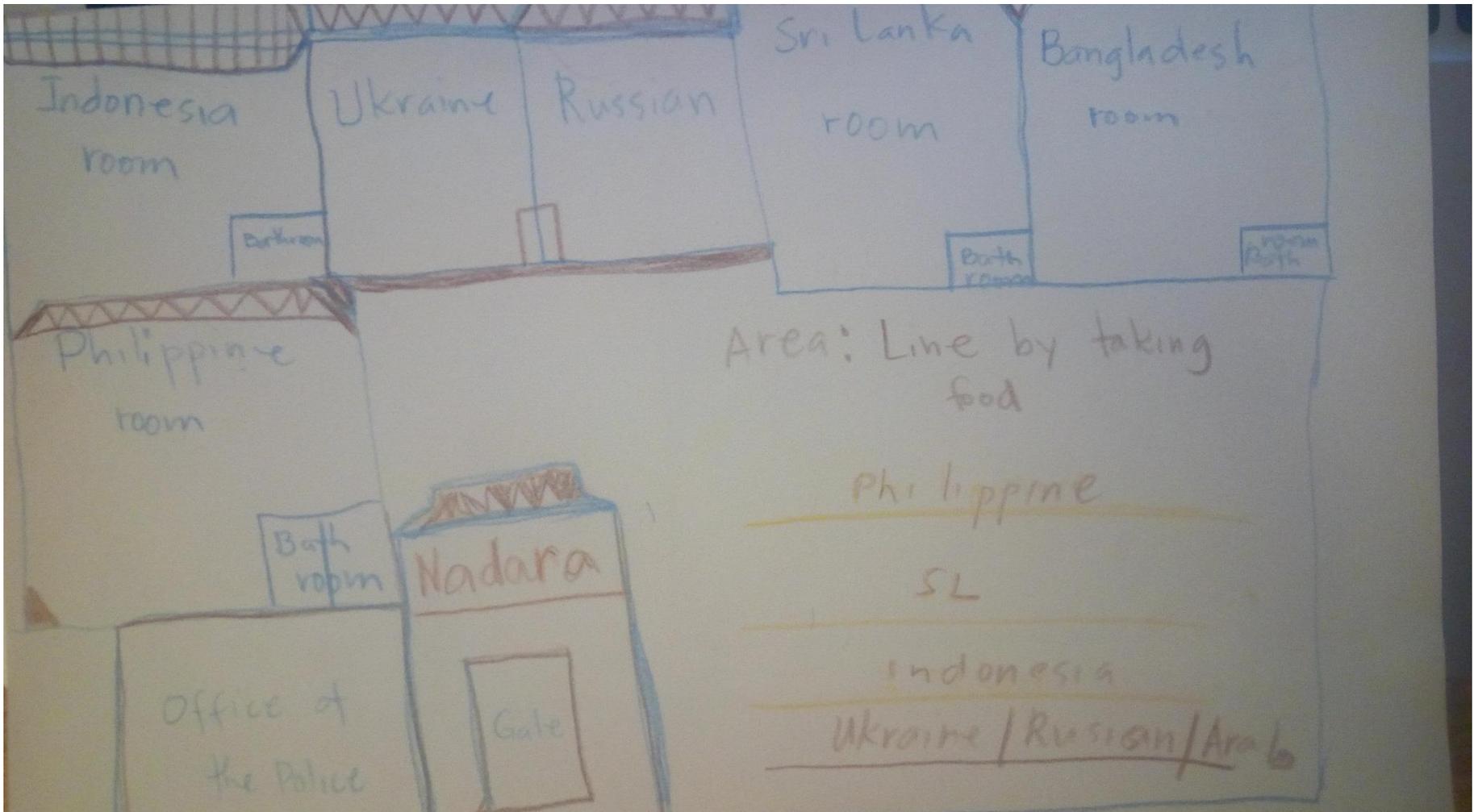
Going out of carceral spaces

- Complex legal process
- Recruitment agencies involvement in prison



1. Different spaces and times of incarceration

▶ A. Migrant women detention center



Source : Mental Map of Women Detention Center, M.A Filipina Women, May 2017

1. Different spaces and times of incarceration

B. Time-space of Transfer

The time-space of transfer are very specific. It corresponds to the transfer of women from one place to another, often in a police car. They represent both a moment of stress as women often don't know where they are going, but also a moment of freedom as they have their mobile and can exchange with the "free" world. For example, for J. arrested on May 21st, she stayed 10 days in the main detention center before starting to be transferred in different police stations detention room. Each time she was scared to go to the airport and to be expelled but happy to have her phone with her to communicate with her friends and to inform them about her situation. She only known at arrival where she was and could inform her friends who could come to visit her.



1. Different spaces and times of incarceration

C. Police station detention room

Women are passing by different police station detention room as they are moving very often between different detention places. It seems to have no specific rules and time management in these spaces which limit the possibility for women to develop some routines. According to the women interviewed, the regulation of these spaces depend on the police officer working their. Sometimes “they don’t give food, sometimes we have water sometimes no, sometimes they don’t open the light” (M.A June 2017). In police station there is only one room for detention where all nationalities are mixed. The moments in these spaces are marked by insecurity and “scared of tomorrow”.



2. Going out of carceral space

Legal process - hiding migrant in the system to avoid lawyer

- ▶ It is hard to go out of prison for women. The fact that they are often moving between the detention places make them difficult to follow by human rights institutions and/or lawyers. These moving from space to space contribute to “loose” them in the different space-time of the prison making them invisible and legally “indefensible”.



2. Going out of carceral space

Three conditions to go out of prison:

1. To have been released on paper by their old sponsor/employer

2. To have pay their overstayed fees

3. To find a new employer to employ them in live-in position

These three conditions constitute a big obstacle for women. Sometimes the Kafil don't come to sign the release paper for the women, either because they want them to stay in prison longer or because police officer don't manage to contact them. If the release paper is not signed by the old Kafil, women have to stay in detention.

When the released paper has been signed, there is two options: the women can try to negotiate or she is expelled. Most of the time they managed to negotiate in collaboration with recruitment agency. Women manage to go out as recruitment agencies come in prison to employ them. For the agency it's a big benefit as they can find workers to place in family for free without having to pay their plane ticket and others visa taxes.

Women has to pay everything by their own, they will have to pay the agency, their overstayed debt and sometime the police officer.



2. Going out of carceral space

“I paid 400 JD for the guy from the agency and the police, I had overstayed for 6 years it has been 2700 JD all. I sell all my gold everything to get 400 JD to pay the guy from the agency to make me go out. The government let me three weeks to find a new kafil. The agency found me a new kafil, he accept to advance me to pay my overstayed but he told me he will deduct it from my salary. I stayed with this new employer in live-in position during three years. My salary was 350JD every month less 100 dinars (to refund my debt to him), so I got only 250JD every month during three years. It was the only way to go out of prison. (M.A, June 2017),



Conclusion

- ▶ There are a constant displacement of the person within the different time-spaces of prison. It “loose” the person in the incarceration system.
- ▶ Prison can serve as resource for recruitment agency to find domestic workers for free. They then passed from prison to another type of confinement in live-in work position.

