3. Immigration controls creating highly skilled precarious workers: South American migrant women's and men's professional trajectories in the care and academic sectors

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Introduction

The aim of this article is to investigate the different types of il/legalities that Swiss immigration controls produce and their impact on the professional trajectories of highly skilled migrant men and women from South America. Although I will consider the issue of migrants having to validate their foreign educational credentials and professional experiences, my main interest lies in the valuing of degrees obtained in Swiss higher education (HE) institutions. In fact, reskilling in the sense of achieving post-obligatory education in the host country has been considered as improving the labour market participation of highly skilled migrants. However, I will focus here on the ways in which particular immigration controls such as the creation of categories of entry, the influencing of employment relations, and the institutionalisation of uncertainty (Anderson, 2010) mediate the employment conditions of highly skilled migrants with Swiss degrees. I will thus explore precariousness (Anderson, 2010) among highly skilled South American men and women working in gendered and foreign-based employment sectors such as care and academia. The Swiss migration regime creates il/ legalities according to the independent (student or worker) or dependent (family reunification) way of obtaining a residence permit. Drawing on a lifecourse perspective, immigration controls reduce the value of Swiss degrees by reducing immigrants' legal opportunities to work to a dependent legal situation or a no-permit situation. A hierarchy of professions, family caregiving norms,

and nationality stereotypes influences the assessing of their skills. These findings stress the interest of investigating skills as a relational concept that is constructed and valued by key actors in a transnational space in order to fashion highly skilled migrants as precarious workers.

This article is based on an on-going qualitative research study of professional and family trajectories of Peruvian men and women living in Switzerland. I will also analyse the results of a previous research study between 2009–2011 on South American women employed as care workers in Switzerland. In both research studies, I used biographical interviews as the main method of data collection. I will focus here exclusively on the experiences of men and women who are skilled care workers and professors/researchers.

I have structured this article into five main sections. After briefly presenting the gender and nationality composition of the care and academic sector in the Swiss context (Section 2), I will present a short review of theoretical perspectives for highly skilled migration (Section 3), before presenting my research methods (Section 4) and going on to analyse the impact of legal situations on labour market participation after the obtaining of a Swiss degree. The goal of this will be to explain the relationship between de/valuing Swiss degrees and immigration controls (Section 5). In the discussion of the data (Section 6), I will argue that the gendered and racialised' effects of immigration controls devalue the Swiss degrees of South American citizens and fashion precarious highly qualified workers. In this sense, I can conclude that immigration controls are instruments to mould not only the employment conditions but also the skills of South American men and women. Indeed, the host country's economy benefits from these migrants' reskilling practices while devaluing them due to unfavourable legal conditions.

Highly skilled non-European Union migrants in the care sector and academia in Switzerland²

Swiss immigration controls are based on two legal mechanisms: the Agreement of Free Movement of People with the European Union, which entered into force in 2002, and the Federal Act on Foreigners Nationals in 2008. The first legal mechanism regulates the entry and settlement of EU citizens.³ They have rights to study, work and pursue family reunification comparable to those of Swiss citizens.⁴ The second legal mechanism regulates the entry and settlement of citizens from other parts of the world—for instance, South America. Access

to work is restricted to highly skilled workers. Furthermore, hiring a non-EU citizen means that the employer has to provide enough evidence that there are no Swiss or EU citizens available to do the job. Rights for family reunification are also more limited.

Considering this legal context, foreigners' skill levels and labour market participation show differences compared to those of the Swiss population. The Federal Statistics Office (FSO) showed that 35% of migrants hold a tertiary-level diploma, whereas 30% of the non-migrant population achieved the same level in 2014 (FSO, 2016a). In fact, the Swiss population has one of the highest rates of upper-secondary level graduates of vocational education and training (VET) in Europe (Murdoch *et al.*, 2016), which also means a scarcity of highly skilled domestic workforce that is solved by hiring foreign specialists. However, the percentage of employees with a tertiary level degree working in a job that does not required such qualifications was higher among migrants (18.8%) than for the non-migrant population (11.5%) in 2014 (FSO, 2016a).

These results might be explained by the "sandwich" characteristics of foreigners' labour market participation in Switzerland at the higher and lower positions of the professional hierarchy (Aratnam, 2012). As Table 1 shows EU28/EFTA citizens occupy more managerial positions than Swiss citizens, whereas citizens from other European countries are in more elementary occupations. Interestingly, citizens from other countries of the world, which includes South Americans, are to be found more in the professional and services worker categories than Swiss and EU28/EFTA citizens.

These results suggest not only the presence of foreigners at different levels of qualification in the Swiss labour market according to nationalities, but also the concentration of one group of foreigners that includes South American citizens in professional categories related to the academic and care sectors. Indeed, 'professionals' as a category can be considered as a proxy of the academic sector and 'technicians and associated professionals' as well as 'service and sale workers' as proxies of care workers at different skill levels. Whereas being employed in academia involves achieving a PhD from a university, highly skilled and skilled professionals in the care sector can have different types of degrees such as university degrees' and VET certificates. The former made up the highly skilled workforce in both sectors and the latter the skilled workforce in the care sector.

According to Simonazzi, I define the care labour market as composed of multiple types of workers ranging from 'skilled workers such as licensed nurses; unlicensed low-skilled assistants and other workers providing personal care; domestic

Table 1 Distribution According to ISCO-08 Professions and Nationality in 2014

			Other	Other
		EU28/	European	countries of
	Switzerland	EFTA	countries	the world
Managers	8,2	10,8	3,5	7,5
Professionals	25,7	25,7	7,I	26,2
Technicians				
and associated				
professionals	20,1	15,4	7,8	11,2
Clerical support				
workers	10,1	6,1	5	5,6
Services and sales				
workers	15,1	16,9	21,7	25,3
Skilled agricultural				
workers	3,8	I,I	0,7	0,5
Craft and related				
trades workers	11,0	13,7	26,4	8,4
Plant and machine				
operators	3,0	4,6	9,8	4,I
Elementary				
occupations	2,5	5,4	17,7	10,7
Not attributable	0,4	0,3	0,3	0,4
Total	100	100	100	100

Source: own elaboration based on (FSO, 2016a)

service workers providing home help with domestic shores' (Simonazzi, 2008: 9–10). There is an important parallel with health, education and social services. Migrants' care work as an employment sector has been long debated thanks to Hochschild's seminal work on Global Care Chains (GCC) (Hochschild, 2001). Commodification of maternal care work between households and North-South geopolitical inequalities are key features. Yet, scholars have advocated for broadening the focus to include immigrant men's place in GCC as givers and receivers (Sarti and Scrinzi, 2010), other places to perform care work such as public institutions and community-based organisations, highly skilled and skilled care workers such as nurses, social workers and educators (Yeates, 2012; Kofman and Raghuram, 2015), and links to other social reproduction tasks

where the interpersonal dimension is less central (Kofman and Raghuram, 2015). Considering all the advancements related to care work as a concept, I argue its relevance to assessing the valuing of migrant men's and women's skills at different positions of the professional hierarchy. For instance, the emotional and interpersonal knowledge related to care jobs is valued differently from the knowledge necessary to perform academic research and teaching.

Academia has also been part of important debates about international migration, particularly student and highly skilled migration. I define the academic sector as men and women who hold advanced research degrees and who are employed as teaching and research staff in HE institutions (Le Feuvre, 2015). Indeed, the main purposes of HE institutions such as knowledge, research and innovation have become key factors for economic growth and the transnational 'race for talent'. Despite universities' cosmopolitan environment and the role played in knowledge-economies, experiences in academia show important limitations according to gender: women's academic careers represent a 'leaky pipeline' based on barriers to accessing the highest positions, predominantly assuming family responsibilities that prevent long-working hours and consecutives stays abroad (Le Feuvre, 2015). Consequently, care and academia are employment sectors where migration and gender are key features to assess the valuing of skills.

Switzerland is a particular case for comparing the academia and care sectors. There have been a rapid expansion and internationalisation of academia since 2000 (Le Feuvre, 2015). For instance, there were high percentages of foreigners as post-doctorate (63%), PhD students (43%) and assistant professors (51%) in 2011 (Le Feuvre, 2015). Also there is a strong incentive to be internationally mobile in one's early career (public funds for post-doctorate mobility) (Dubois-Shaik and Fusulier, 2016). However, there is a dearth of permanent and stable positions in Swiss HE institutions, which means a multiplication of precarious jobs and of scientists that opt out of academia (Dubois-Shaik and Fusulier, 2016). According to gender, Table 2 shows that "professionals" are still a maledominated employment sector for foreigners (25.8%) and nationals (26.5%). Although gender equality policies since 2000 have been improving women's share in PhD and post-doctoral funded positions from 20% to 40% between 1998 and 2007, still only 17% of women held a university professorship position in 2010 (Le Feuvre, 2015: 167). Both rates were below those in other EU countries (Le Feuvre, 2015).

Table 2 Distribution According to ISCO-08 Professions, gender and migration in Switzerland for 2014

	Populatio	n without	Populat	ion with
	migrant ba	ackground	migrant ba	ackground
	Women	Men	Women	Men
Managers	6,1	10,7	7,7	10,1
Professionals	25,8	26,5	23,2	24,5
Technicians and				
associated professionals	22	18,6	18	15
Clerical support				
workers	15,4	5,2	10,3	4,6
Services and sales				
workers	20,3	9,2	25	12,5
Skilled agricultural				
workers	2,4	5,6	0,3	1,3
Craft and related trades				
workers	3,9	17,4	3,6	20,3
Plant and machine				
operators	0,9	4,3	2	7,6
Elementary occupations	2,8	1,7	9,6	3,6
Not attributable	0,3	0,6	0,4	0,5
Total	100	100	100	100

Source: own elaboration based on FSO

The gender dimension of the Swiss care sector includes a modified male-breadwinner model of gender relations (Le Feuvre, 2015) or a care regime labelled as neo-maternalism (Giraud and Lucas, 2009). Although 60% of women entered the labour market in 2015, 58.7% of them worked part-time, whereas only 16.4% of men did the same (FSO, 2016c). The presence of small children increases gender inequalities: only 9.6% of couples showed two spouses working full-time, while 29.5% of couples showed men working full-time and women working part-time in 2015 (FSO, 2016b). Given the gender salary gap, it is more probable that women, who earn less than men do, stay at home or reduce their working hours to take care of children. In fact, the variability of women's activity rates is largely explained by the lack of pre-school childcare services and the absence of after-school activities for older children. Moreover, women have to organized childcare arrangements privately with other family members (especially grandmothers)

or using formal services (Baghdadi, 2010). Since most Swiss households cannot find or afford formal childcare services, a common practice is hiring a migrant care worker under precarious conditions (Baghdadi, 2010). In fact, 43% of undocumented foreigners come from Central and South America, and most of them work for families (Morlok *et al.*, 2015). From the supply side, Table 2 shows that the category of service workers is female-dominated for foreigners and nationals. Yet, the former (25%) are more than the latter (20.3%) in this professional category. Furthermore, jobs related to housework, such as cleaning, washing and ironing, show the highest concentration of foreign women, whereas jobs related to health and teaching children show the highest concentration of Swiss women (Charles, 2005).

Skills, migration and controls

Skills-based discourses about selectivity and the integration of foreigners in EU countries are important research topics. In particular, literature on highly skilled foreigners evidences the existence of a plurality of legal categories of entry (student, family reunification, asylum, etc.) and employment conditions (male- or female-dominated sectors). Likewise, researchers have pointed out the problems of deskilling due to non-recognition of foreign education credentials and professional experience (Man, 2004; Iredale, 2005; Liversage, 2009). Another topic that has been covered in depth is the gendered consequences of dealing with family caregiving and employment (Creese, Dyck and McLaren, 2008; Riano et al., 2015). Given that the recognition of non-EU educational credentials and professional experience seems to be patchy, reskilling practices in the host country appear to be the most promising solution for improving labour market participation (Riaño and Baghdadi, 2007; Liversage, 2009). In this section, I will rapidly summarise the debates about skills and migration before exploring the analytical potential of a third concept: immigration controls. This topic is less often focused on highly skilled migration but is potentially useful for thinking about ways in which host countries' actors mould precarious workers (Anderson, 2010).

Skills, gender and migration

According to Shan, 'skills are a discursive and relational construct that is implicated in the social, cultural and economic organization of work and

workers' (Shan, 2013: 198). In particular, skills are the product of a conflict for the appropriation of work in a context marked by social class, gender and racial hierarchies based on nationality stereotypes (Scrinzi, 2013). While much of the literature has focused on the feminisation and racialisation of migrant workers in low skilled and poorly paid care services, less attention has been given to the gendering and racialisation of skills amongst highly skilled workers in the care sector and academia.

Skills are composed of different types of knowledge according to their capacity to be transferred in the course of migration and each employment sector values them differently at a transnational level. According to Kofman and Raghuram, there is a typology of embrained knowledge that has become more valorised and prominent due to its generic nature and supposed better transferability, embodied knowledge that has been traditionally associated and devalued as women's knowledge and migrants' work, encultured knowledge also labelled as soft skills, and encoded knowledge that is associated with traditional professions such as law, medicine and education (Kofman and Raghuram, 2015: 102-103). The circulation of embrained skills that are epitomised by science, technology and management professions is highly valued by Northern states as globally competitive. Since women are under-represented in those fields, the global hierarchy of professions has gendered effects (Kofman and Raghuram, 2015: 135). Despite their embrained skills, migrant women in general (Dumitru and Marfouk, 2015) and in those fields (Raghuram, 2004) face more barriers to finding adequate employment in the host country. In contrast, the migration of care workers and the valuation of their embodied (and embrained) knowledge have been marginalised by Northern states that orientate this female-dominated group at lower places of the global hierarchy of professions (Kofman and Raghuram, 2015: 136). In fact, skilled migrant care workers in health and teaching institutions have to struggle with stricter conditions of entry into having the right to practise these professions (credentialising through formal education or additional tests) than the male-dominated knowledge professions (Kofman and Raghuram, 2015: 145).

Different factors shape the processes of giving value to skills in the host country: the gender and nationality of the worker, the sites where they work, the relationships that regulate the skills, and the geopolitical history of skills formation (Kofman & Raghuram, 2015: 105). There are not only formal valuations of skills (educational attainment and profession) but also informal such valuations (national stereotypes of employers and recruitment agencies;

(Scrinzi, 2013; van Riemsdijk, 2013)). Indeed, highly skilled migration is far from being a 'smooth circulation of skills' (Varrel, 2011); rather it involves a complex network of actors and struggles for recognition in a transnational space.

Much of the literature is concerned with the transferability of *already-obtained* skills to the host country's labour market (Raghuram, 2008: 85). Therefore, limitations on and the possibilities of reskilling are central. In fact, the perspective of cultural capital underscores the non-recognition of foreign credentials and professional experiences, and concludes by referring predominantly to one solution: 'play by the rules and accumulate cultural capital recognized on the host country' (Shan, 2013: 917). However, the idea is not only to understand 'which forms of skills are accredited but also to explore how such valuations are being arrived at, by whom, and in whose interests" (Raghuram, 2008: 85). Consequently, the analysis moves from the focus on selectivity at entry in the host countries to the processes of acquisition and valuing of skills and the mechanisms of control across the sending and receiving countries.'

Immigration controls

Highly skilled migration is subject to institutional regulation and legislation in the receiving countries. Much literature about immigration controls has focused on the absence of legal status amongst foreign workers. *Illegality* is a major explanation for labour exploitation. However, the absence of legal status is only one way in which immigration controls produce certain types of labour characterized by precariousness (Anderson, 2010: 313). *Legal* migrants are also unprotected in their relations to employers and the labour market. As Anderson (2010) stated, immigration controls reinforce 'temporariness' in the migratory processes that produce *precarious* workers by preventing migrants from anticipating the future (306).

Legal categories, as part of immigration controls, produce different types of il/legalities. They can be considered 'communicating vessels' (Schrover and Moloney, 2013): migrants change from one category to another and authorities show inconsistent forms of labelling. Indeed, immigration controls are not only about conditions of entry across a border but also about conditions of settlement. The legal framework thus influences the employment conditions of immigrants at different moments of their professional trajectory. According to nationalities, there is a combination of temporal and spatial limitations to employment: fixed-term permits, permits dependent on job contracts, conditional renewal of

permits, limited capacity to change legal status, employers, place of residence, and travelling.

A life-course approach helps to explain the role of skills in migration to track the circulation across sending and receiving countries. In other words, professional trajectories are formed by the acquisition and valuing of skills at different moments and places—for example, acquiring a degree or looking for a job abroad. Understanding how and when these situations happen for highly skilled migration sheds light on the complex processes of gendering and racialisation in governing the mobility of skills (Raghuram, 2008: 81).

To summarise: first, the acquisition and valuing of skills in a migration context are based on gender and nationality. Secondly, the portability of skills is not evident; rather, a broad process lies behind the skills obtained in the host country and the employment and settlement conditions. Thirdly, highly skilled migrants are subject to immigration controls that foster *precariousness*. Drawing on this framework, I propose to understand the downward and upward professional trajectories of the highly skilled South American men and women in Switzerland. I do this by hypothesising that immigration controls mediate their reskilling practices in Switzerland, and that the valuing of Swiss degrees is not straightforward but rather based on gender and nationality.

Research methods

My research findings are based on interview data collected at two different times: during 2009–2010 and 2014–2015 in various cities in Switzerland. In 2009–2010, I collected 18 interviews in Spanish with South American female care workers in one big city in a French-speaking region. In 2014–2015, I collected 45 interviews in Spanish with Peruvian men (21) and women (24) living in French- and German-speaking cities. While I carried out the first data collection using a biographical interview protocol, I performed the second moment of data collection with a similar protocol and life-calendars. In particular, I analysed the moments of education to employment transition and legal status changes in the host country. I established contact with participants through personal networks and immigrants' associations; the first participants gave me the names of other possible contacts ('snowball method').

For this article, I selected 13 (nine women and four men) participants based on one criterion: acquisition of a Swiss degree in the care sector (five women and

Table 3 Male interviewees' profiles

	Pseudo	Age*	Date of	Date	Degrees**	Field of study	Employment	Job title	Type of	Family
)	arrival	oflast)			,	permit***	situation
				degree						
	Academic sector	sector								
I	Samuel	\$2	2001	2007	PE	Architecture +	Full time +	Architect	Permit B	Divorced
	Peru				Bachelor +				(family reunification)	with children
					СН РЪ	Engineering	Adequate to skills +		Naturalization	
							Permanent job			
7	Coco	34	2008	2014	PE Licence	Geophysics +	Full time +	Engineer	Permit B	Unmarried
	Peru				+				(student/	with no
									work)	children
					FR Master	Engineering	Adequate to		Permit L	
					+		skills +		(work)	
					СН РЬD		Not stable job			
3	Marco	33	2007	To	PhD	Environmental	Full time +	Graduate	Permit B	Unmarried
	Peru			obtain	candidate			assistant	(student)	with no children
					PE	Sciences	Adequate to	PhD	Permit L	
					Bachelor +		skills +	student	(looking for a	
									Job)	
					СН		Not stable job		Permit B	
					Master				(student)	

	Pseudo	Age*	Date of	Date	Date of Date Degrees**	Field of study	Employment Job title	Job title	Type of	Family
			arrival of last	oflast			status		permit***	situation
				degree						
	Care sector	or								
4	Pedro	58	1661	2008	PE tech.	Operations	Full time +	Concierge No permit	No permit	Married
	Peru				certificate			in a		with four
										children
					CHVET	officer	Adequate to	association Permit B	Permit B	
					certificate		skills		(family	
									reunification)	
									Naturalization	

Table 4 Female interviewees' profiles

				7						
	Pseudo	Age*	Age* Date	Date	Degrees**	Field of	Employment Job title		Type of	Family
			Jo	oflast		study	status		permit***	situation
			arrival	arrival degree						
	Academic sector	sector								
I	Betty	47	1992	2012	PE Licence +	PE Licence + Linguistic & Full-time	Full-time	Professor	Naturalisation Unmarried	Unmarried
	Peru								(Swiss father) with no	with no
										children
					CH Licence	Literature	Adequate to			
					+		skills			
					PhD +	(Spanish)	Permanent			
							job			
					University					
					Habilitation					
7	Mar	24	1861	6661	CH Licence	Linguistic & Part-time	Part-time	Lecturer	Permit B	Married
	Peru				+				(family	with
									tion)	children
					РһД	Literature	Adequate to skills		Naturalisation	
						(Spanish)				

	Pseudo	Age^*	Date	Date	Degrees**	Field of	Employment Job title	Job title	Type of	Family
			Jo	oflast		study	status		permit***	situation
			arrival	degree						
	Concha	42	2010	2014	PE bachelor	Medical	Job searching	Unemployment	Permit B	Married
	Peru				+	sciences			(family	with
									reunification)	children
					USA MD/				Permit C	
					PhD +					
					CH post-doc					
4	Martha	44	7991	2003	PE Licence + Social work	Social work	Full time	Professor	Permit B	Married
	Peru								(student)	with
										children
					CH PhD		Adequate to		PermitB/C	
							skills		(family	
									reunification)	
							Permanent			
							job			
	Care sector	<u>.</u>								
	Estrella	41	1994	2008	CO	Adversiting	Full time	Care worker at	Permit B	Unmarried
	Colombia				Bachelor +			home	(invitation)	with no children
					CH master	Social work	At home	for a disable	Permit B	
								young men	(student)	
							Not adequate		No permit	
							to skills			

6 Arena	Lsendo	Age*	Date	Date	Degrees**	Field of	Employment Job title	Job title	Type of	Family
			Jo	oflast		study	status		permit***	situation
			arrival	degree						
	ena	27	2003	2010	PE VET	Advertising	Work &	Children's	No permit	Married
Peru	n.				certificate +		training	educator		with one
							,			small child
					CH bachelor Children	Children	paid by	in a private	Permit B	
						education	employers	nursery	(Family	
									reunification)	
							Adequate to		Naturalization	
							skills			
7 Clara	ıra	28	2004	To	CH VET	Nursing	Work &	Night shifts as a No permit	No permit	Married
Peru	ņ			obtain	certificate		training	nurse	Permit B	with no
										children
							Adequate to	assistant		
							skills	in a public		
								institution		
8 San	Sandra	40	1661	2000	CH VET	Health	Full time	Health assistant No permit	No permit	Divorced
Peru	n,				certificate	assistant				with two
										children
							Adequate to	in a public	Permit B	
							skills	hospital	(family	
									reunification)	
									Naturalisation	

	Pseudo Age*	Age*	e* Date Date		Degrees**	Field of	Employment Job title	Job title	Type of	Family
			Jo	oflast		study	status		permit***	situation
			arrival	arrival degree						
6	Rocio	41	oT 9661	To	CH bachelor Arts	Arts	Trainee	Health assistant No permit		Married
	Peru			obtain	+					with two
										children
					CH VET	Health		in a public	Permit B	
					certificate	assistant		institution	(student)	
									Permit B	
									(family	
									reunification)	
									Naturalisation	

* Age at moment of interview ** first to last degree *** first to last permit one man) or a PhD degree in a Swiss HE institution (four women and three men) (See Tables 3 and 4). Although most of the participants had changed their legal status at one time, all the highly/skilled care workers had experienced a moment of no legal status in Switzerland. Considering the plurality of legal situations, I chose to talk about different types of *il/legalities* in professional trajectories.

Coping with il/legalities: South American highly skilled men's and women's professional trajectories in Switzerland

My interest lies in investigating how immigration controls create different types of il/legalities that mediate the valuing of Swiss degrees for South American men and women in the care and academic sectors. In so doing, I analyse the circumstances in which the plurality and dynamic nature of legal situations (categories that affect employment relations and institutionalise uncertainty) influence professional trajectories and the significance of reskilling in the labour market. The findings of this study challenge the idea that reskilling results in more successful labour market participation for highly/skilled migrants. Despite migrants investing financial, social and time resources in reskilling, the analysis of professional trajectories shows limitations based on immigration controls for South American citizens. I have identified that Swiss immigration controls create il/legalities that foster precariousness in both employment sectors according to the independent or dependent nature of permits.

Categories of entry: independent and dependent permits

Swiss immigration controls encompass a permit hierarchy¹² according to the dependant or independent ways of fulfilling the purpose of migration: student, work or family reunification. According to these three ways, the possibilities and limitations of switching types of permits and renewing them as well as access to settlement differ.¹³ A *dependant* way, such as family reunification, represents a legal situation in which the foreigner is not the main applicant. Residence in the host country is contingent on the situation of the family member who is the main applicant (Riaño and Baghdadi, 2007). An *independent* way represents a legal situation in which the foreigner is the main applicant such as a student or work permit. Residence is contingent on the foreigner's capacity to accomplish the permit's purpose. Highly skilled South American men and women deal with both ways at different moments of their professional trajectories, a fact which

influences employment relations and foster uncertainty. Two cases exemplify the extent to which immigration controls mould precarious workers and how the types of il/legalities mediate the valuing of Swiss qualifications for labour market participation. I will thus compare the upward and downward careers in the care sector and academia of highly/skilled women and men with study/work permits with those holding family reunification permits.

Independent way to obtain permits: coping with legal impasses to work after obtaining a Swiss degree

South American highly skilled men and women who try the independent way to obtain an authorisation to work struggle with transformation from the student to the worker permit, ¹⁴ Based on migrants' nationality, immigration controls create legal situations that hinder the valuing of migrants' Swiss degrees in the care sector and academia. Granting a work permit for South American citizens depends on several conditions: the hiring priority must be given to Swiss and EU citizens; the migrant must be the bearer of 'specialised' skills; and limited quotas must be respected each year. Quotas for permit L, which is valid for less than one year, are bigger than for permit B, which is valid for more than one year.¹⁵

After South American citizens graduated from Swiss HE institutions, immigration controls produced *precarious* workers by not granting a residence permit at all or by granting fixed-term work permits. On the one hand, the coming and goings between legality and illegality amongst South American women who hold a Swiss degree in the care sector suggest *adaptation* of their skills to the Swiss labour market without valuing them correspondingly. On the other hand, the type of legality, which privileges fixed term permits (L) after PhD graduation, increases uncertainty in migrants' professional trajectories and reinforces employers' negotiation powers.

Il/legalities that create precarious workers and their skills: highly skilled women in the care sector

Skills-based discourses about selectivity and integration of migrants promote reskilling in Switzerland. However, the independent way to shift from a student permit to a work permit is difficult to access for South American women in the care sector, which creates a particular type of il/legality: shifting between having and not having a residence permit. Estrella's downward professional trajectory is an example (See Table 4).

Excerpt of Estrella's interview in 2010 (home-based care worker, social work degree, aged 41)

Estrella is a Colombian advertising professional who came to Switzerland in 1999. She was invited by her sister who is married to a Swiss citizen and was very sick and expecting a second baby. She helped her sister for the first two years and then registered at a university to learn French. She obtained a certificate of language proficiency and decided to study social work in a university of applied sciences. She was supported by two of her sisters who were in the country. She worked several times in student jobs. While she was studying, she also did several internships in public institutions that provided welfare services to the elderly and young people. She struggled to finish her courses due to financial problems and time-strain issues with work/study. While she was writing her final treatise to obtain the bachelor's degree, she got a job in a childcare centre as an educator. She was already struggling to renew her student permit because she had exceeded the time for submitting her final treatise according to the academic programme. In 2009, she got her diploma with a time extension granted by the university. Convinced that her diploma would create job opportunities, she decided to stay in Switzerland. The childcare centre agreed to request a work permit for her and she hired a lawyer. Immigration officers refused the childcare centre's petition and she registered for a master's programme to renew her permit as a student. The officers refused this petition too, saying that ten years was the limit for student permits. She said: 'immigration officers are afraid that I will ask a settlement permit after ten years of residence.' She was sad to leave the childcare centre. She had to find a job in the informal care sector to pay for her living expenses. She started taking care of a handicapped man in his home. His mother refused to give her a job certificate for her CV and to pay her social benefits, which is possible without having a residence permit. After two years of working in the informal sector, she is still looking for solutions with her lawyer. She is sending her CV to several employers without positive answers. She says: 'here, laws are created to make life impossible. If I had wanted to become a Swiss citizen, I would have got married to a Swiss man. It is easier. But I just want to work.'

Estrella's professional trajectory demonstrates how reskilling practices are mediated by immigration controls that negatively influence employment conditions. These legal mechanisms work on three levels. First, they reinforce

a nationality-based hierarchy of migrants regardless of their Swiss degrees. Considering the skills-based discourse for selecting migrants and predicting their smooth integration, Estrella's qualifications are not valued correspondingly. In fact, immigration controls create a legal impasse in the education to employment transition. Trying to obtain a permit independently might produce illegality after accomplishing a reskilling project in the host country.

Secondly, this type of il/legality influences the employer-employee relations of South American graduates. Some employers in the institutional care sector might value a Swiss degree positively, offer a job contract to the holder, and apply for a work permit. Employers in the informal and home-based care sector do not value and remunerate the same degree accordingly. Immigration controls hinder access to the first employment situation due to barriers imposed on South American citizens to obtain work permits. Instead, these controls seem to favour access to the second employment situation by creating illegality for the graduate. Estrella's Swiss qualifications are used under precarious conditions in the Swiss labour market, which should, paradoxically, be the most appropriate place for those skills to be valued.

Thirdly, immigration controls mould not only precarious workers but also their skills. Immigration controls that hinder the shift from student permits to worker permits fail to encourage the departure of South American graduates. Instead, this type of il/legality seems to adapt their skills in order to supply the Swiss labour market under precarious conditions. Reskilling appears to be a way to adapt the skills of South American women in the care sector so that there is a source of less expensive skilled workers.

Legalities that produce uncertainty: highly skilled men in academia

Employers play an important role in valuing reskilling practices and acquiring work permits. Yet, employers have unequal negotiating power to deal with immigration controls. On one hand, there is a global hierarchy of professions where the migration of embrained skills related to science, technology and management professionals is more privileged than skills related to care workers. Given that those employment sectors are male-dominated, there is a gendered effect on migrant women's access to work permits (Kofman and Raghuram, 2015). The Swiss migration regime follows this global pattern: engineering research (a male-dominated sector) is valued more highly than care services (a female-dominated sector). For instance, Swiss immigration controls consider engineers to be holders of 'specialised' skills that might justify receiving a work permit.

On the other hand, employers of knowledge workers have more resources for hiring migrants (for example, human resources specialists/lawyers to deal with applications for immigration officers) than those interested in care workers. For instance, employers of engineers in Switzerland are renowned research institutes and multinational organisations, whereas employers of care workers are small institutions. Yet, immigration controls also mediate the professional trajectories of highly skilled South American men who hold Swiss degrees in engineering. Obtaining a work permit independently might produce a type of legality that creates uncertainty about professional aspirations, interferes with employees' negotiating powers, and restricts the portability of skills. One example is Coco's upward professional trajectory (See Table 3).

Excerpt of Coco's interview in 2015 (researcher, PhD in geophysics, aged 34)

Coco is a Peruvian physicist who came to Switzerland in 2010. After finishing a master's degree in geophysics in France, he arrived with a scholarship to do a PhD at a renowned engineering university. He completed his PhD degree in 2014 and received a job offer right away. Coco developed a software program for his PhD dissertation and one of his supervisors in the EEUU asked him to develop it further. He received the job offer by telephone and accepted it. The employer wanted him to start as soon as possible. For his employer, obtaining a work permit for the EEUU seemed difficult, and he asked Coco to work in Switzerland. He said that he already had the permit B and they agreed to renew it. Since Coco's research position was funded by an enterprise that had its headquarters in Switzerland, he would be able to work there. However, Coco confused his permit B as a student with a permit B for work. His employer had to employ a lawyer from Germany for the work permit application. The lawyer told him that his chances were good because he was a highly skilled engineer and the author of the software program. After several months, he got a permit L because he had signed a one-year job contract. He was supposed to go to the EEUU afterwards. Right now, he is wondering about his career and where to settle. He says: 'the Swiss system doesn't want you to stay here... you came to study... and you are a foreigner from Peru... Before I felt protected by the university, but now I have this L permit which is extremely annoying... if they fired you, you have to go... But I have a lot of Latino friends that got married and got also permit B.

Coco's professional trajectory demonstrates how the independent way of obtaining a work permit mediates the role of reskilling in engineering research. Again the education to employment legal impasse for South American citizens, even for PhD graduates, influences the valuing of Swiss degrees in three ways. First, the institutionalisation of uncertainty takes place hen one obtains a permit L which represents employment instability. This legal situation mediates the value of a Swiss degree by rendering the portability of skills and professional future ambiguous. The paradoxical nature of Coco's professional trajectory is that the location where he obtained his PhD degree does not match the location where this degree is best valued.

Secondly, despite obtaining legal authorisation to work, this type of legality lessens an employee's negotiating power: permits are contingent on job contracts. Employers might reinforce the uncertainty by offering fixed-term contracts. South American engineers are subjected to staying with the same employer and accepting given employment conditions in order to keep their work permits.

Thirdly, South American men might encounter better valuations of their Swiss degrees than their female counterparts. Yet, the result seems to be more related to the global hierarchy of professions, and hence the unequal employers' negotiating powers with immigration officers than just the role of reskilling. Still, gendered effects are important due to the low proportion of women in the most valued professions. Even when South American women are knowledge workers such as in academia, they still face more barriers than their male counterparts (See the next case of Concha; for engineers see Raghuram, 2004).

In general, reskilling does not seem to be the smoothest way to improve employment conditions for South American women and men looking to earn a work permit independently. South American women holding a Swiss degree struggle to remain in the formal care sector while their male counterparts, as PhD graduates in engineering, struggle with professional uncertainty. These men and women cope with il/legalities according to their financial and social resources. For instance, although hiring a lawyer can be expensive, family networks provided financial aid in the case of Estrella. For Coco, job-hunting can also be difficult, but colleagues' networks provide valuable information.

Dependent way to obtain permits: coping with legal impasses of family reunification

A dependent way of obtaining a permit has important gender and nationality dimensions. Despite their Swiss degrees, highly skilled women who earn a permit via family reunification struggle to access employment in both sectors. They face gendered norms for family caregiving and racialised stereotypes of their skills based on nationality. In particular, this type of legality seems to frame women's professional aspirations—such as reskilling—as contradicting their caregiving responsibilities. Indeed, accomplishing the purpose of their legal stay, which is a condition for renewing a permit, implies that women are at home, taking care of their husbands and children principally (Riaño and Baghdadi, 2007; Riaño, 2011).

While South American men who earn a permit via family reunification also face legal dependency on the Swiss spouse, they face gendered norms related to family caregiving differently. In Switzerland, these migrant men are confronted with a particular family model: men are seen as full-time employees and women are seen as full-time caregivers/part-time employees (Giraud and Lucas, 2009; Baghdadi, 2010). Men's labour market participation is favoured. Indeed, fulfilling this breadwinner role might be rewarded legally with faster access to settlement. In particular, South American men might enjoy better legal situations according to professions: faster settlement for holders of a Swiss PhD in engineering than concierges with a VET certificate.

Legalities that use a 'work-life balance' framework to assess reskilling: highly skilled women in the care sector and academia

Despite their reskilling practices, South American women, as spouses of Swiss citizens, encounter gender norms that evoke 'work-life balance' problems and nationality-based stereotypes about their skills. Family reunification influences the valuing of Swiss qualifications in three ways. First, immigration controls foster circular arguments between immigration officers and employers when it comes to granting work permits independently. About academia, when I asked Concha, a Peruvian woman married to a Swiss citizen of Peruvian origin and the mother of one young daughter, about her experience in a post-doctoral position in a Swiss university, she answered:

The first six months I have to stay at home without working because I had to wait for my permit B. The Canton (immigration officers) didn't want to give me my permit because they wanted my (post-doctoral) job contract first. But they (the university) won't give my job contract because I didn't have the permit. At the end, I got the permit via my husband: the family reunification permit B... with work... even though

the box didn't exist (in the application form)... because here women are a little... the country is a little chauvinist and "machista"... So amongst the boxes to fill in for the family reunification permit (application form)... women with work does not exist. There is husband or work. They (immigration officers) asked me: if you are married, why do you have to work? (Concha, Peru, job hunting, medical sciences, aged 42)

Misinformation about the Federal Act for Foreign Nationals reinforces the idea of family reunification as a "solution" to hiring highly skilled non-EU women instead of their appropriate qualifications. This type of legality demonstrates how immigration controls reinforce the opacity of its content and application and dependent legal situations for these women.

Secondly, although family reunification seems to be the only legal path to the Swiss labour market for highly skilled South American women, this type of legality is marked by a gendered model of the family that influences employment conditions. Family reunification permits do not consider women as wives/mothers and employees simultaneously, and key institutional actors reinforce this discourse. When I asked Rocio—a Peruvian woman married to a Swiss citizen, the mother of two young boys, and the holder of a Swiss degree in Arts—about her reskilling project, she replied:

Now that my youngest child is eight years old, I have been looking for jobs. I paid several visits to employment counsellors. I told them to help me find a part-time job. I was very sad when she told me: "you want to work or take care of your children?" They do not understand that I want to work while being also a mother. I am very discouraged. Then a friend told me about a job position as a health auxiliary in the centre where she works. I am interested but I have to obtain the Red Cross certificate. Since I heard that the employment agency paid for those courses, I went to ask. The counsellor told me no. First, I have to prove that I cannot find a job according to my degree; then I have to prove that I cannot find jobs in the cleaning sector, and then they could pay this course for me. (Rocio, Peru, training for health auxiliary, aged 41)

Thirdly, besides the gendered effects of family reunification, this type of legality mediates the role of reskilling practices based on racialised perceptions of Latino women's skills and place in the labour market. Rocio's answer demonstrates

that South American women who are looking for a job after obtaining a family reunification permit face problems on two levels. Another project of reskilling still seems to be considered as contradictory to the permit's purpose. Regardless of their Swiss qualifications, South American women still need to prove that their hunt for cleaning jobs has been unsuccessful in order to access the employment programme's benefits. This type of legality thus demonstrates that a formal and informal racialisation of skills hinders South American women's reskilling outcomes.

Legalities according to professions: differences between academia and the care sector among South American men

Although the gendered effect of family reunification on South American men might give rise to their labour market participation as breadwinners, the conditions and resources to fulfil the permit's purpose vary according to their profession. For instance, Pedro, who had predominantly worked in low skilled, unstable and informal jobs in construction, agriculture, restaurants and cleaning services since 1990, struggled to fulfil the requirements of family reunification. After marrying a Swiss citizen of Argentinian origin in 1998, he regularised his legal status and decided to bring his three children from Peru. Having a legal status did not improve Pedro's employment prospects. Indeed, the family reunification application for Pedro meant a type of legality that pushed him and his wife to work under precarious conditions (long hours, weekends, no job contracts) until they obtained the right kind of 'proofs' for immigration officers. In fact, the requirements of 'financial autonomy' (full-time and stable job) and 'adequate housing' were hard to satisfy. He said: 'I fought a lot for family reunification until they (immigration officials) gave it to me' (Pedro, Peru, concierge with a VET certificate, aged 58). Obtaining a full-time job as a concierge for an association in 1998 and achieving a VET certificate as a concierge in 2007 finally enabled him to complete the requirements.

For men, family reunification gives an important role to reskilling and employment as a way to conform to the breadwinner profile, but Pedro's Swiss qualifications were less valued by immigration officers than others'. These immigration controls favour the legal settlement and labour market participation in engineering research rather than professional cleaning for South American men. An example is Samuel's upward professional trajectory: he was married to a Swiss citizen and is the father of two children. He obtained a PhD in engineering from a renowned Swiss HE institution. Besides not having any problem

obtaining a family reunification permit, he was granted Swiss citizenship after three years of residence via facilitated naturalisation. In his own words, 'I made all the procedures through the HE institution and I got the passport. When I saw that I had to pay 800 Swiss francs, I felt welcomed to the club' (Samuel, engineer, aged 52). Indeed, Samuel's profession, type of Swiss degree and employment prospects can be considered as facilitating the breadwinner role implied in family reunification. In fact, immigration controls seem to offer a 'speed' shift from this dependent path (family reunification) to an independent legal status (naturalisation). Family reunification is marked not only by gender and nationality but also professions' hierarchies and social class.

Reskilling to improve labour market participation depends on time and the financial and social resources of couples undergoing family reunification. Embarking on and achieving reskilling was possible for women and men thanks to their spouses' financial support and engagement in family caregiving.

Conclusions

The aim of this article was to investigate the different types of il/legalities that immigration controls produce, and their impact on the reskilling outcomes of South Americans' professional trajectories in the care and academic sectors. A life-course perspective is particularly suitable to trace the circulation of highly skilled migrants beyond their category of entry—they combine different forms of circulation: irregular, student, work and family migration, and to assess their employment and family trajectories afterwards. Instead of separating those immigration flows in advance, the comparison of life stories sheds light on the circumstances in which migrants navigate different legal situations and experience downward or upward professional trajectories. Immigration controls interfere with the valuing of these immigrants' Swiss degrees by reducing their options to a dependent legal situation or an illegal situation. Both situations render a professional future uncertain.

These findings add to the debates about highly skilled migration and demonstrate how and when immigration controls influence reskilling outcomes. One of the principal implications of this study is to question the common idea that illegality is the only way to create precarious migrant workers and that reskilling at destination is an uncomplicated solution. On the one hand, the conceptualisation of these experiences is subject to theoretical debates to avoid

the use of state-define categories alone and to transcend simplistic dichotomies of legal vs. illegal. Non-citizenship literature provides an alternative approach. Citizenship and non-citizenship are socially produced heterogeneous categories contingent to gender, social class, age, ethnicity, race, etc. Since non-citizenship is not residual, border crossing between the multiple categories of non-citizens and citizens has to be theorised systematically. Non-citizen categories 'specify the formal bases regulating how long a person can remain and under what conditions, conditions regarding access to labour markets, and regulations establishing access to social citizenship, particularly social goods and services' (Landolt and Goldring, 2015: 854). Indeed, non-citizenship intersects with precarious employment and can potentially produce experiences that have cumulative and path-dependant effects (Goldring and Landolt, 2011). It seems that migrant workers are spending more time navigating through various forms of insecure legal status, making them particularly vulnerable to employer exploitation and abuse. My findings expand the analysis of professional trajectories mediated by particular legal situations to highly skilled foreigners. The achievement of a Swiss degree by South American citizens does not seem to automatically ameliorate employment conditions in the host country due to legal restrictions. Noncitizenship as dependent on or the absence of permits seems to be rather 'sticky' in migrants' life-courses regardless of level and provenance of skills.

On the other hand, immigration controls create precarious workers not only in terms of employment conditions but also in terms of the skills they acquire in the host country. Thus, when analysing the extent to which reskilling improves employment conditions in the host country, it is important to recognise that skills are not a neutral criterion. Governing the mobility of skills (Raghuram, 2008) encompasses gender, nationality and professional hierarchies. Care and academia are foreign-based employment sectors but at contrasting positions in gendercomposition and the global hierarchy of professions. They show how gender and racism based on nationality work simultaneously at transnational and national levels. Immigration controls devalue the reskilling of South American women by preferring male-dominated professions and reinforcing a male-breadwinner family model. The racialisation of migrants' skills is reinforced formally by immigration laws directed at non-EU citizens and informally by immigration officers' stereotypes about Latinos' employability. In this way, my findings contribute to a burgeoning debate about transnational social stratification based on intersectionality of gender, race, social class and legal status in migration.

Notes

- 1 As Francesca Scrinzi (2013) stated, there is a *differentialist* or *culturalist* racism that naturalises cultural difference and xenophobia: migrants' situations are explained by their different "mentality," culture, religion, etc., and it is natural for human beings to have a culture and to be hostile towards "allogeneous" individuals. There is also a genealogic conceptualisation of nationality. This means that the integration of a migrant into another culture is doomed to fail (Scrinzi, 2013: 50–51)
- 2 Switzerland had a foreign population with permanent residence status of 24.3% in 2014, which is one of the highest amongst European countries.
- 3 This includes the countries in the EU-28 and the European Free Trade Association (EFTA).
- 4 Having a job contract involves a residence permit for five years, and the right for family reunification of the spouse, children (until 21 years old) and parents.
- 5 Having a fixed-term job contract involves a residence permit for a specific amount of time, whereas having a permanent job contract means having a residence permit that must be renewed each year for the first ten years. Family reunification is possible for the spouse and children until they reach 18 years old provided they are living together, have adequate housing and are financially autonomous.
- 6 In this category, there are university and higher education teachers, professions that involve research, medical doctors, and health and nursing professionals.
- 7 Professions in this category include: social-work-associated professionals, life science technicians and related associate professionals, modern health associate professionals, and nursing and midwifery associate professionals.
- 8 Professions in this category include: personal care workers in the health services, housekeeping workers, personal care workers, cleaners and housekeepers, supervisors in offices and hotels, health care assistants, and other personal service workers, etc.
- 9 For example, universities of applied sciences offer degrees for children's educators, social workers and nurses.
- 10 For example, there are VET certificates for health assistants at home and in institutions, children's educator assistants, cleaning supervisors and assistants in private homes and other buildings.
- 11 A life-calendar is defined as: 'a two-way grid, with the temporal dimension on the one side, and different life domains on the other. Respondents are asked to report events for each life domain, relating them to what happened across other domains or in references to time landmarks. While filling in this calendar, respondents can visualize their life trajectory, linking what happened to when, where and for how long it happened' (Morselli et al., 2013: 3).

- 12 Civic stratification is a structure of inequalities based on assigning different sets of rights to people with respect to their status (long-term resident, national or EU citizen, family migrant, guest worker etc. (Bonizzoni, 2011: 313).
- 13 Both ways involve the possibility of obtaining a settlement permit C after ten years (work) or five years (family reunification) if there is 'successful integration.' Only family reunification involves a 'facilitated naturalisation' that means a faster and cheaper process for obtaining a Swiss passport.
- 14 A modification of the law for foreigners in 2009 made it possible for non-EU citizens who have achieved a Swiss HE degree to obtain a six-month permit L for the purpose of jobhunting (Canton de Vaud, 2009).
- 15 Quotas for 2016: 4,000 for permit L and 2,500 for permit B (Confédération Suisse, 2016).

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