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Migration, sex work and trafficking: the racialized bordering politics of sexual humanitarianism

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ABSTRACT




The article presents the findings of the SEXHUM project studying the impact of the different policies targeting migrant sex workers in Australia, France, New Zealand, and the United States. It draws on the concept of sexual humanitarianism, referring to how neoliberal constructions of vulnerability associated with sexual behaviour are implicated in humanitarian forms of support and control of migrant populations. Based on over three years of fieldwork we examine the differential ways in which Asian cis women and Latina trans women are constructed and targeted as vulnerable to exploitation, violence and abuse, or not, in relation to racialized and cis-centric sexual humanitarian canons of victimhood. Through our comparative analysis we expose how the implication of sexual humanitarian rhetoric in increasingly extreme bordering policies and interventions on migrant sex workers impacts on their lives and rights, arguing for the urgent need for social reform informed by the experiences of these groups.

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Introduction

This article addresses a key aspect of the link between borders and sexuality in contemporary times: the way humanitarian and racialized forms of governance focussed on gender and sexuality identify and target groups of migrants

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as specifically ‘vulnerable’ to exploitation and abuse (Ticktin 2008; Bernstein 2018). The concept of ‘sexual humanitarianism’ informs our understanding of the ways in which groups of migrants are strategically problematized, supported, and intervened upon by humanitarian institutions, representations and NGOs according to vulnerabilities that are supposedly associated with their sexual orientation and behaviour (Mai 2018). This concurs with a global rise of neo-abolitionist policies attempting to eradicate all sex work – framed as sexual exploitation – by ending the demand for sexual services, which translates into harmful policies exacerbating the exploitability and deportability of marginalized migrant groups.

Within this wider framework, and following our research evidence and findings, in this article, we will analyse the pivotal role played by racialized and sex-gendered criteria of victimhood in the sexual humanitarian justification and deployment of anti-migration rhetoric and bordering interventions. At the centre of our analysis is the concept of racialization, referring to deployment of racial categories to define and understand social issues (Murji and Solomos 2005). The strategic choice of the term sex-gendered acknowledges the ways in which the separation or conflation of these two specific and inter-linked categories is implicated in the reproduction of cis- and hetero-centric hierarchies of victimhood within sexual humanitarian concerns and interventions (Mai 2018, 4). Both concepts are key to understand the workings of sexual humanitarianism and the way it operates by intersectionally racializing and sex-gendering target populations according to emerging and historical stereotypes of victimhood at a local, national and global level.

Drawing on original research evidence, we will analyse how sexual humanitarian rhetoric and interventions framed and were framed by increasingly “extreme bordering” dynamics. The latter result from the convergence between the ongoing reorganization of state sovereignty, borders and labour mobility by an increasingly globalized, polarizing and extreme form of neoliberal capitalism (Mezzadra and Neilson 2013; Mai 2018), and the global mainstreaming of extremist right-wing and xenophobic politics and policies. In this respect, whereas ‘bordering’ is inherent to the social reproduction and enforcement of governance, governmentality and belonging at a local, national and global level (Yuval-Davis, Wemyss, and Cassidy 2019), the shift towards ‘extreme bordering’ reflects the passage from ‘progressive’ forms of neoliberalism manipulating human rights discourses to legitimize securitizing and polarizing politics to the more directly exclusionary, xenophobic and nationalist discourse and practices characterizing the contemporary rise of authoritarian populism (Fraser 2016). Within this complex interplay, we will focus on the strategic role played by racialized and sex-gendered criteria of victimhood in the construction of sexual humanitarian target populations becoming specifically vulnerable to rhetoric and policies of ‘extreme bordering’ at a national and global level.

Although migrant sex workers in our sample comprise a much greater variety of nationalities, in this article we will concentrate on the experiences of Asian cis women and trans Latina women because these two migrant groups have been over-represented targets of racialized sexual humanitarian bordering rhetoric and interventions across the four national settings of the research project that generated its data in both specific and shared ways. The strategic value of this comparative focus is supported by existing research highlighting the way Asian cis women and trans Latina sex workers are stereotypically racialized and represented respectively as passive victims and offenders while both are constructed both as non-citizens/outside, and therefore targeted by law enforcement and immigration controls (Lam and Lepp 2019; Ham 2017; Dalton and Jung 2019; Bolivar 2017; Hoefinger et al. 2020). In Australia and New Zealand our focus will be on the realities of Asian cis women as they are the migrant group most targeted by the racial bordering politics of sexual humanitarianism in both countries. In France we will include in our comparison between the experiences of Asian cis women and Latina trans women the ways in which Nigerian cis women are constructed as specifically vulnerable to trafficking and exploitation, which will allow us to better understand the hierarchies of racialized victimhood operationalizing the implementation of the abolitionist law that was passed in April 2016. In the US, our analysis will focus on the comparison between the experiences of Asian cis women and those of Latina trans woman.

Context and method

The current study draws on ethnographic fieldwork and semi-structured interviews conducted between 2017 and 2020 in Australia (Melbourne and Sydney), France (Paris and Marseille), New Zealand (Auckland and Wellington) and the United States (New York and Los Angeles) in the context of the SEXHUM project, which investigated the relationship between migration, sex work, and trafficking drawing on migrants' own understandings and experiences of agency and exploitation.¹

The methodological approach for SEXHUM is based on a combination of ethnographic observations, 240 in-depth, semi-structured interviews with 221 purposively sampled sex workers and trafficked persons, and semi-structured interviews with 80 key informants, including social service providers, law enforcement, and legal advocates across the national settings of the project. SEXHUM compensated sex workers and trafficked persons for their time in cash whenever it was possible in accordance with local national practices. Key informants were not compensated. Informed consent was obtained from all participants and study procedures were approved by Kingston University and endorsed by key academic organizations and institutions in the

four national settings of the project. To protect confidentiality, all sex worker interviewees were provided with a pseudonym. Throughout the duration of the fieldwork period, the research team conducted ethnographic observations in strategic settings and events for sex workers or trafficked persons including sex work venues and organizing spaces, diversion courts and programmes, and anti-trafficking collaborations between non-governmental organizations and law enforcement.

To account for the ways in which race, gender and sexuality frame the research process and the realities it investigates, SEXHUM adopts an intersectional and self-reflexive approach to understand and analyse existing inequalities, hierarchies and divisions. This ethical and methodological approach is particularly important and relevant for SEXHUM because of the whiteness of the research team, which reflects existing privileges in academia and could potentially discourage and undermine the participation of racialized and marginalised social groups. The research team has addressed this issue by including the experiences of the widest possible variety of racialized participants, by collaborating with racialized community members in project data gathering, publications and dissemination events, as well as by relying on post-colonial and decolonial scholars and theories.

Having introduced the main focus and issues that will be dealt with in this article and outlined its methodological approach, we will now analyse more in detail the unfolding of sexual humanitarian racialized and sex-gendered bordering in each national context.

Australia

Australia's federal states legislate independently on the sex industry, displaying variations of all known models: decriminalization (NSW and Northern Territory), licensing (Victoria and Queensland) and criminalization (Western and South Australia). In Australia, SEXHUM focussed on NSW (Sydney) and Victoria (Melbourne) in order to analyse and compare the experiences of migrant sex workers under decriminalization (NSW) and legalization through licensing (in Victoria). Such comparison was crucial as Victoria was the only SEXHUM setting with a licensing policy framework, which is substantially different from decriminalization as it involves the regulation of the sex industry through criminal, rather than common law. In 1995, NSW decriminalized sex work and local councils replaced law enforcement as its regulatory body. Premises who offer sexual services need to obtain a developmental authorization (DA) from councils to operate lawfully (according to common law). If caught offering sexual services without a DA, owners and sex workers risk heavy fines or closure, yet they do not commit a criminal offence. The state of Victoria polices sex work through the 1994 licensing Sex Work Act. Premises providing sexual services need to get a license to

operate legally. Anyone providing sexual services working in breach of the Sex Work Act, (e.g. by working in an establishment without a license) is liable to a criminal charge. In Australia, all non-citizens convicted of a criminal offence may face deportation. In Victoria, this includes migrant sex workers found to provide sex work in an unlicensed venue, regardless of their legal status. In NSW on the other hand, migrants in the unauthorized sector are liable to fines under common law, and do not risk deportation if holding a valid work visa. As a matter of fact, licenses are extremely pricey in Victoria, while developmental authorizations are hard to obtain by most councils in NSW. Under such circumstances, some establishments, often massage parlors, can be found offering sexual services without holding a license or a DA in breach of the Sex Work Act or of council regulations.

Nationwide, Australia's dominant sexual humanitarian discourses and interventions focus on the presumed exploitability of (Asian cis-female) migrant sex workers. National news, documentaries, and successful TV series repeatedly depict Asian sex workers (mostly Thai, Chinese and Korean) as passive victims pushed to sell sex against their will (Sodsai 2017; Gondouin, Thapar-Björkert, and Ryberg 2018). In NSW and Victoria, sexual humanitarian concerns relative to the exploitation of migrant sex workers emerge mostly in relation to Asian cis women working in unauthorized massage parlors (NSW) or in unlicensed brothels (Victoria) (Sodsai 2019), who therefore became the main focus of the SEXHUM project in Australia. Across Australia, these media-fueled moral panics translate into sexual humanitarian law enforcement raids and operations in sex work establishments (or those suspected to be such) targeting mostly Asian venues and workers, who risk being prosecuted and deported if found working in breach of state laws or without a valid visa, often in the name of finding victims of trafficking.

In Melbourne (Victoria), raids and checks on what the neo-abolitionist Project Respect (2017) estimates to be 500 'illegal brothels' (allegedly mostly Asian massage parlors) are regularly documented by the media. Remarkably, these interventions are called for by neo-abolitionist organisations (to reduce what they consider an inherently exploitative sex industry) and by owners and operators of licensed venues (to curb competition) (Orti 2017; Sodsai 2019; Mitchell 2019; EROS 2017). In Sydney (NSW), council checks on (majority Asian) massage parlors suspected of offering sexual services without authorization also happen regularly and council officials employ private investigators (known as 'brothel busters') to gather proof that sexual services take place (Hansen 2019; Davidsson 2017).

Despite the allegedly exploitative, slavery-like conditions to be found in these establishments (Duff 2017; Project Respect 2017), official statistics and research confirm that the cases of trafficking and sexual exploitation in the sex industry have dramatically decreased in the past ten years (Maciotti et al. 2020). As of November 2019, referrals for sexual exploitation to the

national government funded Support for Trafficked People Program (STPP) run by the Red Cross were 30 per cent of all referrals, as opposed to 100 per cent in 2012 (Red Cross 2019, 4).

When interviewed for SEXHUM, both councils and police maintained that checks and raids are in place to curb exploitation. Yet, our data show that rather than helping exploited victims, these sexual humanitarian interventions impact negatively on the lives of the migrant sex workers involved. To shed light on a thus far under-researched yet excessively media-covered area, we focussed a substantial part of its fieldwork on documenting the experiences of migrant sex workers operating in so-called 'illegal' brothels or massage parlors. Between 2017 and 2020, out of a total of 60 in-depth interviews with (migrant) sex workers, SEXHUM conducted 22 interviews and over 500 hours of ethnographic research with Asian cis female migrant sex workers working in unauthorized and unlicensed massage parlors in Sydney and Melbourne, respectively.

Our data dispute the racialized sexual humanitarian moral panics framing Asian women providing sexual services in 'illegal' massage parlors as passive, easy prey for traffickers. Those we interviewed in Sydney were satisfied with their earnings and diurnal working hours and preferred working in these venues rather than in authorized 'full service' shops as they felt that the cover of being advertised as "massage only" brought less stigma upon them. They were aware of earning less money than in "full service", but preferred performing what they considered to be less strenuous sexual work (mostly hand jobs and oral) and being able to earn some money from their share of the regular massage fee², when not offering sexual services to a specific client. At the time they were interviewed, all respondents working in the unauthorized/unlicensed sectors had the right to stay and work in Australia, though the vast majority were on temporary visas.

In both Sydney and Melbourne checks by council and police are what these workers fear the most. Yet in NSW, because of decriminalization, non-citizens with valid work permits risk less than in Victoria, where they automatically face deportation for committing a criminal offence, even if holding permanent residence. In NSW condoms found in workers' possession are used as evidence that sexual services take place, in which case owners may get away by arguing they were unaware of it, incur fines and have to (temporarily) shut their shop. Workers on valid work visas instead risk being fined, fined and losing their workplace. In both states, if a worker is apprehended without a valid working visa and they are not identified as a victim of trafficking, they face detention and deportation. Sandy, a 43 years old Thai worker based in Sydney recalls:

[The council] checked twice, they asked you to open the bag and if you had condom. I had, but I hid it, not in my bag. Some girls put in the bag, (...) and

if they find it, doesn't matter if used or not used, (...) you pay a fine and go to court, or first time they tell you to go home but they have your name. (...) they know everything (...) And if you work illegal, they can send you home [deport you] and can't come back for 5 years (...) A friend was sent home [deported] (...) The council sent some guy to be a customer and catch her. (...) I try go only with regulars. (...) I am scared.

To understand the political and social relevance of the extreme bordering dynamics targeting Asian cis female migrant sex workers, these need to be contextualized within the mainstreaming of (right-wing) extremist, and anti-migration rhetoric and policies in Australia (Hogan and Haltinner 2015). In this perspective, the overall racialized bordering politics of sexual humanitarianism in both NSW and VIC can be seen as one further expression of the shift in Australia towards forms of 'extreme bordering' and authoritarian populism drawing on broader nationalist anxieties that have historically focussed on the "fantasy of an 'Asian' invasion" (Papastegiadis 2005).

The situation in the two Australian states indicates how in both licensing regimes (Victoria) and in decriminalized ones (NSW) racialized and gendered sexual humanitarian stereotypes of migrant Asian cis women as passive easy prey for exploiters fuel repressive controls by the authorities on migrant workers. Yet, because of the absence of criminal laws regulating sex work, (work visa holding) migrant sex workers in NSW are less vulnerable to policing and deportation than in Victoria. Representing migrant sex workers in the so called 'illegal' sectors as victims does not match the experiences of these groups, most of whom consciously decide to work in these establishments for a number of reasons, including in order to have more agency over the services they want to offer. Crucially, they should not have to hide condoms in fear of being caught, fined or deported, as this could lead to risky, unsafe practices (Selvey et al. 2018).

France

In France, the SEXHUM project focussed on the impact of the neo-abolitionist Law N° 2016-444 'against the prostitutional system' on the rights and lives of migrant sex workers. The three main aims of the law passed on 13 April 2016 were to decrease the number of sex workers by abolishing the previous criminalization of public soliciting, shifting criminality to clients by charging them with a fine, and instituting an exit programme (*parcours de sortie*) for people who no longer wanted to do sex work. Whereas these first two measures introduced by the law form its explicitly 'repressive' component, the third point was conceived as its 'social policy' aspect, providing sex workers with a financial aid for social and professional reintegration of 330 euro per month, and with a temporary residence permit of six months renewable for a maximum of three times.

In France, SEXHUM undertook 59 qualitative interviews with migrant sex workers and focussed on the experiences of Latina trans women (25), Asian (15) and Nigerian cis women (12) because these were the groups most frequently at the centre of public debates about their supposed vulnerability to violence, exploitation and trafficking (in the case of Asian and Nigerian cis women) or marginalized by such debates (trans Latina women).

Most research participants think that the criminalization of clients has a more negative impact on their wellbeing and safety than the previous anti-soliciting measures adopted by the government. They also experience considerably less control over their working conditions as a consequence of the decreased number of clients since the new law came into effect. Our ethnographic observations and interviews with sex workers show that the police often pressure them to report clients, while those who are undocumented are threatened with deportation if they do not comply (Giametta, Le Bail, and Mai 2018). Moreover, the study shows that at a local level, the law has not always suspended municipal bylaws and regular identity checks, which resulted in sex workers being pushed away from their usual work places and city centres into more dangerous, isolated and unknown places. Finally, as was the case with the introduction of the criminalization of clients on Sweden in the late 1990s (Svedin et al. 2012), the 2016 law increased rather than reduced the stigma associated with sex work, producing the effect of further silencing sex workers and discouraging them to report acts of violence to which they are subjected.

The most direct effect of the 2016 law on sex workers has been an acute financial precariousness. Many respondents, particularly the most disadvantaged and racialized ones, have been struggling to make ends meet at the end of each month and spending considerably more time working in order to do so. Economic precariousness produces and exacerbates a variety of issues including the increase of violence by people posing as clients; the worsening of working conditions and of mental and physical health; and finally, for migrant sex workers, the risk of being construed as fraudulent and therefore not worthy of the social protection mechanisms introduced by the 2016 law.

Notably, the 2016 law was perceived as specifically concerning migrant workers because it was advertised by the government as a necessary anti-trafficking measure and it promised a temporary leave to remain for those undocumented migrants who access the prostitution exit programme (Le Bail and Giametta 2018). The implementation of the law coincided with the shift of the bordering dynamics embedded in its sexual humanitarian approach towards more extreme bordering practices translating into the targeting of Chinese and Nigerian cis women and with the neglect of Latina trans women according to racialized and sex-gendered understandings of victimhood. Whereas Chinese women tend to be presented by the French

politics of racialized sexual humanitarian bordering as silent victims of Chinese male-dominated mafias, Nigerian women have come to embody the ultimate figure of the victim of trafficking by an overpowering Black male criminality. Meanwhile, Latina trans women's on-going experiences of violence and abuse have not been addressed by sexual humanitarian concerns or interventions.

Our data confirm the findings of Le Bail and Lieber ([forthcoming](#)) that, as a consequence of the implementation of the 2016 law, Chinese street-based sex workers experienced an increase of identity checks as well as an increase of police operations targeting landlords renting to sex workers, who could be charged for procuring (*proxénétisme*). For instance, A Ling, a 44 years old Chinese woman, experienced these two combined effects of the law directly when the police targeted her home and colluded with her landlord:

One morning when I arrived at work the door was open and there were police officers waiting for me to come home. There was an interpreter and there was my landlord there as well. They had already searched the flat, they took out my money and telephone and metro card from my bag, they told me to sit down and took my statement.

Although the 2016 law promises women recognized as 'victims' state-funded protection mechanisms to fight prostitution and human trafficking, when the women we interviewed applied for such mechanisms they felt patronized by the law's neo-abolitionist understanding of victimization. The latter does not take into account how sex work guaranteed many Chinese women their financial autonomy while avoiding the exploitative condition they often encounter in regular jobs. As a result, most Chinese sex workers feared immigration controls and deportation more than the risk of facing exploitation in the sex industry.

The Chinese and the trans Latina migrants we interviewed shared a systemic double stigma; both endured heightened forms of (police) control and (widespread) violence due to the way they are racialized and sex-gendered in the context of their sex work. Both Chinese cis and Latina trans women have been paying the consequences of the extreme bordering dynamics introduced by the criminalization of clients with their lives, as they are forced to work in further isolated locations in order to escape police control. In 2018, the killing of sex worker Vanessa Campos, a young Peruvian trans woman in the Bois de Boulogne, a historical location of sex work in Paris, triggered an international outcry against the violence to which trans women, particularly migrant sex workers, are exposed on a daily basis, and also against the laws prohibiting sex work (Miren [2018](#)). Vanessa Campos was murdered in the Bois while trying to help out a client being mugged by a group of men knowing that neither the sex worker nor the client would easily press charges against them (Le Bail and Giametta

2018). Her story is emblematic of the differential politics of racialized victimhood and bordering characterizing sexual humanitarianism. Whereas Chinese women tended to be criminalized and 'bordered' by excessive sexual humanitarian concerns and controls, trans Latina women's marginalization and vulnerability to violence tend to be ignored.

As we mentioned above, the experience of Nigerian women in France is strategic to understand the racialized politics of the sexual humanitarian extreme bordering scenario promoted by the 2016 Law, as they found themselves in a paradoxical situation. On the one hand, they were portrayed by racialized political and media discourse as the main potential recipients of the exit programmes for being ideally naïve and innocent victims-being the most associated with colonial tropes according to which "the West is conceived as the moral leader in the fight against the exploitation of non-Western women migrants" (Aanu Oloruntoba et al. 2018). On the other, they tended to be rejected from such programmes, as they were not considered genuinely willing to stop sex work. The story of Precious, a 27-year-old Nigerian woman who was detained for 45 days in a migration detention centre after being rejected from the perspective of regularization and support offered by the *parcours de sortie*, is emblematic of the racialized bordering politics of sexual humanitarianism, which denies the authenticity of racialized subjects and their "stories" (Giuliani, Giametta, and Petrovich Njegosh 2020) while mobilizing anti-trafficking discourses and initiatives to fight irregular immigration and punish racialized migrants.

The comparison between the experiences of Asian cis women, Latina trans women and Nigerian cis women highlights the ways in which sexual humanitarian rhetoric and interventions are embedded in the shift toward forms of increasingly "extreme bordering" in France. The national specificity of this shift needs to be contextualized within the convergence between state abolitionism and the official invisibilization of race within French republicanism, which deploys actually racialized and sex-gendered (cis-centric) criteria of victimhood as strategic vectors of extreme bordering. The comparison between the experiences of the three migrant groups analysed here exposes the racialized hierarchies of victimhood framing the extreme bordering politics of sexual humanitarianism in France, ranking Nigerian cis-women as more vulnerable than Asian cis women (while proportionally excluding them more from support by constructing them as fraudulent), while neglecting the vulnerabilities of Latino trans women.

New Zealand

In 2003, the passage of the Prostitution Reform Act 2003 (PRA) decriminalized prostitution in New Zealand in order to safeguard the human rights of sex workers and protect them from exploitation, while simultaneously promoting

their welfare and occupational health and safety. However, the PRA also contains a Section (s19, PRA), which was added at the last moment during the Committee Stages of the Bill as an Anti-Trafficking clause (Hansard 2003, 6174), prohibiting migrants on a temporary visa to work as sex workers, or from owning or operating a brothel. The main aim of the SEXHUM project in New Zealand has been to understand whether and in what way Section 19 has actually protected migrant sex workers from exploitation and trafficking by gathering and analyzing their experiences of migration and work.

Of the 58 interviews completed in New Zealand, 46 are People of Colour, 29 of whom from Asian countries, with the majority (12) from mainland China. The focus on Chinese migrants was made in order to trace the echoes in contemporary sexual humanitarian concerns and interventions, which tend to target Asian cis women, of previous, historical racializations, as until 1951, Chinese were prevented from becoming citizens (Archives New Zealand 2020), even if born in New Zealand. It wasn't until 1953 that Chinese could vote in local elections then the General Election in 1954 for the first time. Over recent years there has been a rise in populism in New Zealand as there has been in other countries, with calls to restrict immigration. The 2017 election campaign saw an increase in anti-migrant rhetoric with the leader of the right-wing and populist New Zealand First Party claiming immigration was about ethnicity and race, and that the granting of work permits (to racialized migrants) had led to a "massive immigration influx [which] is distorting all the economic indicators" (Moir 2017). This racialized rhetoric continued unabashed even though it was shown that most work permits were granted to people from Germany, UK, Australia, South Africa and USA (Singh and Tan 2017).

As was the case in Australia, the mainstreaming of right-wing populism and its xenophobic slogans and policies created an enduring shift towards 'extreme bordering' rhetoric and interventions in New Zealand. After the announcement of the new Labour-led coalition government in October 2017, Immigration New Zealand (INZ) increased their investigations into migrant sex workers and their raids on brothels. They also increased sexual humanitarian bordering efforts by refusing suspected sex workers entry and preventing them from boarding aircrafts bound for New Zealand. The numbers are higher in later deportations and refusal of entry than previously, with 132 suspected sex workers prevented from entering New Zealand in the year to February 2018, compared to 45 in the year to April 2013 (McCann 2019; Tan 2013). In 2018 INZ denied accusations of racial profiling despite the fact that a significant (27) number of recent deportations of migrant sex workers involved migrants from Asia (Tan 2018).

Many of the sex workers we interviewed were aware of the protections offered by the PRA to permanent residents and citizens, and used these, particularly the ability to refuse clients and to enforce safer sex practices. As in

previous studies (Abel and Roguski 2018; Armstrong 2018; Roguski 2012), there was no evidence of trafficking. At the same time, our data confirm the observation made by the CEDAW Committee that Section 19 of the PRA, brought in to prevent trafficking, may actually leave women more vulnerable to abuse and exploitation (including trafficking) because it inhibits them from reporting to the police out of a fear of deportation (CEDAW 2018, 7).

Joanna, a 54 years old Chinese woman describes her experiences of bullying and clearly relates them to the lack of the possibility for migrants to work legally in the sex industry:

When we come to NZ from another country, it would be best to be able to have a visa that allows us to do this job so that nobody is able to bully us – boss or clients. With no visa, sometimes clients or bosses will bully us, and say that because we are not legal, we can't report anything to the police.

Sunny, a 30 years old Chinese female sex worker claimed that she would not report being victim of violent crime to the police for fear of being reported to Immigration and eventually deported.

I do not think I would contact the police though if something went wrong, even if it wasn't at work, because I do not want them knowing what I do as I think they may tell Immigration, and I do not want them to know as I may get deported.

Our findings show that Section 19 also prevents migrant sex workers from approaching medical professionals. Many Chinese sex workers stated they would not see a doctor in New Zealand, but would prefer to travel back to their home country, even if it was just for a small matter. During the arc of the project (2016–20) clinical key informants have indicated a substantial decrease of migrant sex workers' attendance of sexual health clinics, which is strongly related to an increase in immigration controls and deportations.

Our research data show the enduring role that historical racialized hierarchies of Anglo-Saxon superiority, according to which "racial differences far outweighed any capacity to work", play in contemporary sexual humanitarian policies and interventions (Graham 1992, 114–116). Although Section 19 affects all migrants, it disproportionately affects migrant cis women from Asia. Our data demonstrate that racialized categories and hierarchies of supposed vulnerability are framing the identification of potential sexual humanitarian targets in New Zealand, which impact very negatively on the rights and lives of migrant sex workers by exacerbating their exploitability and deportability. Our data and findings also show that, similarly to Australia, the overall racialized bordering politics of sexual humanitarianism in New Zealand reflects a shift towards forms of extreme bordering that are aligned with the political revitalization of historical anxieties that established "if not

literally a ‘white New Zealand’ policy, at least one which was carefully designed effectively to prevent the settlement of Asians” (O’Connor 1968). However, unlike in Australia, in New Zealand migrant sex workers are not included within the protection guaranteed by the PRA. Our findings strongly suggest that their full inclusion within such protection is the best and only way to reduce their vulnerability to exploitation and trafficking.

United States

The overall landscape of sex work, migration and trafficking in the US is characterized by an oppressive carceral regime that grew increasingly repressive under the Trump administration (Hoefinger et al. 2020, 6). Although prostitution is legislated at the state level, where, in most jurisdictions, all forms of sex work and all parties involved are criminalized (except in some small counties in Nevada), Trump and his administration implemented numerous policies and executive orders limiting rights for marginalized communities of migrants, queer and trans people (Murib 2018; Waslin 2020). Sex work has been targeted through sexual humanitarian interventions in the form of repressive legislation aimed at impeding all sex work through criminal law (Hoefinger et al. 2020).

In 2018, in the name of ‘combating trafficking’ the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) were passed in the US House of Representatives and Senate, respectively, with bipartisan support. This amended Section 230 of the Communications Decency Act to hold websites accountable for third party advertisements for sexual services on their platforms, pushing sex workers offline and further into precariousness and exposure, increasing their chances of being arrested and prosecuted, while reducing ways to work independently and safely (Blunt and Wolf 2020; Musto et al. 2021). Within an increasingly anti-migration environment of ‘extreme bordering’ – of actual borders, of bodies, of access to information and communication – people viewed by authorities as victims of sex trafficking (e.g. all sex workers) have been subject to arrests which function as a catalyst for court supervision and referral to social services, a process referred to in turn as “arresting to assist” and “arrest referral” (Musto 2016; Conner 2016). These trends have been described as a form of carceral protectionism (Musto 2016) and “penal welfare” (Gruber, Cohen, and Mogulescu 2016), where victims are de facto treated as criminals and where criminal interventions are reformulated as humanitarian programmes.

Transgender migrant sex workers and BIPOC (Black, Indigenous and People of Colour) sex workers are most affected by punitive sexual humanitarian interventions, and largely fall through the gaps of protective services for victims of trafficking (Fehrenbacher et al. 2020; Hoefinger et al. 2020). In

both NYC and LA, trans Latina sex workers were a particularly targeted group and were therefore strongly represented in our interviews. In both sites, respondents recalled being singled out and arrested for ‘walking while trans’; (assumed to be sex workers for being out in the street). Several had been in immigration detention, prisons and jails where they had experienced misgendering, discrimination and derision for speaking Spanish and for their gender identity, sexual assault, torture-like treatments, and were often denied hormonal therapies.

Human Trafficking Intervention Courts (HTICs) were established in New York in 2013 with the aim to reframe people charged with prostitution (in this case, mainly cis women) as victims of domestic violence and trafficking rather than as petty offenders (Gruber, Cohen, and Mogulescu 2016). People who are charged with prostitution-related misdemeanors, including survivors of trafficking and those who trade sex “by choice or circumstance”, (Ray and Caterine 2014) are mandated to complete a series of 5–6 social service sessions (such as individual or group therapy, art therapy, life skills workshops, or yoga, for example). Once they complete the mandatory sessions, defendants can seek to attain an “adjournment for contemplation of dismissal” (ACD), which is not an admission of guilt, through the court; the charge is dismissed and sealed if they are not rearrested within the following 6 months (Ray and Caterine 2014; Yale GHJP 2018).

Our findings show that the ambivalent forms of sexual humanitarian control and protection (Musto 2016) and the limited opportunities of support provided by HTICs were eroded by the anti-migration ‘extreme bordering’ measures introduced by the Trump administration. SEXHUM’s NYC-based researcher witnessed the intrusion of ICE officers inside the buildings of the Queens County Criminal Justice Court, where many migrant sex workers, including undocumented victims of trafficking, were trying to defend their cases (Fertig 2017). The impact of extreme bordering in NYC is also exemplified by the death of Yang Song, a 38 years old undocumented Chinese cis woman who fell to her death from a 4-story building during a sexual humanitarian anti-sex work raid, with only one session left before having her case closed in the Queens HTIC (Barry and Singer 2019).

In the US the SEXHUM project interviewed a total of 58 migrant and BIPOC sex workers and trafficked persons born in the US, or in Latin America, the Caribbean, Africa, or Asia including cisgender, transgender, and non-binary/gender-nonconforming people between the ages of 19–70 years old. 20 key informants were also interviewed in NYC and LA. A significant part of ethnographic fieldwork was undertaken in HTICs in NYC and in the anti-trafficking task forces in LA. The research team also conducted ethnographic fieldwork through the participation in sex worker, transgender, and migrant rights spaces and organizations, as well as by attending community-based social events, meetings, and political initiatives. Our research

complements previous studies that highlight how defendants are mostly legal age (18 years or older) US-born cisgender women of colour and Mandarin-speaking Chinese cisgender women arrested in raids on massage parlors (Ray and Caterine 2014; Yale GHJP 2018).

Only a handful of trans participants had experienced the HTICs. Our data confirm that the long drawn-out court processes and social service sessions are out of step with the material reality and priorities of sex workers, while they unveil how the (sexual) humanitarian ethos of HTICs is structurally embedded in the enforcement of anti-prostitution laws. In this context, as NYC Legal Aid attorney Leigh Latimer pointed out, transgender defendants experience “differential treatment” in the booking, arraignment, and dismissal process, and in accessing the HTICs. She explains: “Because of the over-policing in the trans community [they] might see the prior criminal records – for drugs and things – used against them a little more as opposed to cis gender women”. In LA, HTICs do not exist, but similar Law Enforcement Assisted Diversion (LEAD) programmes are overseen by the LA County Sheriff’s Department Human Trafficking Bureau. The cis-centric bias characterizing sexual humanitarian understanding of victimhood tends to undermine trans people’s recognition as victims of trafficking, thereby excluding them from a very important form of humanitarian protection (Fehrenbacher et al. 2020).

Many of our trans research participants explained that they resorted to sex work because they were excluded from mainstream legal forms of employment for being trans. At the same time, most were ambivalent regarding the opportunity of identifying themselves as victims of trafficking with authorities. This is both because when they report being victims of a crime, police tend to prioritize the prosecution of their sex work offenses, and because of the lack of targeted programmes responding to their complex needs and priorities, which mirrors research highlighting law enforcement refusal to file reports on the trafficking of LGBTQ persons (Boukli and Renz 2018). The experience of Claudia, a 38-year-old trans woman from Central America is emblematic of the abuse (from clients, exploiters and the police) many trans migrants endure for fear of being deported. In her own words:

The therapist I am seeing at the moment is at the XY Project of the XY Center. I am hoping that they help me and I like the sessions very much. We are talking about difficult issues about my life that I don’t want to talk about, as they are traumas from my previous life. Apart from what happened to me as a child, I was also abused here in the US. They drugged me in a disco and then they abused me. I did not denounce them for fear of being deported.

Claudia’s interview excerpt and overall experience show the crucial and positive difference made by sex worker-led, trans-specific projects, such as the one supporting her asylum case in NYC in addressing the gaps in health care. They also show the negative health consequences caused by the

forms of 'extreme bordering' framing sexual humanitarian, anti-trafficking interventions and by the criminalization of sex work, as well as the need for peer-led sex work projects to receive broader public health support and funding (Hoefinger et al. 2020).

Conclusion

Overall, the data and findings discussed in this article show that humanitarian problematizations of sexual behaviour play a strategic role in the deployment of increasingly repressive, racialized and extreme forms of bordering in neoliberal times. They demonstrate that there is a proportional relationship between the degree of racialization of migrant groups and their subjection to sexual humanitarian concerns, exclusionary controls and increasingly extreme bordering. Our findings show the intersectional role of sex-gendering in excluding racialized non-cis migrants from humanitarian and legal protection. Across our four national research settings we found shared patterns of racialization and cis-centric sex-gendering translating into differently exclusionary practices of extreme bordering targeting (and deporting) Asian (and, in France, Nigerian) cis- women as ideal 'passive' victims while excluding Latina trans women from humanitarian concerns and support.

The experiences of migrant sex workers analysed here show that the structurally racist coloniality of human rights (Maldonado-Torres 2017; Wynter 2003) and the limited degree of sexual humanitarian support they have provided to their target populations in times of relatively 'progressive' neoliberalism were further eroded by the political mainstreaming of right-wing extremism, leading to directly exclusionary anti-migration policies. In this worrying global context of rising authoritarian populism, increased xenophobia and neoliberal socio-economic polarization the sex industry acts as a "grey zone" (Yiftachel 2009) of informality and marginalization within which migrants can paradoxically both resist (or complement) increasingly exploitative forms of mainstream labour and encounter specific forms of exploitation.

Our findings strongly suggest that in order to respond to this paradoxical situation and enhance the possibility for migrants to find self-realization rather than exploitation and harm in the sex industry it is important to repeal all "repressive" and "restrictive" laws criminalizing or limiting both the sale and purchase of sexual services and to adopt instead an ethical and "integrative" approach that aims to "integrate the sex work sector into [the] societal, legal and institutional framework" (Östergren 2017, 15). More specifically, our comparative data and analysis demonstrate that there is an inversely proportional relationship between the degree of criminalization faced by migrant sex workers, including people in trafficking situations, and their ability to access justice and assert their rights and lives against increasingly extreme and racialized forms of bordering.

However, even in our most integrative research setting, NSW, where migrants on temporary visas can work legally in the sex industry, sexual humanitarian concerns translate in extreme racialized bordering interventions exposing Asian migrant cis women to deportation and repressing their agency when they work in unauthorized massage parlors, where they can negotiate sexual services more freely and make more money precisely because of the 'grey' and hidden nature of their sexual labour. In New Zealand, the convergence between the mainstreaming of right-wing anti-migrant rhetoric and the impossibility for migrants on temporary visas to work in the sex industry translated in the racialized and extreme bordering of Asian cis women, many of whom faced exploitation because their work was illegalized by Section 19 of the 2003 PRA.

In France the passing of the 2016 abolitionist law introduced a further degree of criminalization of sex work by proxy through the criminalization of clients and legitimized the extreme bordering of migrant groups by sexual humanitarian interventions according to racialized hierarchies of victimhood that did not translate in proportional entitlement to humanitarian and social support while exacerbating their social-economic vulnerability. Finally the US, where sex work is criminalized outright, was the research setting within which the translation between the mainstreaming of xenophobic anti-migrant discourse into extreme, harmful and racialized forms of bordering was most visible and recurrent, as well as being the context with the highest number of trafficking victims and cases of exploitation, including African American citizens. These considerations and our overall findings indicate that, given the scale of involvement of migrant sex workers in the sex industry worldwide, any policy and social intervention on sex work can only have a chance of succeeding if it also includes prospective and actual migrants' legal right to access the international labour market, which would reduce their exploitability by the people who facilitate their labour migration trajectories (Bravo 2009). The New Zealand and NSW case studies specifically demonstrate how decriminalization policies need to include all national as well as migrant sex workers regardless of their visa status, in order not to reproduce racialized and sex-gendered borders putting migrant workers at heightened risk of exploitation, violence and criminalization and curbing on their access to justice.

Notes

1. SEXHUM – Sexual Humanitarianism: understanding agency and exploitation in the global sex industry – ERC Consolidator Grant 2015–682451. More information about the SEXHUM project is available on its website: www.sexhum.org
2. The share for massage fees only is usually 40% for the worker and 60% for the shop. One hour of regular massage ranges from \$60 (\$25/\$35) to \$80 (\$35/\$45),

depending on the shop. Payments for extra sexual services are kept by the workers in full.

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