

Wanted Workers but Unwanted Mothers
Mobilizing Moral Claims on Migrant Care-Workers' Families in Israel

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Abstract

Literature on global care-work deals with biopolitical tensions between care markets and exclusionary migration regimes leading to the formation of transnational families. Nevertheless, it disregards how these tensions produce “illegal” families *within* countries of destination, catalyzing the mobilization of moral claims over their recognition in the local civil society. To fill this lacuna, the article looks at the interface between migration policies controlling the reproductive lives of migrant care-workers and the mobilization of ethical claims and moral constructions of care from below. Based on fieldwork in Israeli advocacy NGOs and the 2009 anti-deportation campaign, we suggest that the socio-legal position of migrant care-workers’ families in destination countries is shaped not only by state policies and market dynamics but also by the types of social mobilizations, ethical evaluations and pragmatic strategizing they spur in civil society. Findings show that while anti-deportation networks and NGOs advocacy succeeded to achieve public recognition over the reproductive needs and lives of care-workers, their forms of moral reasoning and strategizing reinforced definitions of care-workers as primarily workers and of their children as humanitarian exceptions to the non-immigration regime. We conclude by arguing that the transformative power of the politics of ethical claims from below in stringent ethno-national regimes like the Israeli, may be contingent on its not disrupting the tensions between wanted workers and unwanted families but rendering them manageable. As such, civil society’s social and moral agency broadens the range of actors and dynamics shaping the globalization of care as well as its contradictions.

Keywords: global care work, reproduction, biopolitics, ethical politics of care, illegal families

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In 2009, the Israeli Tribunal for Detention Review of Unlawful Residents published a decision about a migrant care-worker from the Philippines in the eighth month of her pregnancy. Until detained, the woman had been working lawfully in Israel for 3.5 years and living with the baby's father, a Philippine citizen working lawfully in Israel as well. The tribunal justified the verdict as follows:

According to the Interior Ministry's procedures, partners cannot work together in Israel. The detainee has a family unit to which a baby is about to join. Under these circumstances, in which the Interior Ministry will not give a work permit to the detainee, I don't see that there is cause to release her, even if the detainee states that she intends to send the baby to her country of origin. I am authorizing the detention order without changes (Quoted in Ben-Israel 2010).

The tribunal's decision upheld the Ministry of Interior's (MOI) pregnant foreign workers directive (PFWD) (MOI 2009), which revokes the work permits of migrant care-workers who become pregnant. Ironically, the verdict was issued at a time when a high-profile anti-deportation campaign waged by NGOs and grassroots social networks led the Israeli cabinet to approve a plan for naturalizing the children of undocumented migrants. This was the second time in the last decade that, following public outcry and pressure, the government decided to naturalize hundreds of undocumented children and regularize the status of their parents and siblings.

Israel's contradictory biopolitics regarding the rights of care and domestic workers¹ to have families and social mobilizations against the deportation of their children echo scenes taking place elsewhere. Indeed, in the last decade the precarious legal situation of migrants'

families and the crisis of migrants' children left in a legal limbo by immigration policies have gained unprecedented prominence in many of the world's wealthiest countries (Abrego 2006; Sigona and Hughes 2012). Nevertheless, most scholarship on the globalization of care migration assumes that migrant care-workers move mainly alone (Raghuram 2004:305) and focuses on the families left behind (Hondagneu-Sotelo and Avila 1997; Parreñas 2005; for a salient recent exception see, Constable 2014). Moreover, while underscoring how global markets of care collude with exclusionary migration policies to produce transnational families, most market and state centered studies disregard how biopolitical tensions between the reproductive labor of migrants and their reproductive bodies materialize *within* countries of destination, producing "illegal families," and catalyzing the mobilization of moral claims over their recognition within different sectors of the local civil society.

Based on an empirical analysis of the Israeli case, an ethnically defined nation-state relying on large numbers of migrant care-workers, the article looks at the interface between policies aimed at disciplining and controlling migrants and mobilizations in the civil society on their behalf. We draw on a two-year (2008-2010) ethnographic study of Israeli NGOs advocating for migrant workers' rights and the legalization campaign that took place in 2009 to address the following questions: How do actors in civil society mediate between the biopolitical contradictions shaping the position of migrant care-workers as wanted workers but unwanted mothers? What types of ethical reasoning and moral hierarchies do they invoke when mobilizing claims and how do these vary according to the socio-legal position of the migrant care-workers? What possibilities and limitations do these types of mobilizations have on the recognition of migrants' families and on migration policies in general?

To examine these questions, we expand structural and institutional analyses of global care migration to include recent scholarship that takes into account ethical claims and moral constructions of care mobilized "from below" as integral to the political economy and

governance of labor migration (Williams 2010a; Anderson and Shutes 2014). We contribute to the scholarship on global care migration by integrating two intersections that have been largely overlooked: between migration regimes and social mobilizations, and between the reproductive labor of migrant care-workers and their reproductive lives in host societies.

We introduce the notion of ethical politics of care to argue that the socio-legal position of migrant care-workers and their families in destination countries is shaped not only by state policies and market dynamics but also by the types of social mobilizations, ethical evaluations and pragmatic strategizing they spur in civil society. More broadly, by bringing civil society actors and dynamics into the analysis, we suggest to see the biopolitics of care migration not merely as a form of governance deployed from above but also developed out of moral interventions by social movements and activists and their compromises with hegemonic understandings of citizenship and belonging.

Section 1 of the article introduces recent scholarship on the ethical politics of those who mobilize on behalf of migrants, and highlights their contribution to state and market centered approaches to global care migration. After a methodological description (Section 2), we analyze the Israeli case study. Section 3 examines the migration policies shaping the fuzzy socio-legal position of migrant care-workers. Section 4 describes the no-family policies regulating migrant care-workers' reproductive lives. Section 5 analyzes how labor migration policies and no-family regulations intersect in shaping different contestation repertoires in civil society based on the care workers' socio-legal status. We conclude by discussing the contribution of the ethical politics perspective for casting light on the complex relations between the biopolitics of global care-workers and the mobilization of claims in civil society.

<A>The biopolitics of global care-work: The market, state and civil society

As a form of politics that fosters the regulation and disciplining of the productive and reproductive life of individuals and populations (bio) to secure the life of the political body (polis) (Foucault 2007:1), biopolitics is intimately linked to reproductive labor and cross-border mobility.² Although not explicit (see, though, Truong, Gasper and Handmaker 2014), the concern with biopolitics and its links to the reorganization of social reproduction across and within national citizenship regimes underlies much of the current research on global care-workers. Accordingly, this scholarship typically relies on perspectives that see them as a biopolitical *resource* in the framework of disciplinary global markets of care and/or an *object* of biopolitical regulatory interventions in the framework of migration and citizenship regimes.

“Global care chains” is the dominant theoretical approach used to explain the reorganization of markets of care across borders (Hochschild 2000). Rooted in the structural analysis of a new “gendered global economy” (Mills 2003), it emphasizes how restructuring processes taking place in both the global south and affluent economies lead to the creation of an unequal “international division of reproductive labor” (Parreñas 2000). This perspective underscores how the commodification of reproductive labor designed to insure the physical and emotional wellbeing of others intersects with geopolitical inequalities, the feminization of migration and racialized hierarchies, linking women from different nation states in an unequal yet interdependent relationship (Wong 1996; Hondagneu-Sotelo 2001).³

Conversely, state centered approaches underscore the impact of migration and citizenship regimes on the cross-border mobility of care-workers and their legal and employment situation in particular institutional contexts (Raghuram 2012). These studies emphasize how migration and welfare policies, ethno-national and racial imaginaries, and historical trajectories work in tandem with labor markets to accentuate the vulnerability of migrant care workers (Williams 2010a; Lutz 2011). They reveal how state policies and

discourses associate particular “alien” bodies with certain forms of demeaning work (Anderson 2000) and how the demand for global care workers is coupled with their simultaneous construction as a demographic and moral threat to the political body of the nation (Cheng 2003), or with their stigmatization as inferior housekeepers to justify their exclusion from citizenship rights (Glenn 2011). State centered approaches are thus crucial in demonstrating how global care-work reproduces not only transnational but also internal hierarchies where race, gender, class and citizenship intersect. More significantly for this paper, they show how the “dangerous” social and physical presence of migrant care-workers stands in tension with their instrumental value as labor, thus becoming the object of biopolitical interventions to save the integrity of the nation (Ong 2006).

Summarizing, market and state centered approaches highlight the dynamics and forces operating at the global, state and inter-personal level through which power fuses with the biological, emotional and social reproductive labor performed by migrant women taking care of others (Williams 2010a). Nevertheless, they seldom integrate a meso-level dimension of moral agency associated with the mobilization of claims, the production of meaning and the ethical reasoning that take place among collective actors in civil society as they grapple with the contradictions of migration policies. To fill this lacuna, we address the ethical turn in recent scholarship that integrates civil society actors and processes in the analysis of care-migration biopolitics. As we show in the following, integrating civil society dynamics is crucial for making sense of current struggles over migrants’ rights to family life in destination countries. As a social space where a wide array of social actors mobilize claims and contend over the normative meaning of a “good society” and its corollaries for distributive justice and recognition (Edwards 2009), civil society provides an empirical arena for examining whether moral evaluations of care migrants’ reproductive lives, in particularly of those defending their rights, affect hegemonic biopolitics of care-migration and if so, how.

** *From biopolitics to the ethical politics of care: Migrant care-workers' families***

In a recent analysis of the politics of care in Europe, Fiona Williams (2010b) argues for a political ethic of care that takes into account the sorts of claims for recognition and redistribution that emerge from above –from supranational organizations and national governments – and from below, that is from movements and organizations advocating for care-workers (p.2). According to her, despite bilateral agreements and international conventions, the recognition of the needs and rights of migrant care-workers represents the Achilles heel in the achievement of social justice claims mobilized from below (p.16).

Williams' shift of focus from the politics governing the distribution of care, their providers and recipients, to the ways in which contending interpretations of care - who should care, for whom, and why - are framed is indicative of a more general “ethical” turn in the political sociology and anthropology of migration. This turn is manifest in studies dealing with the different ways and social settings in which ethical evaluations of social inclusion, legality, and rights of migrants are produced and mobilized.

Sarah Willen (2014) shows, for example, how terminological debates in Israel about types of migrants and how they should be treated are embedded in local moral economies of value, collective memory, and affect that conflict with governmental categorizations. Moral reasoning and ethical choices on “deservingness” can be grounded in everyday interactions with migrants and enacted in solidarity campaigns in their defense (Laubenthal 2007; Anderson, Gibney and Paoletti 2011; Freedman 2011). Ethical evaluations can also be strategically crafted in professionalized settings such as humanitarian aid organizations arguing about which lives can be saved and why (Fassin 2007; Ticktin 2011), advocacy NGOs engaging in “legalizing” migrants by deconstructing the law (Coutin 2000), or through

the translation of international principles into vernacular languages of social justice (Piper 2003).

Whether emphasizing moral economies, social movements or the making of human rights and humanitarian discourses and practices, this scholarship shares a common interest in the ethical politics in which social actors engage while actively “caring” about migrants’ lives. The ethical politics of care for others’ lives, or what Didier Fassin (2007) succinctly calls, “politics of life,” is created when, in taking as their object the advocacy of certain causes, social actors debate about which existences can be legitimated and on what grounds, strategizing about how to defend human beings, and creating hierarchies of moral worth and inclusion in the polity.

The interest in the ethical articulations between politics and life runs counter to Foucault’s concept of biopolitics in several ways. First, contrary to Michel Foucault’s concept of biopolitics in which impersonal “living beings” are turned into populations and individuals through the deployment of power technologies, the ethical politics of care invokes moral reasoning and choices through which the physical and socio-legal presence of particular groups and individuals and their needs and rights are not a given but are processed through discourses, decisions and actions (Fassin 2009:48). Second, while Foucault’s notion of biopolitics underscores the disciplinary and regulatory power associated with the modern state’s “art of governing”, the ethical politics perspective emphasizes the ongoing negotiations of power in which social actors throughout society engage when dealing with governmental policies. In other words, while Foucauldian biopolitics centers on power over life, ethical analysis deals with politics as a form of moral action triggered by the presence and concrete needs of living people.

Evaluations of matters such as inclusion, deservingness and legality can best be examined at “points of collision” where moral choices and struggles are at stake (Willen

2014:3). Our study focuses on two such settings: professional NGOs advocating on behalf of migrants' rights in courts or among policy-makers, and anti-deportation campaigns led by more spontaneous social mobilizations in the public sphere. The points of collision are struggles over the recognition of migrant care-workers' rights to a family life. This focus might seem odd from the perspective of scholarship on the global migration of care-workers, which concentrates on transnational families. Most care-workers are recruited through temporary schemes that offer little or no prospects for long-term residence or naturalization, and create an underclass of low-wage workers who are usually expected to take-up residence in the employer's house (Bose 2006). This situation is exacerbated in explicitly non-immigration regimes such as Israel, where access to naturalization and family reunification is virtually closed to migrant care-workers (for similar cases in East-Asia and the Middle-East, see Lyons 2005 and Pande 2013 respectively).

Notwithstanding these obstacles, families are created, leading to tensions between the reproductive rights of migrants and the political prerogatives of receiving nations. Studies on the impact of restrictive policy reforms regarding family reunification (Lahav 1997; Cholewinsky 2002), the acquisition of residency rights for migrants' children (Bhabha 2009), and regularization and naturalization (Thym 2008; van Walsum 2009) document these tensions. They point to the re-positioning of migrants' families at the center of migration policy agendas in North-America and Europe as part of the internalization of migration control that increasingly targets the physical and socio-political presence of aliens within the country (Kofman 2004; Dauvergne 2007). As barriers to migration are internalized and deportability becomes a definitive way of dividing citizens from "strangers," they are liable to create conflicting views amongst citizens and between citizens and the state over the question of who deserves to be part of the community and why (Anderson, Gibney and Paoletti 2011).

This article analyzes the nature of these contestations. Based on our findings, we argue that civil society's moral reasoning and mobilization expose critical tensions between care markets and ethnic exclusivity, and call for their recognition and solution. NGOs in Israel overturned the PFWD that forbade the care-workers' pregnancy; activist networks prevented the deportation of migrants' children and brought about their naturalization. Nevertheless, both achievements also reinforced the definition of migrant mothers as primarily workers and of their children as humanitarian exceptions to the rule of non-immigration. Hence, we argue that by legitimizing the presence, needs, and lives of particular groups in particular situations, the success of the ethical politics of care may be contingent on its not disrupting the biopolitics that creates the problem but rendering it manageable.

<A>Background and methodology

Israel provides a strong case for probing the biopolitical tensions of global care-work. Although ideologically and institutionally defined as an immigration country only for Jews,⁴ since the 1990s the Israeli economy has relied increasingly on labor migrants in construction, agriculture and care services.⁵ In 2012, their share was estimated at 12% of the total labor force, 60% of them without permits. Over half of the official recruitments are female care-workers (OECD 2013, 53). Official discourses have described migrant care-workers as an "essential" pillar for the implementation of a national elder care program and at the same time, a threat to the ethnic boundaries of the nation (Kemp and Raijman 2008).

This article is part of a larger qualitative study on labor migration policies and NGOs advocating for migrants' rights in Israel. We rely on several databases: reports from the government and the Knesset Research and Information Center (KRIC); proceedings of the Knesset Committee for the Examination of the Foreign Workers Problem (KCFW) dealing

with care-workers and migrants' families, and NGO reports. As governmental no-family policies are scattered throughout the MOI's internal directives and ad-hoc decisions, we also use related reports on the matter from NGOs as well as court appeals and verdicts.

To explore the mobilization of moral reasoning and claims, we conducted fieldwork in the Hotline for Migrant Workers (HMW) and the Association for Civil Rights in Israel (ACRI), and in Israeli Children (IC), the activist network that played a central role in the 2009 anti-deportation campaign.⁶ We choose them because they are key actors advocating on migrant workers' legal status but also because of their counter-hegemonic position as human rights activists. One of the distinctive features of the Israeli citizenship and migration regime are explicit tensions between ethnic politics and the settlement of non-ethnic migrants.⁷ These tensions percolate into the institutional and public perceptions of organizations that advocate for migrant workers' human rights as "leftists" that threaten the Jewish and Zionist character of the state. Thus, although liberal human rights have been incorporated into Israel's Basic Laws and NGOs openly mobilize them in their litigation strategies and public campaigns, their activities have become part of longstanding socio-political struggles rooted in tensions between the "Jewish" and the "democratic" character of the state (Scheidlin 2015).⁸

Fieldwork included participant observations in the activist networks and NGOs' daily activities. We participated in strategizing meetings, volunteered in several activities, and attended seven demonstrations and protest events, and four of the Israeli parliamentary committee meetings dealing with legalization. We also conducted fifteen interviews with staff members and numerous informal conversations with activists. To gain insight into the rationales underlying the NGOs' litigation strategies in court, we interviewed three of the lawyers from the NGOs that submitted the landmark appeal against the PFWD.⁹ To complement the ethnographic data, we monitored regular and electronic media publications.

All of the sources and interviews were documented and analyzed thematically using the Atlas.ti software program.

<A>The Israeli care migration regime

The Israeli temporary care-migration regime is a mixed model: its institutional drivers and labor protections resemble West European models; its control and surveillance policies are closer to models in the Middle-East and East-Asia.¹⁰ Its origins date back to the implementation of the long-term care insurance program (LTC) in 1988 and, like in Europe, they are related to the privatization of public care-services (Williams 2010a). The LTC finances care services to seriously disabled, chronically ill, and/or elderly people living in the community, thus expanding the state's social security net and defining LTC as a universal entitlement. However, the LTC offers only a partial solution to the problems of the needy and their families because it fails to cover the full costs of in-home care. The "Filipino Plan," as it was evocatively called, created in 1995 (Liebelt 2011:27) allowed people to save up to 50% of the costs of care by hiring a migrant care-worker who provided round the clock help for only US \$800 monthly (Eckstein 2007). As is often the case elsewhere, 24-hour care is economically accessible to large segments of the population only by resorting to abusive employment practices (OECD 2011:237).

Care-work is the only sector for which there is no quota limit, so restrictive recruitment policies have not affected its continuous growth (Eckstein 2007). Thus, while the number of people entitled to LTC benefits grew by 60% between 1996 and 2002, permits allocated to foreign care-workers grew by more than 350% over the same period (Endoren 2004:25). The growth is less related to demographic trends than to the advantages for employers and brokerage agencies profiting from high – if illegal – mediation fees that range from US \$5,000 up to US \$13,000 (KavLaoved 2008).

** *Permit policies and employment regulations***

Permission to employ migrant care-workers in Israel is limited to home-care for the elderly and disabled (for similar cases in South-Europe, see Bettio, Simonazzi and Villa 2006).

Undocumented workers generally do housecleaning and child-care for which there are no permit policies. Most officially recruited women come from the Philippines, India, Nepal, Sri-Lanka and Bulgaria. Undocumented migrants come mainly from Eastern Europe, South-Asia, Africa and South-America. While most of them enter through the tourist loophole (Willen 2005), there is some overlap between the countries of origin of documented and undocumented migrants either because care-workers overstay their visas once they expire or because they leave their original employer to whom they are bound (Natan 2012a:13).

Like the personal patronage system found in care importer countries in the Middle-East and East-Asia (see, Calandruccio 2005 and Lyons 2005 respectively), employment and visa permits in Israel are allocated to employers to whom the workers are indentured.

“Binding” prevents the mobility of migrant workers between employers and allows latitude for abuse and exploitation. It also catalyzes the illegalization of workers, “run outs” in the local jargon (Bar-Zuri 2001), and the creation of a grey area of legal liminality wherein they move from one juridical status into another. This situation promotes the turnover of labor upon which the temporariness of the system and its economic profitability for recruitment agencies rely.

In 2006, the High Court of Justice (HCJ) declared binding a form of “modern slavery,” instructing authorities to reform the employment system (*KavLaOved et al. v. The State of Israel, 2006*). Even after the introduction of a milder version that allows caregivers to change agencies, migrant care-workers need a release letter from their employers, and visa portability is now also geographically restricted (OECD 2011:232). As it is rather easy to lose one’s permit, the lines between “legals” and “illegals” are blurry in the sense that the same

woman can move from one status to the other, fearing constantly from losing her papers and being deported. The major differences between legal and illegal status are in employment regulations and conditions.

Documented care-workers are covered by labor laws, however in a way that positions them in between paid and unpaid carework (Mundlak and Shamir 2008:166). The Israeli mandatory system of live-in employment facilitates state control through the household practices of Israeli employers; violating it may result in the revocation of the work permit (for a similar case, see Cheng 2003). The main issues that make care-workers vulnerable to exploitation are similar to those documented by the extensive scholarship on global care-work (Zimmerman, Litt and Bose 2006). According to a shadow report by an Israeli NGO, care-workers work under harsh conditions, do not enjoy the protection of Israeli labor laws due to lax state enforcement, are restricted in their ability to choose or change employers, and are made to work round-the-clock not only for the direct employer but also for the whole family without compensation (KavLaoved 2010:6).

Live-in care has become the largest and fastest growing sector reliant on foreigners, most of them women (OECD 2013:58). Given the advantages of the official system, employers with permits do not have clear incentives for preferring undocumented workers. Indeed, as we'll show next, the rules regulating the employment of documented care-workers place them ironically at a disadvantage compared to undocumented domestic workers in terms of working conditions, mobility, and social interactions. These affect differentially their ability to maintain a family life.

** *Legality and Illegality as a Social Position***

Being “legal” or “illegal” entails not only a legal status but also a social position and form of belonging affirmed in some aspects and denied in others (Menjivar 2006). Domestic workers

without permits live under constant risk of deportation and in precarious conditions characteristic of the “spaces of non-existence” allocated to persons that lack legal recognition (Coutin 2000). As elsewhere, illegality means “deportability” (Willen 2007). However, vulnerability to deportation varies based on the erratic implementation of deportation policies. Thus, while in 2002-2004 massive deportation campaigns terrorized undocumented migrants and broke up their communities (Kemp and Raiman 2008; Sabar 2008; Willen 2007), enforcement since has been considerably more lax and focused on those who overstay their work visas or on criminalized African asylum seekers, both of whom are easier to detect than women who entered the country without work permits (Natan 2012a:24-5).

Ironically, illegality in the Israeli context also means that migrant women are free to leave their employers if they are not satisfied and negotiate the terms of their employment (Kemp 2004; for similar cases, see Lan 2007; De Regt 2010). Moreover, they are caught between the contradictory public policy logics and bureaucracies most relevant for their reproductive life. For example, unlike documented care-workers, undocumented migrant women have to purchase their own private health insurance. Yet, they are entitled to reproductive health services such as labor and delivery at public hospitals covered by the National Insurance Institute if registered by an Israeli employer, subsidized prenatal care at municipality centers and full preventive medical services for babies until the age of 1-1.5, regardless of their parents’ legal status. These provisions include migrant women and their children within the pro-natalist Israeli welfare system despite the explicit no-family policy (Willen 2005). Furthermore, while migrant workers’ children are undocumented by virtue of their presence in Israel, they are entitled to medical coverage partly subsidized by the state and to compulsory free public education (Kemp and Rajman 2004:41). Thus, whether driven by public health logics protective of citizens or by residence-based definitions of entitlement,

these regulations include migrants lacking legal status in the Israeli social protection system in ways that acknowledge their reproductive life.

Illegality also means that the social position of undocumented workers is shaped by a wider variety of actors operating at different levels. For example, according to data from a municipal aid center for the migrant communities, the majority of their customers are single mothers from the Philippines, with over two years of tenure in the country, only 11% of them with legal status. These figures are, among other factors, the result of gendered deportation policies that created a large pool of single mothers with children by expelling men in hopes that women and children would follow (Mesila 2011). As undocumented migrants do not live in their employers' homes, they have more chances for interacting with Israeli citizens. Besides worksites, the main foci of interaction with Israelis are in schools in South Tel-Aviv, where most undocumented families live, and with volunteers working in schools such as Bialik-Rogozin where half of the students are migrant workers' children, or in youth movements such as the Zionist Scouts Movement, which created the Eitan troop for migrant children (<http://www.zofim.org.il/>).

Albeit partial and segmented, venues for the social integration of undocumented women accord them a social personhood anchored on everyday cooperation and interpersonal networks of solidarity. Conversely, possibilities for the social integration of live-in, documented care-workers are limited. Their employment conditions minimize their points of connection with the surrounding Israeli society (Liebelt 2011) and expose them to the constant surveillance of employers and employment agencies. Their ability to keep their children depends on either the employer's acquiescence not to report or fire them or losing their permits and going underground.

<A>No-family policies: Governmental biopolitics and care-workers' families

Israel's economic dependency on low-skilled migrant labor conflicts with its immigration policies for non-ethnics. Israel's immigration policies have two main features, the first of which is an ethno-national definition of citizenship based on *jus-sanguinis*. The Law of Return (1950) is the legal embodiment of this idea, creating a legal definition of the right of return for Jews and their relatives (up to the third generation) and granting Israeli citizenship immediately upon immigration. Second, the Israeli regime is highly exclusionary towards non-ethnic immigrants and has not formulated a comprehensive immigration law or policies for their incorporation. Incorporating non-ethnic migrants is perceived as disruptive of the ethno-demographic balance of the population and a potential threat to the Jewish definition of state and society.

Nevertheless, the growing influx of non-ethnic immigrants during the 1990s, either in the form of non-Jewish relatives of immigrants from the former Soviet Union who entered Israel under the Law of Return or family reunification of Palestinians from the occupied territories with Arab Israeli citizens, or in the form of labor migrations, resulted in the gradual formulation of ad-hoc measures aimed at regulating the new situation. These measures include a host of procedures that have constantly changed and differentiate between categories of non-citizens according to the state's interests and prerogatives, ad-hoc decisions that depend on the MOI's discretion, and unpublished directives from it. As Alon,¹¹ an ACRI lawyer, explained to us, "The MOI managed its policy in the dark, and no one really knew the criteria, nothing was written down."¹²

Concerning migrant workers, specific procedures were designed to prevent claims for permanent status on grounds of the length of stay in Israel. This regulation is especially relevant for migrant care-workers who can remain up to 63 months in Israel or as long as their employers need them but are not entitled to resident status. In addition, policies that aim to prevent the formation of families among migrant workers include issuing work visas only

to migrants who do not have a first-degree family member working in Israel or requiring that one of the partners of migrant couples leave the country (Ben-Israel and Feller 2006).

However, the no-family policies and the limited to nil channels for the acquisition of Israeli citizenship have not prevented the creation of families among migrant workers, nor the state's obligation to recognize their children's basic social rights such as education and healthcare (Kemp and Rajjman 2004). Children embody the paradox of the legal status of migrant care-workers. Children are born either to documented care-workers who then lose their permits due to maternity, or to undocumented domestic workers. Thus, in principle most if not all migrant workers' children have undocumented parents by the very act of being in Israel. Moreover, as the *jus-soli* rule does not apply to them, children born in Israel have the same legal status as their parents and at the time of birth are assigned a random identification number in the hospital that is of no use in other state agencies. This practice results in the bureaucratic "dispersal" of children's registration with schools, hospitals and welfare agencies, each of which assigns them a different I.D. number according to their needs.

Estimates on the number of children, ranging from 1,500 to several thousands, are speculative and open to political manipulation. Official reports resort to childbirth as proxy for families, but the numbers refer to a variety of non-Israeli women who are not necessarily migrant workers (Natan 2010:3). According to data from Tel-Aviv, where most migrant families live, in 2012, 1,626 minors with foreign passports were registered in the school system (Natan 2012b).

Summarizing, state policies and employment mechanisms create different biopolitical trade-offs for migrant care-workers regarding their reproductive life. When documented, they are protected by labor laws, albeit in ways that enhance the control of the state and their employers over their reproductive life. When undocumented, they run the risk of deportation but are exempted from direct state and market control (see also Lan 2007). Thus, under

certain conditions, migrant women might go undocumented to be able to keep their families (Shamir 2010). These biopolitical trade-offs shape the ethical claims that civil society actors use to contest no-family policies, the venues through which these can be advanced, and the transformative power of the politics of care.

<A> Ethical politics of care: Mobilizing moral claims about migrant care-workers' families

No-families policies have been contested in different settings. Based on fieldwork in NGOs and the anti-deportation campaign in 2009, we identified two main forms of mobilizing moral reasoning for the recognition of care-workers' families. The first, takes place when NGOs deconstruct the law, meaning they leverage inconsistencies between the law on the books and in action (Coutin 2000:99). The second occurred in legalization campaigns that rely on claims about the meaning of Israeli identity and the boundaries of belonging rather than debates over the content and boundaries of the law itself.

** *Deconstructing the law: From mothers to worker.***

In their official claims, ACRI and HMW demand extending the right to family life to migrant workers (The TAU Program for Law and Welfare et al. 2009). Their demands draw on the moral and legal clout of human rights principles recognized by Israeli law and on international conventions.¹³ However, in practice, the ongoing struggle for legal status usually refers to the content of the procedural bureaucracy of the MOI.

According to Alon, although procedures defined by flexible criteria are supposed to be the basis of the normative legal pyramid, “in the MOI, everything works the other way around.” In informal conversations, staff members in ACRI and HMW told us repeatedly that procedures that contradict the court rulings and policy declarations often come as a surprise

and are part of the state's regular, deliberate method of blocking any progress on legal reform and thwarting their advocacy work. In this context, NGOs constantly face situations in which MOI clerks freely interpret regulations or make decisions that contradict previous court rulings.¹⁴ Moreover, in considering how to frame their appeals against no-family policies, NGOs must always evaluate what framings will be successful in court. For example, throughout the years, the NGOs' staff was frustrated to learn that the courts systematically rejected appeals for residence from migrants' children who had reached adulthood and risked deportation.¹⁵

Within this endless circle, their advocacy work involves amending procedures or appealing to courts in ways that do not engage directly with the migrants' rights to residence or family life. The dynamics of litigation through avoidance and trying to outsmart the MOI through the deconstruction of the law were evident in the landmark case against the PFWD. The PFWD was an internal directive unknown to NGOs. When we asked how they learned about it, Yariv, an NGO worker, explained that it was by chance when they noticed a sudden increase in the number of care-workers giving birth at home rather than in hospitals.¹⁶ According to the lawsuit challenging the PFWD, up until 2004, there was no evidence of such a directive (*KavLaOved and Others v. The Ministry of Interior 2011*). In 2005, a coalition of NGOs appealed against the PFWD to the HCJ.

The petition presented the story of Jenny, a care-worker from the Philippines.¹⁷ As is customary, Jenny had to undergo a compulsory pregnancy test before arrival in Israel. While in Israel, Jenny became pregnant with her partner, a migrant worker from Thailand. Two weeks after her baby was born, the MOI informed her that according to existing regulations, she would lose her work permit and be allowed to receive only a tourist visa valid for 12 weeks from the day she gave birth. At that point she would have to choose to

leave the country with the baby or send her child abroad and keep her legal status. After bitter hesitation, Jenny decided to send her newborn child to her family in the Philippines.

In defending the PDFW, the MOI representative explained the ministry's dilemma:

Our guiding principle is that the migrant woman cannot raise her family here [...]

Now I'll tell you what our dilemma is [...] whether we should leave the migrant

worker here raising her family, letting her children adapt even though they will get no

status here, and then in five, six, seven years get them out of the country... this is a

real tough decision for us and for the worker. Or should we get them out right after

the baby is born? I think that the latter is the right and more humane decision (KCFW

November 3, 2004).

Moreover, the MOI official hastened to justify the directive by presenting it as part of the contractual relations between invited foreign workers and host societies: "The foreign worker who comes here knows that this is the condition; she knows, and she signs her name to it" (ibid).

Rami, the lawyer that lead the case in court, told us that, based on past experience, they anticipated that grounding the appeal solely on the right to a family life would result in defeat. Therefore, they were careful to base their case on three principles: care-workers being lawfully employed, the violation of the Women's Labor Law and the 1998 Equal Opportunity in Employment Law, and the violation of the proportionality principle between the public's interest and the protection of migrant workers' rights. Moreover, they took the extra precaution of demanding only the extension of her visa and recognition of her entitlement to full maternity leave in accordance with the labor laws. The NGO coalition reasoned that if the MOI refused, they would have grounds to appeal court claiming that Jenny's labor rights as a female worker had been violated.¹⁸ The legal strategy succeeded, and labor rights became the

main framing for claiming the rights of documented migrant care-workers to keep their newborn children.

Such framing stems from the discursive opportunity space shaped by the state's staunch position against immigration and the court's hitherto explicit or implicit acquiescence of it. NGOs' previous demands for the legalization of care-workers and their families on grounds of the constitutional right to family life, their economic contribution and their long term residence did not find a positive response in the courts, which saw them as interfering with the state's sovereign prerogatives over migration policies.¹⁹ In April 2011, the HCJ banned the PFWD, asserting that:

[It] forces upon her a choice between two evils [...] between continued employment while realizing her legitimate financial expectations, and realizing her right to motherhood. Constructing the alternatives in such a way is, first and foremost, a violation of the foreign workers' right to parenthood (*KavLaoved and others v. The Ministry of Interior* 2011)

Nevertheless, while the case was won in court, the no-family principle remained (*KavLaoved* 2013). The protection of Jenny's right to parenthood in Israel was made contingent on her legal persona as a female worker. In its ruling the court instructed the MOI to design a new procedure that would ensure that the migrant care-worker left the country with her baby upon the termination of her work and made the renewal of the work permit contingent upon the care-worker's proven ability to combine the care of her child with the care of the employer.

Significantly, while the rights of migrant care-workers to gender equality in employment were recognized, both the court ruling and the framing of the appeal reinforced the principle, central to governmental biopolitics that conditions the reproductive rights of the migrant care-worker on her productive value as labor. As a result, care-workers must now

juggle the round-the-clock requirements of their employers and their children's needs, and are also required to obtain their employers' consent to allow them to live with their child in their home (KavLaoved 2013). It is not surprising, therefore, that very few women end up staying with their babies and completing their permitted duration of employment as the revised procedure allows. However, now this decision is not mandated by policies but framed as a matter of individual "choice."

** *Legalization campaigns: From mothers to children***

Governmental biopolitics over documented care-workers' reproductive rights were repealed in courts by cause lawyers invoking legal principles. In contrast, legalization campaigns were carried out publicly by a variety of civic networks, shifted from care-workers' rights to their children, and were based on claims of cultural assimilation and social belonging. The move from claims about the reproductive rights of adult migrants to their children was crucial not only for gaining support from a broad range of citizens across the ideological spectrum, but also for de-politicizing the issue through its "humanitarianization" (see also Freedman 2011).

The situation of the children became public following the 2002-2004 deportation campaigns that targeted undocumented migrants with families for the first time (Kemp 2007). Since the mid-1990s, politicians in office attempted to arouse a "moral panic" about the demographic threat posed by unwanted mothers. As the Minister of Interior, who was responsible for the growing numbers of permits issued to migrant workers, explained, "They [undocumented migrants] have to be deported before they make children" (Yishay 2009). Nevertheless, despite such declarations, there was a tacit understanding that women and children would not be deported.

The situation changed in 2002, when the Immigration Police announced that it would deport families. This declaration drove NGOs to re-focus their activities on lobbying

campaigns among policy-makers, which eventually resulted in a government decision in 2005 (Israel 2005) to legalize 562 families of the 862 requests that were filed (Natan 2012b: 2). According to the decision, children who met carefully drafted criteria were granted permanent residence and citizenship upon enlisting in the Israeli army, and their relatives were granted temporary residence that would eventually turn into permanent residence.²⁰ The decision was defined as a one-time temporary arrangement that did not change governmental policies (Kemp 2007).

Threats to deport children and families recurred in 2009 when the head of the new Israeli Population, Immigration and Border Authority (PIBA) announced an operation for deporting undocumented migrants. He made it clear that, unlike previous deportation operations, they would detain and deport migrants with families: “Once we detain adults they will have to take the children with them. The children do not protect the parents” (Wurgaft 2009). This declaration signaled the beginning of an unprecedented public campaign for granting legal status to the children and their families.

Drawing on fieldwork at the time of the campaign, we singled out three major components of these efforts: constituency, public visibility and non-partisan consensus, and the ethical frames invoked. These components underscore the types of moral reasoning, strategic representations, and hierarchies of worth that were the basis of civil society’s politics of life and also their limitations.

<C>*Constituency.*

The anti-deportation campaign crystallized during the summer of 2009 and lasted until December 2010. From the moment the NGOs heard about the plan to deport undocumented migrants as of July 1st, they began organizing against it. NGOs’ staff members reached out to migrants in community gatherings, most prominently during religious ceremonies in churches, to inform them about future deportation plans. However, the key actors in the anti-

deportation campaign were independent activists who had a prior connection with migrant families.

Activists gradually created a network called Israeli Children, which also included migrants themselves. Inbar, one of its organizers, arrived from long-term work with mothers and children at the municipal Mesila. Neta, who was familiar with migrants' families from her prior volunteer work at Physicians for Human Rights, said that one of her biggest fears in front of the deportation plans was her "post-trauma" after the 2003-2004 massive deportations when people whom she knew "disappeared." She also mentioned that living in south Tel-Aviv she witnessed arrests of migrants and felt she could not be a bystander.

Migrants whose families received legal status in 2005 and could now risk standing beside undocumented fellows were also active participants. Bridget, a Philippine migrant whose child received legal status, said that she was called to join the campaign through her volunteer work with undocumented families in Mesila's Moms' Committee. Although she was afraid to "be exposed and lose her privacy," she explained that she wanted to help other mothers whose situation she knew well.

Initially, supporters included youth leaders and educators working with migrants' children, and students, artists and public figures involved with migrant communities through volunteer projects. They stood alongside migrant mothers and their children in the front lines of the demonstrations holding signs in English, Hebrew and Spanish saying: "Let our children be" or "No child is illegal" (Ilani 2009). Relations anchored in everyday interactions with migrants and sentiments of moral shock and indignation constitute powerful drivers for mobilizing supporters regardless of their ideological inclinations (Freedman 2011). As the campaign developed, their supporters grew numerically – the largest demonstration comprised between 8,000-10,000 people – and in diversity. This depended to a large extent on how the campaign was strategized.

<C> *Strategizing the public representation of the families.*

From the outset, activists debated about the wisdom of challenging the principles of the no-family policy or seeking broader public consensus. Ultimately, the latter prevailed. IC decided to concentrate on children rather than parents and accord them visibility. Previous studies show that focusing on a vulnerable group such as children is crucial for campaigns aiming to garner wider public support (O'Dell 2008; Freedman 2011). To accomplish this goal, the IC activists hung thousands of colorful posters all over the city, each of them carrying a picture of a child designated for deportation and the word "Deported." Inbar explained the idea behind it:

...a poster of a child seen by every person in this cafe creates a buzz...there's a photo here of a child suddenly showing you their face. "They deport children," that's a very remote image...and that's why, instead of them being just numbers, you get to see their faces and understand what's going to happen to them.

Recruiting the media was crucial for the success of the campaign despite the danger of exposing the children eligible for deportation. At first, the activists were the ones who called the reporters, but as Inbar explained:

...at a certain point there was a change. When they came and took pictures of the children at school, suddenly an argument started of who knows more of Bialik's poems [Israel's national poet, Authors]...the reporters were shocked ...and from that moment on, my cell phone bill increased to three thousands NIS per month, just for talking with reporters...

Throughout the campaign the media actively participated in mediating the children's story. Nationwide newspapers followed and published new developments. Reporters maintained close contact with the campaign organizers and were called by activists to cover the raids and arrests of the migrants both as a means of deterring the inspectors and shaming them. Children standing in front of the cameras and telling their personal stories became a

common feature of the media coverage, and activists who knew the families personally carefully guided them in speaking publicly. According to Bridget, raising the profile of candidates for deportation helped “Israelis understand the life of migrant workers here and their experience and what it really means to have children born here, deported.”

Winning the support of politicians from various political parties was another way of strategizing the representation of the cause. Given that IC consisted of activists with a broad spectrum of political identifications, they disagreed about the desirable boundaries of consensus. From Inbar’s perspective:

...many of our activists, they come back from a demonstration against the Wall [the wall separating Israel from the Palestinian Authority, Authors] and go to an anti-deportation demonstration. And for me this was the greatest danger to the struggle. From the beginning I made it clear that we are not a radical left-wing organization, that although this is a political question on a policy issue, it is not partisan... the radical left automatically creates antagonism.

Disagreements were generally resolved by strategizing the campaign as non-partisan on behalf of the children. Activists with more radical left-wing identifications did not express their views in official IC statements but rather individually or in personal blogs and social media. The primary lobbying goal was to recruit politicians in office and public figures to support the struggle publicly. According to Inbar:

...I had two people I decided I wanted to reach from the first day of the struggle who are high in consensus...the Minister of Education and the President. I personally turned to the President, which was quite a success, because he wrote a letter calling on the Prime Minister to abort the deportation.

As consensus and media exposure grew around the children, so did the circle of supporters from across the political spectrum. At the same time, HMW’s staff lobbied

ceaselessly in the Knesset: they called for emergency sessions, filed legal motions with Knesset members, and invited migrants and their children to the Knesset sessions. Since the debate concerned deporting children, the first session took place in the Children's Rights Committee rather than in the usual KCFW. The Committee was headed by a right-wing coalition Knesset member (Likud) who, together with a Knesset member from the left (Meretz), later filed a private motion against detaining children (Bengal and Greenberg 2009). The proposal was written with the help of lawyers from HMW and ACRI. The Minister of Education at the time (Likud) also filed a motion against deporting children and for creating orderly criteria for granting legal status. Michal, from HMW, explained that the politicians who joined the struggle understood that their support did not require a more principled political stance on Israel's labor migration policies and that therefore, they will not pay an electoral price for their support. She pointed to the process in which most of the government's ministers took stands against the deportation, which were weakly linked to their positions regarding migration and matters of citizenship. "It became the consensus," she explained, "and no one wants to stay outside the circle."²¹ However, attempts at achieving consensus across the board also shaped the framing of claims about the legitimacy of the children.

<C> *Framing claims: From rights to belonging.*

Framing claims reveals the content of moral reasoning - what principles are justifiable and on what moral grounds – and the process, because the framing of claims changes as the struggle progresses (Benford and Snow 2000). From the beginning IC stressed the fact that children "were born here and are Israeli," arguing that deportation would drive them into "cultural and social exile" (Israeli Children 2009). This reasoning was based to a great extent on the manner in which the children themselves presented their desire to remain in Israel. For example, a seven-year-old whose parents came from Colombia said: "All my friends are

Israeli and I live in Tel Aviv...I also do not speak any other language, only Hebrew.” Similar claims about the center of one’s life as grounds for legalization had proved unsuccessful in the past when advanced in courts on behalf of adult caretakers (Yachot 2011), but they seemed to work in relation to their children.

However, the activists and veteran NGOs who participated in the anti-deportation coalition also tried to establish a broader framing, linking claims about “cultural belonging” with demands for a “just migration policy” and putting an end to the exploitative “revolving door” of recruitment-deportation that creates illegality (Israeli Children 2009). Some activists feared that invoking notions of “justice” and “immigration” would backfire and that third parties would change their meaning as they saw fit. This concern was justified.

For example, in advocating for a “just migration policy” a well-known publicist differentiated between the moral obligation owed to migrants’ children and the “immoral” demand of “bogus African refugees” migrating for “economic reasons” (Haber 2009). Others criticized the activists as hypocrites for opposing the deportation of non-Jews while not objecting in the past to the “deportation of Jews from Gush Katif” (the dismantling of Jewish settlements in the Gaza Strip in 2005) (Feiglin 2010). In response, the activists coined the slogan “Jews do not deport children,” a paraphrase of Gush Katif’s slogan “Jews do not deport Jews.”

As the campaign evolved, claims about “justice” slowly dropped away, and the frame of “cultural belonging” prevailed in the wider circles of supporters. On one hand, this framing narrowed the principled demands for overhauling the policy about migration. On the other hand, it allowed for new interpretations of the legitimate grounds for belonging and ultimately, for what it means to be Israeli. For example, President Shimon Peres sent a public letter to the Minister of Interior and the Prime Minister maintaining that the children belonged in Israel and emphasizing the children’s “deep connection and love for Israel and

their desire [...] to serve in its army” (Ynet 2009). Conversely, petitions and declarations by educators, physicians, lawyers and social workers’ associations emphasized their own Jewish and democratic principles based on the tradition of the humane treatment of foreigners, justice and charity, and the biblical command for Israel to serve as “a light unto the nations” as the basis for caring about the children (Barnovsky 2009a).

The demonstrators also invoked frames related to the history of the Jewish people and their moral obligation to the foreigner, holding placards that read: “Our parents too came here as refugees” or “We are all immigrants.” Another common claim was based on the “lessons of the Holocaust,” whose meaning in the Israeli context is multivalent. It can be invoked as a particularistic claim to preserve Israel as a refuge of and for the Jewish people, but also as a universal lesson against racism and xenophobia. Activists and sympathizers with the campaign such as the association of Holocaust Survivors in Israel stressed the latter, arguing that the Jewish people must stand up against deportation (Barnovsky 2009b).

As a result, the campaign spiraled from a campaign to “protect the children” from immigration policies into a tribal debate about belonging, enhancing on one hand internal social divisions over the meaning of Israeliness while simultaneously re-affirming its ethno-national boundaries.

** *The accomplishments and prices of the ethical politics of care***

Advocacy for migrant care-workers’ reproductive rights and the anti-deportation campaign demonstrate that the social dynamics of the ethical politics of care goes beyond perceptions of biopolitics as a technology of governance into the realm of values, meaning and the exercise of moral judgment (Fassin 2009). They also illustrate the points of friction between the state and society and within society about the needs and rights of migrants, not only as care-providers but also as care-receivers (Williams 2010b).

Nevertheless, as our analysis in the previous sections showed, the power of “caring” for others’ lives as constitutive of politics is not unconditional. First, appeals to recognize the human lives and needs of migrants’ families are deeply influenced by how state policies and regulations shape the migrant care-workers’ socio-legal position within society.

The slippage from “mothers” to “workers” in the NGOs’ litigation strategies and from “mothers” to “children” in the anti-deportation campaign, is not accidental. The reproductive rights of migrant care-workers with documents conflict with both the ethno-national regime and the cost-effective interests of employers in having a 24/7 worker taking care of their needs. Therefore, strategizing their rights as invited “workers” in courts is often the sole recourse, also if not warranted, that NGOs may have for voicing their claims.

Conversely, advocating on the results of no-family policies, namely, undocumented children, opens up for a different set of ethical concerns and venues for mobilization (Sigona and Hughes 2012). As children form a main point of contact between undocumented families and the larger community, mobilizations tend to be catalyzed by personal acquaintance with individual cases, specially when confronting concrete acts of exclusion. Moreover, as “ideal” vulnerable subjects, emotional calls for protecting children are likely to garner wider public support for humane solutions. Yet, while individualized and consensus-based mobilizations may prevent particular acts of deportation, they often result in the depolitization of the factors leading to them (Freeman 2011).

Second, strategizing over which moral claims are justifiable and which are not, might result in a politics of consensus that silences challenging voices. Calling for the legalization of a limited number of children who are not held responsible for their parents’ deeds is defensible, meaningful, consensual, whereas demanding a just immigration policy that does not create undocumented families, is not. As such, even when contentious, anti-deportation campaigns may bolster the state biopolitical power over migration (Nyers 2003).

Third, the ethical politics of care generates hierarchies of moral deservedness and inclusion in the polity. On one hand, raising the profile of the children and framing demands in terms of their being Israeli created public pressure that resulted in a legalization arrangement. However, on the other hand, it also considerably narrowed the meaning of Israeliness to hegemonic understandings of it. Based on “humanitarian” and “Zionist” arguments, on August 1, 2010, the government announced a one-time decision (Israel 2010) granting legal status to children who meet several criteria.²² Since this decision, 636 applications were filed by families; as of 2013, 259 were accepted, 60 rejected and the rest are still in processing (ACRI 2014). Children who did not meet the criteria became deportable.²³ For the NGOs and IC activists, the arrangement not only excluded those who did not meet the criteria but its justifications also reinforced the perception of migrants’ children as humanitarian exceptions from the non-immigration regime. Meanwhile, IC formalized as an NGO and continues advocating for the needs of children whose situation has not been regularized and for new deportable children. As Alon from ACRI succinctly summarized: “As long as there are migrants, there would be illegal children.”²⁴

<A> Conclusions

Scholarship on global care migration highlights how markets of care work in tandem with exclusionary migration regimes to produce transnational families. Current public concern with the plight of migrants’ unwanted families and “illegal” children in affluent destinations countries, point nonetheless at the connections between care-markets pulling wanted workers and migration regimes pushing their families to illegality.

State and market centered accounts of global care-work have largely overlooked these frictions between policies aimed at disciplining and controlling the families of migrants and social mobilizations striving for their recognition. To fill this lacuna, the article draws on

recent scholarship on the mobilization of ethical claims and moral constructions of care-migration from below (Williams 2010b; Anderson and Shutes 2014). We introduced the notion of ethical politics of care (Williams 2010b) to suggest that the biopolitics that regulates and disciplines caregivers' reproductive life can also be conducive to social contestations invoking the power of biological and social life over governmental power (Fassin 2007:2009). As an ethnic migration regime, Israel provides a good case for exploring both the biopolitical contradictions of care migration policies and the social mobilizations that raise public awareness on the situation of unwanted families, calling upon the state to offer solutions. Similar contradictions have emerged in more liberal and classic immigration countries in North-America and Europe, leading to heated debates regarding migration, birthrights, citizenship and belonging (Abrego 2006; Sigona and Hughes 2012). Yet, the plight of migrants' families "born out of place" is particular acute in places such as Hong Kong (Constable 2014), Singapore (Lyons 2007), and the Gulf countries (Pande 2013) that, like Israel, strive to run extensive guest-worker programs while keeping intact the "bright" ethnic boundaries that exclude foreigners. In these contexts, debates over who should care for whom and why, have only recently began.

Following Fiona Williams'(2010b) argument that a holistic understanding of the current politics of global care should take into account ethical claims on the needs and rights of migrant care-workers mobilized from below (p.16), we aimed to contribute to scholarly and public debates in several ways. First, by intersecting migration regimes with social mobilizations, we broaden the range of actors, dynamics and contradictions shaping the globalization of care. More generally, by integrating a meso-level dimension of agency associated with contentious mobilizations in civil society, we shift the analytical focus from politics as a form of governance to politics as a form of ethical reasoning and negotiation of meaning; from the economic value of care to local moral economies and understandings

about who should care and why; and from a politics *over* the reproductive lives of migrants to contending evaluations of reproductive life as a *source* of politics.

Second, we also contribute to scholarship on the politics of ethical claims regarding the lives of migrants. As we showed, while the ethical politics of care reveals critical tensions between global care-markets and ethnic policies, its transformative power is contingent and constrained. Rather than assuming that this type of politics empowers otherwise abject subjects (Nyers 2003) or constitutes a whimsical and disciplining “gift of the strong” (for this critique, see Ticktin 2011), we proposed a close examination of its strategic value within a particular framework of set conditions. Thus, in examining how the reliance on care-workers and no-families policies creates a space for ethical concerns in activist networks and NGOs, we also paid attention to different biopolitical “trade-offs” offered to migrant care-workers according to their socio-legal status. These shape the repertoires of contestation and moral strategizing available to civil society actors, the venues through which these can be advanced, and ultimately, the “trade-offs” of the politics of care itself as a means for dealing with the contradictions of care-work migration.

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¹ Hereafter we use the generic term of migrant care-workers or global care-workers to refer to different types of reproductive workers. In Israel, work visas are restricted to the nursing care of the elderly and disabled, therefore when referring to the Israeli case we use the term “care-workers” and “domestic workers” to differentiate between documented and undocumented migrant women respectively.

² Reproductive labor encompasses the biological reproduction of human beings (sexual labour), the maintenance of individuals through their life cycle (physical and emotional care labour) and systemic reproduction (education, social bonds and ties) to enable the social system to be sustained (Glenn 1992).

³ Still stressing market dynamics, agency based approaches focus on employers-workers relations as a site of resistance to and negotiation of abusive relations structured around gender, class and race inequalities (Romero 1992; Constable 1997; Lan 2006).

⁴ This does not mean that Israel is a homogenous society. Israeli society is largely made up of a heterogeneous Jewish majority of immigrants originating from Europe, North Africa, the Middle East and Ethiopia and their descendants as well as a large indigenous minority of Arab citizens.

⁵ Labor migrants in the construction and agriculture sector were recruited to replace Palestinian commuter workers from the West Bank and Gaza Strip following the 1987 Palestinian uprising (intifadah) against the Israeli occupation and the deterioration of the security situation at the beginning of the 1990s

⁶ HMW was established in 1999 and deals mostly with migrants who have lost their legal status or are in danger of deportation. It is run by professional staff and fieldwork volunteers. Established in 1972, ACRI is the largest umbrella HR organization in Israel. It focuses on judicial action and public advocacy, and since the 1990s has dealt with issues related to migrant workers’ legal status. Finally, IC was established as a network movement in 2009

during the anti-deportation struggle and involves Israeli and migrant worker volunteers.

Today it is officially registered and functions under ACRI.

⁷ As a self-defined ethnic-democracy, the Israeli political regime keeps a fragile balance between liberal and ethnic principles (Smootha 2002). Nonetheless, its immigration regime situates it closer to ethnic republics like Japan and formerly West Germany (Zolberg 2000). Regarding labor migration, the Israeli regime is closer to countries in the Middle East and Asia (such as Singapore, South Korea, and Taiwan), that enact targeted temporary migration schemes while simultaneously running highly exclusionary immigration policies designed to actively control the ethnic and racial composition of the population (Yeoh et al. 1999; Kemp 2010).

⁸ Research on migrant care-workers in Israel has paid attention to tensions between gendered migration policies and ethnic exclusivity (Rajman, Schammah-Gesser and Kemp 2003; Liebelt 2011; Mundlak and Shamir 2008; Shamir 2010; Willen 2007) but not to intersections between the care migration regime, migrant women's legal status, and mobilizations in civil society. For two partial exceptions, see Willen (2005) and Mundlak (2007).

⁹ Access to the field was facilitated by our previous acquaintance and collaboration with NGOs advocating for migrant workers both as longtime researchers of labor migration (in the case of Kemp) and participants in labor migrants' rights activism (in both cases). Our informants include lawyers, hired professional staff, volunteers, and activists, most of whom are highly educated and well informed on the situation of migrant workers locally and worldwide. Nevertheless, given the structured inequality of the researcher-participant relationship, we adopted a critical ethnography approach which integrates fieldwork and theoretical critiques with activism. We participated as volunteers while openly discussing our study with the participant groups to receive their critical opinions as well as to offer them field data that could be useful for them. Moreover, when we accompanied the activists to

public forums, we presented our affiliation with the NGOs as volunteers, but refrained from representing them or making claims on their behalf.

¹⁰ For a cross-national comparison of the role of immigration regimes in shaping familial care provision and markets of in-home care in Israel and “traditional” liberal settler societies in the US and Australia, see Shamir 2010. Despite similarities in the commodification and vulnerability of migrant care-workers across immigration regimes, the Israeli case is distinct in that it enacts a targeted temporary scheme that actively recruits care workers for prolonged periods of time while officially foreclosing all channels for their settlement and regularization.

¹¹ Heretofore we use pseudonyms.

¹² Interview by authors, ACRI, Tel-Aviv, January 15, 2009

¹³ Israel has not joined the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, www2.ohchr.org/english/bodies/cmw/cmw.htm.

¹⁴ Interview by authors, ACRI, Tel-Aviv, January 15, 2009. For example, legal struggles of non-Jews living with their Jewish partners as common-law couples endlessly recur, even after the organizations succeeded in changing MOI’s directives. See: Adallah v. Ministry of Interior, 2006. See also the case of Erlina, a Philippine citizen whose Israeli partner passed away (Viler-Polak, 2009).

¹⁵ Phone interview by authors, ACRI, Tel-Aviv, November 15, 2008. See also in the blog run by two ACRI and HMW lawyers, Laissez Passer <http://www.mehagrim.org/>

¹⁶ Phone interview by authors, Physicians for Human Rights, Tel-Aviv, November 25, 2008

¹⁷ We use the name that appears in the petition.

¹⁸ Email correspondence of authors with Rami, KavLaoved, Tel-Aviv, June 14, 2010; and with Dor, HMW, Tel Aviv, June 15, 2010. Phone conversation of authors with Rami,

KavLaoved, Tel-Aviv, April 23, 2012.18.

¹⁹ Two salient examples of these debates are the 1996 MOI's provision requiring aliens who married Israeli citizens to leave the country until the MOI declared the marriage to be authentic (*Stamka Yisrael v. Ministry of Interior*, 1999); and the Citizenship and Entry into Israel Law (Israel, 2003) that curtails MOI's power to grant rights of residency and citizenship to Palestinians from the Gaza Strip and the West Bank who marry Israeli citizens (*Adallah v. Ministry of Interior*, 2006; ACRI, 2012).

²⁰ The criteria for eligibility referred to the child's age, tenure in the country, language proficiency, schooling in the Israeli educational system, and required that their parents entered the country with visas. To receive full citizenship, children would have to enlist the army once they reach the age of 18.

²¹ For example, the Minister of Communication at the time, who joined the struggle against deporting the children, was at the same time among the initiators of the amendment to the Citizenship and Entry into Israel Law, which imposed stringent penalties on unlawful entry and settlement.

²² The same as in 2005.

²³ According to IC's estimations over 300 families who did not meet the criteria were deported since 2011. Personal correspondence with Neve and Inbar, December 2013 .

²⁴ Interview by authors, ACRI, Tel-Aviv, December 25, 2011