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Indentured Labor or "Good Governance"? Interrogating eMigration and Workers' Negotiations Over Contracts in Kenyan Domestic Worker Labor Migration to the Gulf States

Paula Mählck [1,*], Marygorety Akinyi Otieno [2], Aina Tollefsen [3]

This article critically examines the governance of Kenyan domestic workers' labor migration to the Gulf states through digital platforms such as the Labor Mobility Management Information System (LMMIS). Drawing on interviews with returnee migrants and other stakeholders, it interrogates whether contemporary eMigration systems reproduce colonial-era indenture logics by creating a "fiction of free labor" through contractual rituals. The study reveals how debt, work contract substitution, and structural barriers exacerbate vulnerabilities, despite state efforts to ensure "good governance." By applying a pluralizing social reproduction approach, the authors highlight the gendered, racialized, and neoliberal dimensions of care work migration, urging reforms that center migrant agency and rights.

Key words: contract substitution; eMigration; global care chains; indenture; labor migration; social reproduction.

Introduction

This article locates the research field of global care chains (GCCs)—an umbrella term for research that critically analyses how predominantly women's care

[1]*Department of Education, Stockholm University, Frescativägen 54, 106 91 Stockholm, Sweden*
[2]*Department of Sociology, Social Work and African Women's Studies, University of Nairobi, PO Box 30197-00100, Nairobi, Kenya*
[3]*Department of Geography, Umeå University, S-90 187 Umeå, Sweden*
*Corresponding author: Department of Education, Stockholm University, Frescativägen 54, 106 91 Stockholm, Sweden. Email: paula.mahlck@edu.su.se

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work has been constructed as a commodity in the global economy—within the broader field of social reproduction research. Social reproduction refers to processes and relations of life-making; the work we do to sustain ourselves, others, and make societies function (Bhattacharya 2017; Gregoratti and Tornhill 2025). Relationality is central for understanding GCCs. Relationality points at how money-related care extends beyond geographic borders and how the Global North and the Global South are connected in uneven and hierarchical ways. To better understand social reproduction, we argue in this article that it is essential to examine GCCs from the perspective of a sending country in the Global South. In this context, we will focus on Kenya. The majority of research on GCCs has focused on conditions in the receiving countries, often Western countries (Hochschild 2011; Lutz and Palenga-Möllenbeck 2011; Vijayakumar 2016). Coe (2023) interrogates GCCs from the perspective of a sending country, Ghana, and points out the necessity of nuancing the perception of transnational care migration as the main driver of social change. Moreover, and directly related to the focus of this special issue is the necessity of pluralizing social reproduction approaches (PSRA). In this article we contribute to PSRA through our empirical and sectoral locality, and by applying a historicizing perspective when we analyze labor migration governance, and by reworking theoretical concepts that have been used to research labor migration and GCCs in Western contexts. Our empirical material consists of interviews with contemporary returning Kenyan women migrants who have been working in the Gulf states ($N = 60$) and interviews with parents or guardians of children ($N = 35$) and information interviews with representatives from government bodies and recruitment agencies ($N = 10$). It is estimated that there are currently 67 million domestic workers worldwide, although the exact number is difficult to determine due to the informal nature of the work, as well as issues such as trafficking and child labor (ILO 2020; GFMD 2011).

Kenya is a significant migration hub in East Africa, serving both as a transit and destination country, and currently around four million Kenyans are working abroad, with increasing numbers heading to the Gulf states (Ministry of Labor and Kenya Diaspora Policy 2024). Kenyan women migrating for domestic work comprise a substantial part of this group even though the harsh working conditions and the risks of physical, psychological, and sexual violence are well known. About 400,000 Kenyans work in the Gulf, primarily in Saudi Arabia, where over 300 have died since 2002 (ILO 2020; The Star, July 10, 2024). The Government of Kenya has attempted to address this issue by regulating the industry through, among other measures, formalizing work contracts and harmonizing labor migration through implementing new administrative processes such as different eMigration systems. (In this article, we refer to digital platforms developed to monitor labor migration as eMigration.) Contract administration is an important part of eMigration. In this article, we refer to contract administration in terms of the processes of preparing documents that will be uploaded to the digital system, the monitoring of workers and contracts at the

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airport, and how workers experience their encounter with the contract, including signing, and the work conditions produced by the contract. eMigration is not a new endeavor, but has taken place in different forms in different geographic and temporal spaces. Recent research (Buckley et al. 2023) focusing on the eMigration platform that has been put in place to govern Indian labor migration has found disturbing similarities with the system of indenture put into practice by the British colonial administration and spread to various parts of the world. In this article, we ask if similar patterns can be found in the recently implemented eMigration platform in the Kenyan context, in particular regarding the role and functioning of work contracts.

Aim

From the standpoint of returning women domestic workers, this article critically investigates the introduction of new labor migration policies aiming at "good governance" and assesses them in relation to the documented historical fiction of free labor produced under the British colonial system of indenture.

In fulfilling this aim we ask the following research questions:

- What are the continuities and changes in contemporary constituencies of work contract administration in the Kenyan domestic worker labor migration industry and those applied by the British colonial administration in the system of indenture?
- How do contemporary women domestic workers perceive and negotiate work contracts, variations of contracts, or lack thereof in practice?

The remaining article is structured in four sections. First, the theoretical contribution of this article to PSRA is outlined. The second section describes previous research in the field of GCCs. The third section presents the results along four pillars: "Colonial efforts to harmonize labor migration governance," "From indenture to the privatization of migration governance," and "Contract administration under the era of eMigration." A section on how returning women workers have negotiated contracts and addressed contract breaches completes the results section. Finally, a concluding section discusses the results.

Theoretical framework

This article rests on three main theoretical pillars: the PSRA framework (Mezzadri et al. 2025), the co-production of regulatory spaces framework (Axelsson et al. 2022), and the privatization of migration governance (Axelsson et al. 2022), which relate to the broader framework of the privatization of social standards framework (Riisgaard 2009). In this article, we see the privatization of migration governance and the privatization of social standards as interlinked, but our focus is primarily on the privatization of migration governance. The

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three theoretical perspectives are chosen because they each focus on different aspects of GCCs. We argue here that combining these perspectives is pivotal for our analysis, which emphasizes locality and GCCs as a multilayered social construct. The links between these theoretical frameworks are as follows. We choose to work from the perspective of PSRA since our focus is on analyzing the principles that structure the economic sector of care work, paying particular attention to the specific locality of Kenyan domestic worker labor migration industry; in particular, the role and functioning of work contracts. This means that we move beyond an analysis of care and care work that centers on emotions (for a similar argument, see also Rai 2024). We will use the framework of "co-production of regulatory frameworks" and the "privatization of migration governance framework" to analyze the continuities and changes from the colonial system of indenture and how women workers manage and negotiate contracts. These frameworks (outlined below) have been chosen since they make possible an analysis that connects different analytical layers such as individual meaning making, institutional agency, and state involvement. In this article we will demonstrate how the "co-production of regulatory frameworks" and the "privatization of migration governance" perspectives combined with PSRA can shed light on contract administration under postcolonial conditions. Moreover, these analytical frameworks center on the role of capitalist relations, in all their plural and diversified forms, in shaping the global division of care work and the conditions for care work migration. In the following section of the article, we outline the theoretical frameworks in detail.

Recently, social reproduction has been researched and theorized from the perspective of depletion at individual, institutional, and state levels, and in this context, how social reproductive labor is unevenly produced between countries, within countries, and even within the same household (Bakker and Gill 2019). Feminist political economy has made important contributions to research on social reproductive labor by theorizing domestic worker labor migration as part of a gendered, racialized, and class-based international division of reproductive labor (Rai et al. 2014; Hasan ND). This perspective highlights how receiving countries are gaining from the reproductive labor that women bring to their families, whereas households left behind are depleted from the same labor. PSRA (Mezzadri et al. 2025) is a recent research initiative that emphasizes the importance of theorizing what locality (historically, geographically, ecologically, geopolitically) means for relations of social reproduction. In this vein, we are also influenced by recent theoretical research centered on an East African context, which emphasizes the necessity of theorizing and historicizing what relations of coloniality, debt, and dependency mean for how contemporary relations of social reproduction, particularly domestic and care work, are played out in private households (Mählck 2024). When applied to the research presented in this article, this framework takes domestic and care labor migration regimes out of a seemingly neutral economistic framing and a focus on the Global North and instead highlights the gendered, sexualized, and postcolonial pillars that

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construct conditions for women's domestic worker labor migration. With these theoretical conceptualizations of PSRA in mind, we will now outline how we understand and apply the conceptual framework of the "co-production of regulatory framework" and the "privatization of migration governance framework."

The "co-production of regulatory frameworks" perspective emerged as a critique of an overly structural and disembodied perspective on labor migration industries. Without intending to abandon the role of states in the shape, implementation, and as beneficiaries of labor migration, this framework invites analyses that center how states are essential actors that shape the conditions for labor migration, yet how states are not the sole agents (Axelsson et al. 2022). Instead, various actors, such as NGOs, workers, educational institutions, trade unions, and banks, shape the migration industry. In this framework, the analysis of how workers manage and negotiate with different actors in labor migration remains an underresearched theme. Focusing on the agency of workers, more specifically, how Kenyan women workers perceive and negotiate contracts in the domestic worker labor migration industry, this article contributes new knowledge.

Closely related to the framework of the co-production of regulatory spaces is the role and functioning of the privatization of migration governance. Recent research has pointed to the role of struggles around the establishment of social standards for understanding labor migration. A social standard perspective focuses specifically on NGOs, trade unions, and worker organizations as the main actors working in the direction of enhancing workers' rights (Riisgaard 2009). Establishing a "new" regulatory regime along the migratory chain, in terms of setting basic labor standards and protecting migrant domestic workers, has proved to be challenging. International labor practices under neoliberal conditions tend to exclude workers, workers' associations and networks, and trade unions, such that social standards are being converted into privatization of labor laws, largely governed by businesses (agents, employers), private interests among elites, and to some extent NGOs (Riisgaard 2009).

For the research presented in this article it is important to note that research on privatization of migration governance in a neoliberal context has primarily focused on Global North–related contexts and on specific economic sectors. First, cases are analyzed where privatization implies a change from previously strong unions, collective bargaining, or labor protective state laws and where these have been undermined over time. Privatization is then thus a process of consequential "losses" of workers' influence and protection. Second, research has on the other hand analyzed the privatization of labor and migration standards specifically in "productive" sectors such as manufacturing or agriculture, also in global contexts, with varying outcomes related to strength and/or weaknesses in labor organization, labor laws, NGOs, or consumer activism. Following the PSRA perspective, we take seriously the location and the agency of workers in our case in a South–South migration system with a colonial heritage, and a focus on care work in a neglected economic sector where workers' unions and labor protective legislation as well as resistance and agency have taken other forms

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historically (Mbilinyi 2023; Mählck 2024). In contrast to workers' organization in Global North contexts within industrial or other "productive" economic sectors, resistance and women's agency in the field of care work in Kenya have involved carrying responsibilities for social reproduction and in forming labor migration processes, with shifting gender dynamics during the urbanization process. Rather than through union membership, women have been active in shaping care work through other channels and arenas, protesting through informal meetings, while formal organizations have been restricted. Women's care work has not been recognized or remunerated and only lately professionalized within primarily elderly care, while venues for paid domestic work for women emerged within contemporary migration systems. The processes of "privatization of migration governance" and the "co-production of regulatory framework" thus play out differently in the Kenyan context and include new facets, for instance in the production of fictitious relations in work contexts, which we argue need to be considered when theorizing contemporary South–South care work migration processes. The following will dig deeper into previous research on GCCs and the related fictitious relations.

Previous research on GCCs

This section is outlined in two steps. First, we will outline recent research on GCCs that is particularly important for situating our research. Second, we will outline a crucial dimension of GCCs, more specifically "fictitious relations," which is particularly important for answering our research questions (Lundström 2013; Courtis and Pacecca 2014).

Since the introduction of the GCC theory, it has grown tremendously, notably because of its usefulness for understanding the emotional costs of care work migration. In this context, some critiques have emerged pointing at the necessity of theorizing the market, the state, and civil society as transnationalized as much as the household (Yeates 2004; Raghuram 2012). Researching GCCs from the perspective of sending countries on the African continent is emerging. In her research on the Ghanaian context, Coe (2023) emphasizes the importance of situating women's transnational care migration within the country's history of various migrations and livelihood structures. Moreover, the commodification of care work takes different routes in different contexts, and in Ghana the commodification of care is driven not so much by women's transnational outmigration for labor in the care sector in the West as by broader changes in women's paid employment and kinship relations. Women's international care migration has made an impact mainly through remittances, paying for carers, and encouraging women's rural-to-urban migration, creating a bigger impact on the organization of care as a commodity. In her research on domestic and care work in Dar es Salaam, Tanzania, Mählck (2024) highlights how the history of social reproductive labor shapes current conditions. She points out that the

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state's (colonial and contemporary) role in regulating migrant workers and conditions for livelihoods, rather than simply being a background issue, is underlined (also see also Giblin 2005; Mbilinyi 2016, 2023). A commonality in the research examples from Tanzania and Ghana is the necessity of interrogating women workers' agency through history for understanding care migration and different articulations of commodification of care. Another commonality points at understanding how local and colonial conditions continue to influence women's contemporary labor migration, whether it is rural-to-urban as in Ghana and Tanzania, or as in the article at hand, administrative efforts to harmonize and regulate transnational labor migration from Kenya to the Gulf states through eMigration.

Recent contributions to GCC theory emphasize the importance of interrogating various actors operating at the meso-level (Yeates 2004; Raghuram 2012). In the context of the research presented here, understanding the meso-level means understanding the operationalization of work contracts in the newly implemented eMigration system. A contract embodies a mutual agreement between the worker, the employer, and the employment agency. Additionally, in this discussion, a contract signifies a transnational agreement between states regarding the value of labor and the rights of the laborer. Ideally, contracts serve as regulatory frameworks that protect workers' rights. Recent research centering Indian labor migration to the Gulf states has raised awareness of the necessity of critically interrogating the premises of contracts (Kempadoo 2017; Buckley et al. 2023). Mongia understands a contract as a "ritual of consent" (Mongia 2018, 48, cited in Buckley et al. 2023), it is a signifier of freedom, which is severed from the conditions it articulates and under the conditions it is signed. This expression centers the administrative vetting of contracts, involving the power dynamics of various stakeholders, and has directly influenced the research presented in this article.

In the Kenyan context, there exists limited research on the outline of contracts, how contracts move through the migration chain, as well as how various stakeholders, such as women workers, agencies, and government officials, manage and negotiate labor regulations stipulated in contracts in practice and situations when there is a breach in contracts. Moreover, against the backdrop of continuing reports of maltreatment, including bonded labor, torture, and women domestic workers who have died as a consequence of physical, sexual and psychological violence from their employers, this article will analyze contemporary labor migration governance, in particular contract administration in the light of the main principles of the system of indenture.

Fictitious relations

Within the field of GCCs, research has analyzed different fictitious relations underpinning employment conditions. The following will provide some

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examples. Domestic work has historically been important in the Latin American region, with female internal migrants working in the homes of others since colonial times. With industrialization and urbanization from the 1960s, middle-class urban families relied on young female, often rural, migrants to come and work as domestic workers in their homes. These women came both from rural areas within the countries and from other countries in the region. Courtis and Pacecca (2014) state that this migration has been based on a "family logic." The families of the young women were confident that this kind of work was more protective and secure than other types of urban employments, while on the other hand, the family that hired the women did so under the premises of "a (fictitious) kinship agreement." This explains the difficulty in gaining recognition for this work as normal and "proper" employment, which requires a work contract with regulated wages and working conditions.

The relationship between *la patrona* and the domestic worker thus took place within what Courtis and Pacecca (2014) call "the kinship fiction." In this fiction, migrant status/nationality is not as central as class—unregistered work and the character of the relationship seemed to be the same for migrant and national workers. In this context "the kinship fiction" was dominating, while in another employer–domestic worker context another type of fiction could be present. Catrin Lundström found that Swedish women employers talked about the domestic workers "being like a friend" rather than "being as one of the family" (Lundström 2013). These kinds of employer–domestic worker relationships can thus be framed within different fictions, such as "the kinship fiction" and "the friendship fiction." This aligns with Mählck's (2024) research on how expatriate women in Dar es Salaam, including Scandinavians, perceive their relationships with Tanzanian domestic workers. Their stories often depict fictitious bonds of friendship or paternalism; as one expatriate woman described: "they are now my children" (Mählck 2024, 123). Now that we outlined previous research that is important for situating our results, the results will be presented next.

Colonial efforts to harmonize labor migration governance

In answering the research questions, we now turn to historicizing and analyzing migration governance. Labor migration to the Gulf is not a new phenomenon but part of a long history that stretches back to colonial expansion and earlier systems of regulated labor migration. Understanding contemporary governance in the GCCs between Kenya and the Gulf states, therefore, benefits from a historicizing perspective that traces continuities and ruptures from earlier regimes of labor control to present-day arrangements.

One important historical reference point is the system of indenture, introduced by the British colonial administration after the abolition of slavery as a means to secure "free" labor. Indenture involved legally binding written

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contracts that committed Asian workers—initially from India and later from China, Africa, and other parts of South Asia—to fixed terms of service in colonial territories such as Mauritius; these contracts were formalized through meetings with government officials and emigration agents and included provisions for transport and wages (Damir-Geilsdorf et al. 2016). Colonial administrations and transimperial institutions also worked to harmonize labor-management practices across colonies, embedding racialized administrative routines and knowledge transfers that shaped how labor migration was organized (Lindner 2015, 2016). Crucially, indentured labor existed alongside forms of free migration, producing a blurred continuum of free and unfree labor conditions rather than a simple binary (Iskander 2021).

The *kafala* system in the Gulf emerged in the mid-twentieth century, in part as states abolished slavery and sought administrative mechanisms to regulate growing flows of foreign labor. From the 1950s onward, Gulf residency regimes tied migrants to local sponsors (*kafils*), and many countries required foreigners to have a national sponsor as a condition of legal residence (Damir-Geilsdorf et al. 2016). Although *kafala* is not identical to classical bonded labor—where work is explicitly performed to repay a loan—its practical effects can be similar: fixed-term contracts, indebtedness from recruitment fees or loans taken at origin, and legal and practical obstacles to exiting employment can trap workers in exploitative conditions. The *kafala* framework varies across Gulf states and has been subject to reform pressures—Saudi Arabia, for example, has taken steps to dismantle some *kafala* features—but many elements persist, and domestic workers in particular often remain governed by separate, weaker legal regimes. This legal separation underscores the gendered valuation of labor: domestic work, predominantly performed by women, is frequently accorded lower legal protection than male-dominated sectors such as construction.

The systems of indenture and *kafala* show a strong state involvement in the management of migrant labor while relying on intermediaries—local sponsors, recruitment agencies, or colonial emigration agents—to administer contracts and control mobility. Both create conditions in which workers face constrained agency: written contracts formalize obligations but do not by themselves guarantee fair terms or enforceable rights, and both systems have relied on mechanisms that make it difficult for workers to leave contractual arrangements. Yet there are important distinctions in context and form. Indenture was a colonial instrument tied to intercolonial labor flows and explicit state regulation of recruitment across empires; *kafala* developed in postcolonial nation-states responding to rapid labor demand and is embedded in contemporary migration law, labor markets, and private recruitment industries. Indenture's legal formalities—such as mandated transport and specified term lengths—were often accompanied by imperial administrative oversight, whereas *kafala* operates within a modern mix of state regulation and privatized intermediaries, including digital platforms and private recruiters, which complicate accountability in new ways.

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Taking a historicizing perspective thus reveals both the echoes of older regimes of labor control and the novel features of contemporary migration governance. The next section of this article will examine how these continuities and changes shape the privatization of migration governance and social standards today, focusing on how contractual forms, intermediary markets, and state–private arrangements interact to produce specific vulnerabilities for migrant domestic workers.

From indenture to privatization of migration governance

GCCs, from Kenya to the Gulf states, are particularly interesting for research on the increasing privatization of migration governance. In the Gulf region, and, more recently, in Kenya, private actors—recruiters, digital platforms, auditors, and subcontractors—now perform many functions once undertaken by public authorities, fragmenting accountability across the labor migration chain. This platformization and outsourcing show up as standardized contracts, private compliance services, fintech-mediated payments and debt, and pervasive datafication and surveillance. These changes affect sectors differently: construction and agriculture concentrate male workers in dormitories, producing overcrowding and collective health and safety risks, while domestic workers face isolation and invisibility. Contract administration becomes legally complex and opaque as multiple private actors control records and grievance channels, complicating enforcement across sending and receiving states. The GCC–Kenya corridor, with its regulatory asymmetries and South–South labor migration histories, highlights how these dynamics accelerate privatization and deepen governance gaps. In the following, we will analyze the continuities and changes from the system of indenture to current eMigration with regard to liability chains, and examine whether the new contract administration protects workers against exploitation and maltreatment.

eMigration systems have been implemented following bilateral agreements between Kenya and Saudi Arabia, Qatar, and the United Arab Emirates, to mention but a few in the region. In 2019, the government of Kenya, through the National Employment Authority (NEA), launched an electronic platform—later named the Labor Mobility Management Information System (LMMIS)—to centralize and monitor labor migration to Gulf Cooperation Council destinations (NEA/IOM 2019; Kivuva 2022). The system integrates services such as job-seeker registration, online applications for overseas employment, approval and oversight of licensed recruitment agencies, and real-time tracking of Kenyan migrant workers abroad (NEA/IOM 2019; Kivuva 2022). An important reason for these systemic changes was to hamper irregular migration and bonded labor where relations of debt are at the center for exploitation of workers.

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The LMMIS was piloted in the United Arab Emirates in mid-2025, and was intended as a phase-one rollout before broader implementation across other Gulf states (Kenyans.co.ke June 16, 2025). Its design addresses long-standing vulnerabilities under the *kafala* sponsorship system—specifically tackling contract substitution, passport confiscation, substandard wages, and undocumented migration—by mandating predeparture training, contract verification, and grievance mechanisms (Kivuva 2022; Kenyanews.go.ke July 1, 2025).

In the research presented in this article, we find significant efforts made by the Kenyan state to protect migrant workers' rights and in particular domestic workers in the region (e.g., LMMIS, BLAs, MOUs, the ratification of UN Convention 190). Moreover, recognizing the challenges of the industry, in particular the necessity to monitor who are migrating to the Gulf states for work and under what conditions, the government of Kenya is now putting in place a system in which all those leaving the country for Gulf states are registered and checked out at a dedicated desk at Jomo Kenyatta International airport. This is further expanded upon by an officer from NEA:

> *eMigration has been introduced recently to streamline the plight of female domestic workers going to the Gulf states as well as create visibility of those leaving the country. This starts with the release of the results from NITA into the system, the agents then upload information into the system including contracts and upon reaching the airport, they go through dedicated gates by airlines which are frequently used by the migrants to the Gulf states.*

In the interview quotation we find that the officer's remarks underscore the government's attempt to use digital infrastructure to strengthen governance of labor migration, particularly for Kenyan women entering domestic work in the Gulf states. By integrating the National Industrial Training Authority (NITA) certification results, requiring recruitment agents to upload contracts, and instituting dedicated airport clearance pathways, the eMigration system is designed to enhance transparency, traceability, and regulatory oversight across the migration cycle. What are the continuities and changes between these results and the system of indenture?

In a different context, more specifically Indian labor migration to the Gulf states, Buckley et al. (2023) have critically interrogated the colonial genealogies of the eMigration system with those articulated in the system of indenture. eMigration was first put into practice by the Indian state in 2015 to facilitate labor migration from India to the Gulf states. In their analysis, Buckley et al. (2023) point out that the directives relating to the migration of workers in 1864, 1922, and 1983 largely overlap. Areas of overlapping are: penalties (either jail time, fines, or both) for any designated person migrating outside the provisions of the Act; officials at designated Protector of Emigrant offices (PoE) to register prospective migrant workers and assess employment contract terms; duty of the PoE to inquire into and report on workers' conditions while overseas and upon

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return; criminal penalties and fines for recruiters who entice workers to migrate under fraudulent or coercive terms; authority to license and oversee the comportment of recruiters (Buckley et al. 2023, 103).

Returning to the interview quotation from the NEA officer, we find that the LMMIS and accompanying frameworks mark significant institutional progress. In addition to this narrative, a dominant pattern in our stakeholder interviews highlights the persistence of challenges in practice. Enforcement remains inconsistent, particularly against informal brokers and unregistered agencies. Data-sharing between government departments and private actors is limited, and migrant workers often remain unaware of, or are unable to navigate, the digital platform effectively. To evaluate the system's usefulness in promoting safe and organized labor migration, workers must have the knowledge, and the ability to act and oppose violations of their rights. It is in this aspect that we here argue that, despite efforts to increase transparency in the migration system, the newly implemented eMigration system fractures social standards, making liability chains, as regards compliance with labor laws, difficult to oversee. Moreover, the system of indenture and the eMigration system creates an illusion of "free" workers migrating under the protection of states. In the next section we will look deeper into the details of contract administration.

Contract administration in the era of eMigration

The standard work contracts used in the GCC under interrogation must be signed by both the employer and the worker and clearly define the nature of the work, wages, working hours, rest periods, and all other entitlements. It also limits the probation period to a maximum of six months. Furthermore, private recruitment agencies involved in hiring domestic workers must be officially licensed by MoHRE and are prohibited from charging recruitment fees to workers—another measure aimed at preventing financial exploitation. Despite these advances, the wider Gulf states present a more uneven picture. Countries such as Kuwait, Bahrain, and Qatar—and as already mentioned, Saudi Arabia—have made incremental reforms, including bilateral agreements with labor-sending countries and standardization of contracts, but enforcement remains a persistent issue. Our interviews with recruitment agents underline the key role played by agents from Kenya and in the receiving country, as well as an increase in the mandatory documentation. The following interview quotation from an agent digs deeper into the complexities of contract administration.

> *The process of contracts is very tedious … the contract is signed by an employer in Saudi Arabia. Thereafter it is uploaded by the agent over there to Musaned. Then we download it here for the woman to sign …, but before she signs, we need to make sure the woman passes the educational tests, and we need to contact NITA to get the results; we take her through medical examinations—the small and the big—and we do the biometrics …. There are so many documents*

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to be uploaded. The visa process requires the worker to have an invitation from the employer; we help them with that, too.

Up to this point, the interview has focused on the vulnerability of the workers. The agent emphasizes that many of them are single mothers and primary family providers and that, for many, labor migration represents a last hope. She further explains that the admission requirements for the mandatory predeparture training, which is required before migrating for work to the Gulf states, are minimal: "You are only required to be able to read and write some English—not perfect, but some English is required." This, she notes, reflects the very poor conditions many of the women come from. She concludes by stating: "At the very least, the agents should explain the contract to the women—what it means to have a contract, what is stated in it, and what the process is if they are not working."

At the level of contract administration between nations, these examples illustrate what Buckley et al. (2023) describe as a "fracturing" of the labor agreement between the sending and receiving countries. It also points to how the different actors involved, ranging from the macro levels of states to meso-level private actors and institutions and individual employers and household members, create a fracturing of liability. Moreover, as the agent emphasized, it is the workers' obligations, rather than their rights, that are highlighted in contemporary contract administration. This is combined with workers who are extremely vulnerable and who are often unaware of their rights, unable or impeded to understand or negotiate contract terms, and are therefore vulnerable to exploitation from the outset. Another dominant theme in our interviews with agents and women workers are language barriers, which prevented domestic workers from reading and understanding contracts, even when they were presented to them before leaving Kenya.

Privatization of migration governance and the fictitious contract

As shown in the previous sections of this article, analyzing the legacies of indenture is key for understanding the continuities in migration systems, but also for capturing the shifting contemporary nature of power relations under neoliberal capitalism toward marketization and privatization. In the following we will first discuss how women workers themselves talked about relations and conditions during their migratory journey, and explore how also on this level the privatization of migration governance became evident. Then, drawing on our theorizing of co-production of regulatory spaces, we will highlight forms of agency as they were narrated in the interviews, recognizing women's varied ways of acting and handling their migration situation under severely constrained conditions.

The female returnees, between twenty and thirty-five years of age, in this study came from low-income backgrounds, were mothers of one or two

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children, and often had limited formal education and minimal knowledge of the Arabic or English language. Most of the respondents were recruited by private agencies in Kenya and deployed to households in the Gulf states, where they performed domestic or caregiving work. In spite of promises of decent work, many of the returnees reported deception regarding the nature of employment.

In our interviews with returning women workers they talked about a migration journey characterized by a range of individualized, privatized, and often isolated person-to-person relations that they depended on and in seclusion were left to rely on. This showed in the narratives from the initial recruitment by private agents, through predeparture training (often by privately owned firms) and subsequently in encountering private employers in the destination households, and finally when depending on an occasional NGO or friends if seeking to escape or return if the work situation became unbearable.

In the quotations below, the women talk about who they dealt with in their migratory process, examples which were recurrent statements in several interviews:

> *I was made to sign some documents at the last minute before departure by the agent. I didn't know the contents but was told I will be explained to by my employer.*

> *I was unable to change employer since I was told that the employer was responsible for my processing of travel documents, air ticket and medical examination.*

It was not a workers' representative, a state or official person who explained and provided them the documents, and the contract content was not accounted for and explained to them by someone protecting their labor rights as domestic workers—this was the responsibility of the employer in Saudi Arabia. The absence of protection and information of content and the devolution of contract signing and handling of documents to private agents and private employers were experienced as fragmented and largely unintelligible by women migrant workers. In the first citation, the private agent was the one providing "some documents" which later would be explained to her by the private employer in Saudi Arabia, compelling her to sign a work contract in Arabic. In fact, contract substitution emerged as a dominant theme because most returnees reported receiving or signing new contracts after arrival in the Gulf, often in Arabic and with reduced pay or altered duties.

> *I signed a contract in Kenya ... but upon arrival, I signed a different contract with different salary and duties.*

> *I left Kenya without a contract ... upon arrival I was given a three-month contract—it was in Arabic.*

These examples from our interviews with different returning women point out the haphazardness and informality of domestic work migration, adjusted to the

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desires of the private employers' household members in the destination country. The organization of the contractual administration and labor brokerage produce "fracturing" (Buckley et al. 2023) despite the efforts to formalize and standardize domestic work contracts through eMigration administration of contracts. Rather than providing a tool for and securing an informed and protected work situation, the work contract proved in practice to be fictitious and unintelligible for women domestic workers (see also Mählck 2024 for examples of fictitious contracts in Tanzania).

Private relations were also expressed in relation to individual economic plights. A prominent theme in the interviews was how various relations of private debt had implications for women's labor migration. Debt relations were visible before departure—for example, family members mutually funding women workers' travel expenses; or while entering the migration administration process, women became indebted to brokers, agencies, employers, or schools offering predeparture training; while at work in the Gulf states to employers or agencies for expenses or return tickets. These debt relations add a layer of vulnerability and shape women's spaces for protesting or navigating breaches of contracts.

Workers' agency in regulatory spaces

Many women domestic migrant workers were employed in isolated areas of the Gulf states, making accessing mechanisms for lodging complaints or seeking help difficult. Geographic isolation, language barriers, lack of documentation, and fear of retaliation create nearly insurmountable obstacles. These barriers are compounded by the confiscation of passports, limited mobility, and inadequate support from diplomatic missions. The following interview quotations illustrate how these structural and practical challenges play out in real life, leaving workers vulnerable, and often trapped in desperate conditions with no clear path to justice or safety.

> *I worked very far from the embassies, I worked in the interior of the country, I didn't know how to get there to complain. There was a language barrier and ended up in Tanzania embassy who only offered me tea since they could not assist since I did not have any document because the documents were kept by my employer on arrival I escaped without any documentation. That day I spent a night at the mosque and the following morning a good Samaritan gave me 200 riyal and directed to a bawadi [a facility like a brothel] where they asked for 300 riyals to keep my belonging as well as get me connected but negotiated and gave only 200 riyals. This is also when I came to know that Riyadh where Kenyan embassy is located was like a day's journey by road. I was later got rescued by CARITAS after six months of hopelessness in the streets. I came back to Kenya with nothing after almost one year.*

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This narrative demonstrates how domestic work in a private household was transformed into a highly insecure and high-risk work at a brothel, and the misleading recruitment practices that typify outsourced domestic labor markets. Moreover, the mechanisms put into place for managing the workers' complaints are difficult to pursue in practice. In practice, many domestic workers sign contracts that require them to repay recruitment or migration costs. Once they fail to meet these obligations, they risk deportation or become undocumented, leading them into a constant state of "running" from authorities, employers, and repatriation. This situation produces what migrant women called *kemboi*: a life of hiding, moving from one informal job to another, and navigating barriers that were never of their own making.

> *I was made to become a "kemboi," because I could not pay back what the employer had spent on me in order to get into the country.*

This quote captures both the vulnerability and agency of migrant domestic workers. By invoking the name *kemboi*, a celebrated Kenyan steeplechase athlete known for running and leaping over obstacles, the participant draws a metaphor for the precarious existence of workers who are trapped by unfair labor contracts and debts. The metaphor is nuanced: on one hand, *kemboi* signifies oppression—workers are forced into illegality by exploitative contracts, burdened by debt bondage, and stripped of the security promised to them before migration which reveals agency; but on the other hand, rather than passively accept deportation, workers exercise resilience by maneuvering through the system, improvising survival strategies, and finding ways to sustain themselves and their families. Like the steeplechase runner, they leap over institutional hurdles, law enforcement, exploitative employers, and surveillance, to carve out an autonomous space in hostile conditions.

Thus, the notion of *kemboi* captures a paradox of migrant domestic work, which is both a marker of vulnerability and a symbol of resistance. It also illustrates how oppressive structures of labor migration simultaneously produce new forms of worker agency, where survival itself becomes an act of defiance. While worker agency in previous research on "co-production of regulatory spaces" (see section above) could take different forms such as trade unions or worker associations seeking to strengthen workers' position within regulatory spaces, the spaces of agency available in this context typically proved to be more liminal. We may rather talk about "hierarchically ordered spaces-in-between" where the agency offered is that of being forced to become a *kemboi*.

Control of time and the production of working conditions in regulatory space

The interviews with female returnees reveal that time itself becomes a central site of control in shaping the conditions of domestic work and possibilities

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for worker agency in the Gulf states. Migrant workers' days and nights are tightly organized by employers and reinforced by migration regimes such as the *kafala* and *mosaned* systems. Time is not neutral; it is a mechanism of labor discipline, subordination, and exploitation (Mulinari 2021), which plays out differently in different spatialities.

First, there is the control of working hours and rest. Workers described excessively long shifts, sometimes extending across multiple households, with only a few hours of sleep, especially during Ramadan. As an interviewed woman who has returned from work in a Gulf state recounted, "I worked overtime, had only three hours of sleep, no off days." Similarly, another returnee recalls, "Only three hours of sleep during Ramadhan, I worked in multiple houses." Such experiences not only violate the work contracts that supposedly should be in place as they left Kenya, but also international labor laws such as ILO Conventions No. 1, 30, and 189. They illustrate the character of work in this economic sector, where temporal exploitation is normalized in private households and state or worker union oversight is weak or absent.

Second, there is the sequencing and immobilization of time. Migrant workers are often required to remain with one employer for a minimum of three months before being allowed to change employment. Another returnee captured this restriction: "When I arrived at the house of my employers and worked for three months, I felt it was enough for me … I was told I cannot change because they have not gotten what they used to bring me to the Gulf states." Here, time functions as a form of debt bondage, workers must "repay" the cost of migration by surrendering months of labor, even under abusive conditions.

Third, time as access becomes critical when workers seek help. The physical and bureaucratic distance between the household and the private agency or embassy means that assistance is always delayed, if not entirely inaccessible. The very act of seeking protection consumes precious hours or days, during which abuse continues unchecked. This distance, spatial and temporal, produces a condition of isolation, effectively trapping women in exploitative cycles.

Finally, the structuring of time across different work tasks—cooking, cleaning, and childcare—illustrates another form of control. Workers are required to devote disproportionate time to cooking during Ramadan or to switch rapidly between tasks without rest. This fragmentation of time both intensifies exploitation and renders workers' labor invisible, as multiple jobs are collapsed into one endless working day.

Taken together, these practices show that migrant domestic workers' exploitation is organized through temporal regimes. Long hours, sleep deprivation, mandatory waiting periods before contract transfer, and delays in accessing protection all function as mechanisms of power. The "policing of time" thus produces a racialized and gendered labor force marked by disposability, patience, and endurance. Yet, the workers' testimonies also reveal their awareness of this injustice: by naming stolen time and sleepless nights, they resist the normalization of abuse and assert their right to dignified labor conditions.

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Women migrant domestic workers from Kenya to the Gulf states represent a case of an understudied but booming economic sector of reproductive work, a GCC embedded in historical legacies of indenture and evolving under neoliberal privatization of migration governance. Within the regulatory spaces produced by states, private actors, and intermediate organizations, the agency of women workers is confined to the "hierarchically ordered in-between-spaces" and constrained by rigorous time control.

Conclusion and recommendations

The aim of our article has been to critically analyze the introduction of new labor migration policies and measures in Kenya and to discuss them in relation to the historical legacy of the indenture system and its well-documented historical production of a fiction of free labor. Our intention has also been to build on and contribute to PSRA by focusing on location in a Southern migrant sending country and by expanding theoretical work on co-production of regulatory spaces and privatization of migration governance and social standards to include contexts with legacies of colonialism and the experiences of women domestic workers. Drawing on PSRA, we pay attention to how exploitation in social reproduction is spelled out and specifically how fictitious relations can be instrumental in domestic worker exploitation, in our case the fiction of the work contract. From the standpoint of returning women domestic workers, we found various examples of "rituals of consent" through the work contract (Mongia 2018, 48, referred to by Buckley et al. 2023) where women took part in labor migration recruitment practices supposedly under orderly forms, consenting to contractual conditions spelled out to them as fair and reasonable. When in practice experiencing breaches of such conditions, they found no means to redress contract incompliance. They were deprived of supportive structures such as workers' unions or effective labor protection legislation. Rather, and in line with previous research by Buckley et al. (2023), we found echoes of the colonial indenture period in terms of how the work contract "maintains the fiction of free labor while also facilitating migration for unfree labor in practice (Buckley et al. 2023, 108). Adding to findings of fictitious relationships in the domestic care work sector expressed as "the kinship fiction" (Courtis and Pacecca 2014) and "the friendship fiction" (Lundström 2013; Mählck 2024), we found the "contract fiction" as a prominent feature of employer–worker relations experienced by returning Kenyan women domestic migrant workers.

Despite current efforts by the Kenyan state, the enforcement of contract administration through LMMIS, Musaned, and MoHRE does not go far enough in dismantling the hierarchical logic of *kafala* where the principle of the "privatization of migration governance" (Babar 2013, 123, cited in Damir-Geilsdorf 2016) is central. Hasan (ND) points to how the *kafala* system is deeply integrated in the political economy of the region, which actively encourages the

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cheapening and disciplining of workers through deregulation and marketization. In this context, researching the Indian diaspora in Dubai, Vora argues that the *kafala* system should be seen as "synchronous" with the contemporary neoliberal trend toward privatized migration management (Vora 2013, 14). In practice, contractual safeguards embedded in state-driven systems such as LMMIS and Mosaned often fail to translate into meaningful protection, particularly when violations occur in private households—spaces that remain largely beyond the reach of regulatory authorities. Our analysis highlights how the current state cooperation between Kenya and various Gulf states, as implemented through various bilateral agreements, memoranda of understanding, and Kenya's newly installed eMigration system, illustrates the operation of neoliberal capitalism through the complex interplay between legal reform, institutional enforcement, and entrenched social hierarchies in the Gulf region. Contrary to the ambition of developing good migration governance, eMigration systems' ambitions to streamline large-scale labor migration flows within the Global South shows disturbing similarities with the colonial ambitions to facilitate "free" laborers between colonial powers under the umbrella of "colonisation comparée." While the contemporary eMigration systems differ from the system of indenture and "colonisation comparée" in terms of their technological framing and the various private actors that are co-producing contemporary regulatory frameworks, the contemporary contract administration processes produce an illusion of protection of migrant workers. In other words, workers' "freedom" became equal to signing a contract during the era of labor migration in the system of indenture as much as in contemporary eMigration. This result from our research on Kenyan labor migration to the Gulf states supports Buckley et al.'s (2023) previous research on Indian labor migration. By discussing similarities in different labor migration chains from a historicizing perspective, the results presented here call for future research that centers localities, and yet does not lose sight of larger contemporary and historical structural relations of coloniality and contemporary neoliberal capitalism.

In 2022 Kenya ratified ILO Convention No. 190, which represents a critical step toward acknowledging and addressing violence in the world of work, including in the informal and domestic sectors. However, its implementation in transnational migration contexts remains weak as captured by returnees. Kenyan women migrating for domestic work in the Gulf states encounter layered vulnerabilities rooted in weak recruitment governance, language barriers, gendered expectations, and legal opacity. Their experiences and narratives reflect systemic exploitation that breaches multiple ILO conventions, particularly No. 190's provisions on dignity, freedom from harassment, and safe working environments. Moreover, relations of debt are widespread across the contract administration processes. The workers' narratives reveal that they are indebted to their brokers, family members, and agents, and this impacts their possibilities to exit labor migration. As demonstrated by our research, ultimately this constructs workers into *kemboi* and criminalizes them.

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Despite Kenya's formal commitments to decent work and migrant protection, the operationalization of these standards requires bilateral enforcement mechanisms, worker education, accessible grievance redress systems, and the regulation of private recruitment actors. Our research shows how in particular, the LMMIS system and the Musaned system leave little space for workers' agency in practice.

Therefore, the results presented here call for the production of a migration system that departs from and centers workers' livelihoods in every part of the labor migration chain. This means going beyond harmonization of contracts across borders, mandatory translation, and explanation of contracts predeparture. To move beyond current systemic failure, eMigration systems should build in workers' agreements procedures as well as possibilities for complaints and exit, before proceeding, and during and before exit labor migration. Recognizing the privatization of social standards processes particularities in the Kenyan domestic worker labor migration industry, the creation and amendment of bilateral agreements and memoranda of understanding, monitoring working conditions in host countries, and the enforcement of ILO Conventions No. 190 and 189 should be done in close collaboration with international NGOs and other nonprofit organizations, such as Caritas, Civil Rights Defenders, or Amnesty International, and survivors of trafficking. In addition, we here suggest that further research should examine the role of diplomatic missions, the accountability of Kenyan recruitment agencies, and the lived resilience of returnee workers in rebuilding their lives—for example, by including the experiences of returning women in vocational training institutions.

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Conflicts of interest

None declared.

Data availability

The data underlying this article cannot be shared publicly due to individuals' privacy and ethics. The data will be shared on a reasonable request to the corresponding author.

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