

The Intersectional Racialisation of Migrant Sex Workers in Aotearoa New Zealand

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Abstract

In 2003, Aotearoa New Zealand decriminalised sex work by passing the Prostitution Reform Act (PRA). Migrant sex workers (MSWs) on temporary visas are excluded from the protections guaranteed by the PRA (New Zealand Government 2003) as they may be deported by Immigration New Zealand (INZ), making them more exploitable. Anti-immigrant commentary from politicians before and during the 2017 - and more recently the 2023 - election campaigns exacerbated these vulnerabilities. The subsequent formation of the Labour-led Coalition Government in 2017 with New Zealand First (NZ1st) as their coalition partner and the introduction of more restrictive migration policies due to NZ1st policies coincided with more activity by INZ against MSWs. In this article we argue that the anti-immigration rhetoric and interventions that framed and followed the 2017 election campaign echo historical, racist attitudes towards Chinese migrants. At the same time the criteria of vulnerability according to which INZ targets Asian MSWs shows the shifting of profiling from a race-centric to a more intersectional approach including gender, age and class, which mirrors a shift towards neoliberal governance and sexual humanitarian forms of migration management.

Keywords: sex work, New Zealand, migration, neoliberalism.

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1. Introduction

In 2003, Aotearoa¹ New Zealand decriminalised sex work for most sex workers by passing the Prostitution Reform Act (PRA). Migrant Sex Workers (MSWs) on temporary visas are excluded from the protections guaranteed by the PRA and may be deported, which makes them more exploitable by employers and clients and more liable to deportation by people reporting them to INZ because of anti-immigration beliefs. Anti-immigrant commentary from politicians before and during the 2017 election campaign exacerbated these vulnerabilities. The formation of the Labour-led Coalition Government with NZ1st and the introduction of more restrictive migration policies from NZ1st coincided with more activity by INZ against MSWs. Simultaneously, mainstream newspaper articles portrayed MSWs either as victims needing rescuing or as a drain on resources, rather than focusing on them as sex workers vulnerable to labour exploitation (Tan 2018d, 2018e).

The anti-immigration rhetoric used during the election campaign facilitated the reproduction among sex workers of racialised hierarchies of belonging, as some vocal 'white' New Zealand born sex workers attacked MSWs, accusing them of undercutting prices, not meeting health requirements, and causing NZ born sex workers to do the same (Tan 2018a, 2018b). These initial claims were countered by the leading national sex worker rights organisation the Aotearoa New Zealand Sex Workers' Collective (NZPC). They also ignored and subsumed Māori sex workers, a dynamic which characterises mainstream media coverage of Aotearoa New Zealand society (Allen & Bruce 2017). Nevertheless, a number of NZ born sex workers, including several Māori, NZ's Indigenous people, signed a letter stating these racialising and antagonising perspectives did not represent their views nor those of other sex workers (Tan 2018c).

The events outlined before are emblematic of the revitalisation and reconfiguration of existing social divisions within neoliberal governance, which is characterised by the reconfiguration of sovereignty and labour mobility through the expansion of both physical and non-physical borders. These borders regulate the movement of goods and workers in a way that serves the interests of a globalised and increasingly polarised capitalist system (Mezzadra & Neilson 2013). This convergence of dynamics has led to restrictive migration policies that disproportionately impact upon the mobility of racialised groups. Simultaneously, it has created humanitarian socio-legal exceptions within these policies, identifying certain migrants as potential recipients of humanitarian protection (Fassin 2011). Anti-trafficking initiatives serve as an emblematic example of the convergence between humanitarian and neoliberal governance,

¹ Aotearoa is the indigenous Maori name for New Zealand and means Land of the Long White Cloud. Because it is a recognised part of the name of the country and is in everyday use, it is not recognised as a foreign word, and so will not be italicised. Nor shall place names in Maori, personal names, or the names of tribes, all of which are in everyday use.

where specific, racialised criteria of victimhood act as strategic bordering mechanisms by reactivating historical hierarchies of entitlement to mobility and belonging to national identities.

The convergence between these dynamics is the context for the emergence of "crimmigration" approaches in which immigration enforcement becomes intertwined with the functions of the criminal justice system (Stumpf 2006). This integration represents a shift in immigration control, extending beyond border enforcement to involve everyday operations of government, institutions, and individuals, as modern technologies and penal interventions are used to manage noncitizens within national borders (Aas & Bosworth 2013). These crimmigration practices, focused predominantly on racialised migrant groups, disproportionately impact them, subjecting them to hostile practices due to their perceived lack of belonging to the national community (Armenta 2016; Bhatia 2020).

The article draws on these critical perspectives, particularly in relation to the persistence of colonial and racialised views of victimhood in contemporary anti-trafficking efforts (Doezema 2010). It introduces the concept of 'sexual humanitarianism,' which explores how specific migrant groups are criminalised, problematised, and supported based on perceived vulnerabilities related to their sexual orientation and behaviour, often in racialised ways (Mai 2018). This concept highlights not only the proliferation of humanitarian borders and crimmigration dynamics brought about by neoliberal governance, but also the ways in which these operate through the reactivation and deployment of existing and historical racialised hierarchies and identities (Mai 2025).

Drawing on the perspectives and experiences of MSWs we interviewed in in Aotearoa New Zealand, this article will challenge contemporary sexual humanitarian concerns regarding MSWs' potential involvement in trafficking, which, as we shall see in the next section, translated in their exclusion from the social protections granted to all other sex workers by the 2003 PRA. This differential treatment both echoes and magnifies the ethnic hierarchies and racial divisions that characterised the official historical cultural construction of the Kiwi national identity as resulting from Pākehā (European, particularly of British descent) and Māori (the indigenous people of New Zealand) cultures, which tends not to acknowledge the contributions made by other migrant populations over time.

Aotearoa New Zealand's history of migration began with Māori arriving in the 13th century, followed by European settlers after the signing of Te Tiriti o Waitangi (Treaty of Waitangi) in 1840. The racialisation of migrants started with early European colonisation, as exemplified by Dr. Arthur Thompson's assertion of Māori intellectual inferiority based on pseudo-scientific measurements (Middleton, 2020). These ideas were further perpetuated through Edward Gibbon Wakefield's New Zealand Company in the 1830s, which sought to create a class-based society favouring British ideals (Fairburn 1990). Immigration ordinances such as Southland's (1861) and

Otago's (1854) privileged UK migrants, embedding racial hierarchies that marginalised Chinese, Dalmatian, and other European immigrants (Hensley 1971). Chinese immigrants faced particular hostility during the gold rush, culminating in discriminatory policies like the Poll Tax of 1881, as well as anti-Chinese sentiment that persisted into the 20th century (New Zealand Government 1881; Eldred-Grigg 2008; Ministry for Culture and Heritage 2018).

The postwar period continued to enforce a de facto "White New Zealand" policy, excluding Asian migrants while facilitating labour migration from Pacific Islands (Brawley 1993). This culminated in the "Dawn Raids" of the 1970s, targeting Pacific Island overstayers (Anae 2012). Since the 1980s, neoliberal immigration reforms have selectively opened or restricted migration, with racialised criteria linked to labour needs (Simon-Kumar 2015). It would be beyond the scope of this article to analyse the historical evolution of Aotearoa New Zealand's immigration policies in much more detail. However, it is important to underline how the period between 1987 and the present day has been characterised by different phases of relative opening and closing in relation to the possibility for students and migrants to access and remain in Aotearoa New Zealand, ranging from the more inclusive multicultural policies of the early 2000 under the Labour Government of the times (Bedford 2004) to more restrictive policies under single or coalition Governments involving New Zealand First (Bedford & Liu 2012). In the 2017 election, populist anti-immigration rhetoric emerged again, with claims that work permits were skewing the economy and implicitly invoking racial fears, despite data showing the majority of permits were granted to Western nationals (Moir 2017; Jones 2017).

In order to understand the complex interweaving of ethnicity and race in the establishment of hierarchies of belonging in Aotearoa New Zealand, this article will adopt the concept of racialisation, which refers to the use of racial categories to define and interpret social issues (Murji & Solomos 2005). More specifically, we will explore racialisation as a strategic catalyst within the deployment of 'sexual humanitarian' crimmigration interventions targeting MSWs in Aotearoa New Zealand, by focusing on their impact on the lives and rights of the people directly concerned. Our article will draw on existing studies of the ways in which whiteness and racialisation have historically been fuelling the conceptualisation of trafficking and the implementation of anti-trafficking policies and interventions (Kempadoo 2001; Doezema 2001). More specifically, we will complement existing research underlining the way Asian cis female sex workers are racialised as passive victims and as outsiders, and as such targeted by law enforcement and immigration controls (Lam & Lepp 2019; Ham 2017; Dalton & Jung 2019). Our findings confirm that the targeting of massage and wellness establishments where Asian workers are assumed to work is often combined with racial profiling of Asian workers during raids, checks and controls of sex work venues in Australia (Selvey et al., 2018) Aotearoa New Zealand (Ting 2018; Tichenor 2019) and the US (Cheng & Kim 2014). Furthermore, MSWs who are white and

speaking English are able to blend into the non-migrant population while those who do not speak English and are not European are more easily seen by investigators (Abel and Roguski 2018).

Drawing on original research findings and on the analysis of current and past processes of racialisation of Aotearoa New Zealand society, this article examines how contemporary anti-immigration rhetoric and bordering practices targeting MSWs echo historical, racist attitudes towards Chinese migrants that are now extended to Asian migrants more generally. More specifically, we will examine how contemporary processes of bordering and racialisation reflect socially entrenched hierarchies of belonging that have historically established ‘if not literally a “white New Zealand” policy, at least one which was carefully designed effectively to prevent the settlement of Asians’ (O’Connor 1968).

2. Sex work legislation and migration control in Aotearoa New Zealand

In 2003 Aotearoa New Zealand moved from the repression of sex work to an integrative approach that aims to “integrate the sex work sector into [the] societal, legal and institutional framework in order to protect those selling sex from harm” (Östegren 2017, 15). A key event was the passage of the Prostitution Reform Act 2003 (PRA) by one vote (Hansard 2003b, 6608) after a three-year debate before Parliament, having been introduced on 11 October 2000 (Hansard 2000, 152). The aims of the Act are to decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that:

- safeguards the human rights of sex workers and protects them from exploitation:
- promotes the welfare and occupational health and safety of sex workers:
- is conducive to public health:
- prohibits the use in prostitution of persons under 18 years of age:
- implements certain other related reforms.

However, the PRA contains a section that prohibits MSWs on a temporary visa working as sex workers, or from owning or operating a brothel. Furthermore, migrants on a Permanent Residents visa also may not own or operate a brothel (s19, PRA). As a result, migrants who are working as sex workers may be deported by INZ for being in breach of their visa and are therefore at risk of other forms of violence. This section, said by Diane Yates, MP for Hamilton East, to border “somewhat on racism and protectionism” (Hansard 2003a, 5745)” was added at the last moment during the Committee Stages of the Bill as an Anti-Trafficking clause (Hansard 2003b, 6174)

contrary to the wishes of NZPC. The then Minister of Immigration refused to consult with sex workers (Dame Catherine Healy NZKI020).

Early research on the impact of the PRA (Abel et al 2007) showed that the implementation of the Act has been successful and generally meets the needs of sex workers, allowing them control over their conditions of employment, the right to say no to providing sexual services at any time, and enhancing the possibility to approach the police without fear of arrest. However, this study did not focus on the reality of MSWs as only a limited number of Asian workers were represented (Abel et al 2007, 7). Even though the stated purpose of s19 is to fight trafficking, the Prostitution Law Review Committee (PLRC) which was formed under s43 of the PRA and charged with reviewing the Act within 5 years, found there was no evidence of trafficking in the Aotearoa New Zealand sex industry (PLRC 2008, 167), a finding that was later confirmed in 2012 by Roguski.

MSWs may often only be in Aotearoa New Zealand for a limited time, for between 3 to 6 months, and seek to hide from INZ and avoid attention from other government agencies. Some tour the country rather than staying in one place making it harder for INZ to find them, but also harder for NZPC to locate them and provide them with safer sex products and information about their rights and their sexual and reproductive health. Since the announcement of the Labour-NZ First government in October 2017, key informants have noted that INZ have increased their investigations into MSWs in Aotearoa New Zealand and increased their raids on brothels. They also increased efforts seeking to prevent sex workers from entering the country by refusing suspected sex workers entry and preventing them from boarding aircraft bound for Aotearoa New Zealand. In some cases, INZ officers have posed as clients to make an appointment with a sex worker at boutique managed brothels or small owner operator brothels² and have used photos taken from online adverts to identify MSWs. From October 2018, NZPC noted that INZ started turning up at managed and small owner operated brothels with up to 6 INZ officers and 8 police officers, with the police often standing outside leading to comments from neighbours. NZPC are aware of other visits since then.

By then INZ had already stepped up its surveillance of the sex industry with people being refused entry at the border and also deported, though the numbers are higher in later deportations and refusal of entry than previously, with 132 suspected sex workers prevented from entering Aotearoa New Zealand in the year to February 2018, compared to 45 in the year to April 2013 (Gee 2019; McCann 2019; Nicol-Williams 2019; Newshub reporter 2018; Tan 2013).

The studies and considerations reviewed in this and in the previous sections highlight how s19, by combining immigration law with laws seeking to retain the criminality of a group, may be

² A Small Owner Operated Brothel (SOOB) is defined in the PRA as a brothel where up to four sex workers work together as equals, with no one person in charge. Any person in charge of even one sex worker requires an Operator's Certificate. A SOOB is exempt from this requirement.

classified as a crimmigration law (Herber 2018). The data and analyses produced by the Sexual Humanitarianism (SexHum) project confirms these earlier findings. They also demonstrate that s19's crimmigration approach translates into anti-trafficking interventions that both enforce and exacerbate the exploitability of MSWs along gendered and racialised lines by focusing on populations that are supposed to be a higher risk according to their assumed vulnerability to exploitation and trafficking: Asian cis women (Bennachie et al. 2021).

3. Methodology

This article draws from 26 months of ethnographic fieldwork from March 2017 to May 2019 in Auckland and Wellington in the context of the multi-country SexHum Study. SexHum explored the relationship between migration, sex work, and trafficking in 8 cities within four countries: Australia (Melbourne and Sydney), France (Paris and Marseille), Aotearoa New Zealand (Auckland and Wellington) and the US (New York City and Los Angeles). It examined the impact of anti-trafficking initiatives on the governance of migration and the sex industry by analysing sex workers' own understandings and experiences of agency and exploitation in order to improve policies and social interventions to address their needs. Ethics approval for the interviews in Aotearoa New Zealand was sought and given by Otago University.

The data examined in this paper refer to the Aotearoa New Zealand field site. Our analysis focuses primarily on the criminalisation of migrants - both documented and undocumented - who are caught between the necessity to sell sex because of their structural exclusion from jobs outside of the sex industry and their subjection to anti-migrant and anti-trafficking law enforcement operations. Such operations include undercover police activities designed to combat trafficking into sex work, which exacerbates sex workers' vulnerability to abuse, violence, and physical and mental health issues.

Translators were used where necessary, though there were very few situations where this was needed. In one case, a migrant sex worker of Asian background refused a translator but had difficulty with some questions. She produced her phone, and using the camera used Google translate to translate the questions. She then answered in English. The interviews were not recorded, but the interviewer typed responses from the interviewees at the time, checking with the interviewee to ensure the response was correct.

In order to be able to understand the ways in which racialisation operates as a strategic catalyst within neoliberal forms of migration and sex work governance, we purposely included in our sample a large majority of racialised participants: of the 50 interviews completed so far in

Aotearoa New Zealand, 45 are with racialised migrants, 28 of whom are from Asian countries, with 14 from mainland China (and a further 2 from Hong Kong), the largest number of interviewees from a single country. However, 20 people noted their ethnicity as Chinese. By engaging with the nuanced and contextual experiences of agency and of anti-trafficking interventions of MSWs, this article will analyse how whiteness and non-whiteness have recently re-emerged as unspoken racialised criteria for the identification of potential sexual humanitarian targets in Aotearoa New Zealand. Racialised research participants ranged in age from 21 to 54 years, with the mean age of 33.4 and an average age of 34.7 years.

4. Findings

The stories, perspectives, and experiences of most of our Asian female research participants contradict their assumed passivity and vulnerability to exploitation and trafficking. They demonstrate their agency in deciding to migrate and work in the sex industry to avoid being exploited in other commercial sectors. Our findings also show the active role of racialised anti-trafficking interventions in enforcing and exacerbating their exploitability. The story of Johanna, a 27-year-old Thai cis woman is very telling of how anti-trafficking interventions can become themselves a catalyst of exploitation. We interviewed Joanna in the central city SOOB (Small Owner Operated Brothel) in Auckland from which she worked. She had been staying in Australia and initially came on a visitor's visa, which she then changed to a student visa.

I arranged my travel by myself - read a newspaper, saw an advert for a tour and came on that, and decided to stay after the tour finished, and went to study English (NZSW010).

A student is entitled to work up to 20 hours per week on a student visa as an employee in any industry other than sex work. Johanna had turned to sex work as the income from working in a restaurant was not enough. She felt exploited at the restaurant, having to do more hours that she was paid for. She initially did massage only, then full service, then only hand relief.

When INZ came to the SOOB in June 2017 she was interviewed by a male immigration officer who used naked images of her taken from the website she advertised on, despite fully or partly clothed images also being on that site. As a result of the interview, she was served a Deportation Liability Notice (DLN) and she had to leave Aotearoa New Zealand within 28 days of the notice being served, or she would face deportation.

They just kept asking me “Why do this job, why this”. They said I have to leave, then they leave (NZSW010).

Having to raise the money for a ticket within 28 days and to bring home some money, she felt she had to work harder, work longer hours, and accept clients she didn't want to accept, something she describes as 'forcing herself' in order to comply with INZ's mandatory deportation timeline.

I'm having to force myself to work just now, not because of anyone here, but because of visa stuff (NZSW010).

During the interview Johanna clearly explained that she felt unwell because of the stressful situation she was put in:

It makes my heart feel bad, period cramps when I have not had them before, I feel shame, I feel bad all over. I'm not able to sleep properly (NZSW010).

Although now feeling forced to sell sex not unlike a victim of trafficking, she emphasised that she had started sex work voluntarily and wasn't forced into becoming a sex worker:

We can only work 20 hours a week, yet this is not enough money for rent, food. I decided myself to start this work, but after talking with friends and thinking a lot about it. Maybe thinking about it for 2 weeks before actually starting it. ... I came myself. No one forces me here to do or not to do this except me (NZSW010).

Joanna's negative experiences of being entrapped and humiliated by INZ were recurring ones amongst our interview participants, many of whom decided to work in the sex industry in order to avoid being exploited in other sectors. For instance, Suvi, a twenty-six-year-old Indian cis woman, was also a student entitled to work up to 20 hours per week in any other occupation but sex work. However, because of exploitation in the hospitality and cleaning sector, she decided to start as a sex worker after having done some research into sex work in Aotearoa New Zealand. She was unaware when she started that while she could work 20 hours per week on a student visa, it was 20 hours per week in any occupation other than sex work and that by doing sex work, she was at risk of deportation. INZ investigated her and came to the managed brothel she was working from:

They had rung and booked an appointment for 11am, and I answered the door when they arrived. Initially it was just one person, with a big, long jacket on who asked, "I'm here to meet Suvi, are you Suvi?" He kept asking if I was Suvi, and he asked my name several times, and wouldn't move from the door while asking my name (NZSW002).

It was becoming clear to Suvi that someone from INZ had rung and deliberately made an appointment with her, acting as a client. This is a form of entrapment that we encountered and discussed in the context of SexHum in the US, where sex work is criminalised (Fehrenbacher et al 2020; Hoefinger et al 2020). Suvi continues:

Then he said he was from Immigration New Zealand and the others, two women who were also from Immigration and two men in police uniforms. He showed me his ID badge that showed he was an Immigration investigator, and he said he was there to deport me. I was shocked, how could this be happening to me? He told me he could arrest me, but he also said he didn't feel the need to do so that day. The police said nothing, only the man who first spoke to me. One of the women spoke with my employer. The male investigator was confirming what I was doing there, what kind of job I did and everything, told me not to lie, that everything (was) being recorded. He asked me how long I had been working for, why I was working in a brothel, how many hours I worked, how many clients I saw, and if it was appointment based only or something else. He used photos taken from the work website, photos of me naked (NZSW002).

As a result of this investigation Suvi had panic attacks, which she was able to control through medication prescribed by her university health services. These attacks occurred when she thought about her parents finding out that she had been engaging in sex work.

It's very nerve wracking - I came from a place that was highly restrictive, and I do not want to go back. My life would be over. I've been building networks, friendships, etc., over here, and all this could all be taken away from me. I'm living with this constant fear every day (NZSW002).

Again, as in the case of Johanna, a male Immigration Officer interviewed a vulnerable female sex worker using naked images of her, which is a clear power imbalance designed to intimidate the MSW. Hamby (2000, in Angelique and Culley 2003, 193-195) discusses what a power imbalance looks like. It involves authority of one person over another, in this case the Immigration Officer vs the female interviewee; disparagement, in this case, the use of naked images, where clothed

ones are also available; and restrictiveness based on gender- in this case a male with the authority and the use of naked images over the female interviewee. Although these power imbalances may affect people in different ways, both Johanna and Suvi felt belittled and embarrassed by the use of naked images, and both suffered psychological effects afterwards, one requiring medication. It is therefore important that INZ “acknowledge gender as an important factor with important consequences” (Swift, Bond, & Serrano-García 2001, in Angelique & Culley 2003, 191). When questioned about the use of naked pictures in the context of anti-immigration raids, Peter Devoy, the deputy manager of Immigration New Zealand (NZKI005), seemed to be more sympathetic towards his staff potentially having to do so in order to be able to support a case of deportation for having provided sexual services than towards the impact this would have on MSWs. Nevertheless, he agreed that it would be better if a woman conducted such interviews.

NZKI005: The naked ones come down to us being in an invidious position of having to prove that, on balance, this person participates in providing sexual services. Therein lies the whole difficulty. I don't, I don't like my staff being put in that position...

Interviewer: Would it have been better if they were interviewed by a female Immigration Officer?

NZKI005: Yes! Undoubtedly, and that's certainly acknowledged.

The quote from the interview with the deputy manager of INZ is revealing of where priorities lay when enforcing immigration law. It is also revealing of the degree of discretion and arbitrariness the criminalisation of migrant sex work and its enforcement allow. In Aotearoa New Zealand this included a pilot project using ethnicity as a predictor of the liability to become migrant overstayers. This was seen as amounting to racial profiling by immigration lawyers and the Tongan community leader Melino Maka, who said it reminded him of the dawn raids in the 1970s during which the police would swoop on the homes of Pacific Islanders believed to have overstayed (Fraser 2018). Although INZ denied racial profiling happened, the project was suspended anyway (Fraser 2018; Pullar-Strecker 2018). The discretionary implementation of immigration law by INZ was suspected of being racialised again later in 2018 in relation to MSWs more specifically. Despite 27 of the recent deportations of MSWs involving migrants from Asia, INZ stated that they ‘would never profile people based on single factors such as gender or ethnicity alone’ as ‘profiling people based only on race is completely unacceptable” (Tan 2018c). Rather than documenting the absence of racial profiling, the dynamics observed and analysed above in relation to the realities of MSWs show the shifting of profiling from a race-centric to more intersectional profiling practices including gender, age and class. This shift seems to mirror the transition of Aotearoa New Zealand towards neoliberal, and discretionary forms of migration management framing and bordering undesirable populations in relation to their potential

economic contribution to national wealth (Simon-Kumar 2015) and to sexual humanitarian criteria of vulnerability (Mai 2018).

The results from the SexHum study indicate that section 19 of the PRA leaves MSWs vulnerable to violence and abuse as most will not go to the police if something goes wrong, even if in an area of their life not related to sex work, in case it draws attention to that and exposes them to the threat of deportation. For instance, Sean, a 24-year-old gay cis-male Chinese sex worker stated:

If anything happened to me, I wouldn't go to the police because I'm scared of being kicked out ... I wouldn't want the police to come round and interview me about anything, as I may have to tell them about this work and end up being deported (NZSW045).

Fear of deportation was mentioned by many of our research participants as the main reason for not contacting the police when they were the victims of crime. For instance, Lucy, a 26-year-old Chinese cis-female sex worker, and Sunny, a 30-year-old Chinese cis-female sex worker, respectively said:

No, no, never had contact with the police in NZ. I would not like them to know what I do, in case they told Immigration. If I was hit or robbed when I was out shopping, I would not tell the police I lived here [above the brothel] as they would know I worked here as well, and then they could tell Immigration (Lucy - NZSW020).

I do not think I would contact the police though if something went wrong, even if it wasn't at work, because I do not want them knowing what I do as I think they may tell Immigration, and I do not want them to know as I may get deported (Sunny - NZSW022).

The degree of discretionary power conferred to INZ officer by section 19 was reported as leading to cases of blackmail by clients threatening to report MSWs to INZ unless they accept providing sexual services, amounting to rape. Molly (NZSW032), a 22-year-old cis woman and one of the few Europeans in our study, reported having been a victim of blackmail and rape and not having reported it to the police for fear of deportation.

The first time something bad happened here, I was in X., and this guy said he had the images from my web advert, and that I was working illegally from a hotel in X. Apparently, they have a bylaw there that says you can't work in hotels or motels, but most private people do if they are touring. At the time I had a face pic on my advert, so that came off pretty quickly. He said he had friends working in

Immigration and would tell them what I did and give them my images, and advert, if I didn't do what he told me. I was too shocked, freaked right out, at the time to think properly, so I just did it, and afterwards I was too scared to go to the police to report it, just in case I did get deported or even charged under that bylaw. I also changed the text in my advert, saying kiwi girl back from another city in the UK.

The second one ... I was in a motel in Y, and I'd just had a client, then I also had another client text me, as my advert says text only, but because I'd just had a client, and wanted some time to relax, I said no. The next text he's saying he knows I'm in room such and such, and describes me. He must have seen me in reception and been there at the same time, so he was probably in the same hotel. It was really creepy. I told him my mother was a kiwi, and I was travelling on a kiwi passport (NZSW032).

Molly's experience of coercion and rape indicates s19 is also used by some people pretending to be clients as a "Blackmailer's Charter", and therefore leaves MSWs vulnerable to rape, assault, or other violent outcomes. Asian and other sex workers of colour are unlikely to use the same excuse as Molly did - that she was travelling on a New Zealand Passport as her mother was a New Zealander - which is a clear demonstration of the difference 'whiteness' and racialisation make in sexual humanitarian dynamics (Mai et al 2021).

Section 19 also prevents MSWs from approaching medical professionals. Some Asian sex workers stated they would not see a doctor in Aotearoa New Zealand but would prefer to travel back to their home country, even if it was just for a small matter.

If we have any health problems, the boss will take us to a GP, but knowing now that Immigration can deport me, I think I would prefer to go back to China for treatment, even if it was something small. (Lucy, 26, cis-female, Chinese - NZSW020).

I will be going back to China soon as my parents will meet me, so I won't need to do any medical stuff here. I will do it all back in China. (Anna, 21, cis-female, Chinese - NZSW021).

If I need a doctor, I can look it up on the internet, and I have a GP. I would never tell them about this work though. Never. In case Immigration found out. (Sunny, 30, cis-female, Chinese - NZSW022).

The fear of being deported if seeking medical attention or health services is by no means unique to Asian MSWs. Lia (NZSW016), a 33-year-old woman from South America was so afraid of going to a doctor or to hospital in case she was reported to INZ that she waited until there were 5 days left until her flight home before seeking medical attention at one of the sexual health

clinics at the local NZPC community base. Her temperature was so high that the nurse told her she had to go to the After-Hours Clinic for urgent treatment, as it was likely she would be seen quicker there than at the Emergency Department at the hospital. On arrival there, she was told they, too, were unequipped to deal with a person with as high a fever as her and arranged for her to be taken to hospital. On arrival there, she destroyed any evidence of her being a sex worker and placed it in a bin in another cubicle. She said she was delirious from the fever and as a result not thinking properly. She was told her temperature was so high she was close to going into a coma and dying.

Clinical key informants at the NZPC sexual health clinics (Dr Jenny Hayward NZKI012, Practice Nurses Suzanne NZKI017, May NZKI018, and Joy Brown-Douglas NZKI019) have also indicated that MSWs are attending sexual health clinics less often than previously, which impacts negatively on their health conditions and runs against the positive impact that the PRA made to the health and to the overall lives and rights of non-MSWs in Aotearoa New Zealand (Healy *et al* 2017).

5. Conclusion

In 2003 Aotearoa New Zealand was the first country to decriminalise prostitution over its entire territory. Before then the Australian State of New South Wales decriminalised most aspects of the sex industry in 1995. Although both models of decriminalisation adopted in NSW and Aotearoa New Zealand moved from a repressive method of controlling sex work to an integrative method³ (Östergren 2017), they can both be seen as incomplete as street sex work and sexual services taking places in massage parlours are still de facto criminalised in the former, while migrant sex work leads to deportation in the latter. The main aim of the SexHum project in Aotearoa New Zealand has been to understand whether and in what way Section 19 has actually protected MSWs from exploitation and trafficking by gathering and analysing their experiences of migration and work.

The experiences of the MSWs who participated in the SexHum research project confute media claims that sex workers are victims in need of rescue (Tan 2018d) and confirm existing research into MSWs in Aotearoa New Zealand showing that - at least until the completion of the SexHum study - there have been no cases of trafficking of migrant sex workers (PLRC 2008; Roguski 2012; Armstrong 2018). By underlining the negative impact of INZ's enforcement of s19 on the MSWs health and on their lives and rights of MSWs, the SexHum project findings strongly suggest that

³ At the time, New South Wales was the only State to have decriminalised sex work, while Queensland and Victoria had Legalised sex work. Since then, Northern Territory, Victoria, and Queensland have decriminalised sex work.

MSWs having full inclusion within the protections guaranteed by the PRA is the best way to reduce their vulnerability to exploitation and trafficking.

Our findings also show the pivotal role of racialisation in the implementation of anti-immigration raids, which were guided by sexual humanitarian concerns that focused on Asian women on the basis of their supposedly heightened vulnerability to exploitation and trafficking. Sexual humanitarian media claims, such as the ones reviewed above and more generally in this article, often ignore the real issues MSWs face, such as how the current law makes it harder to report violence, including exploitation and trafficking. Rather, these reports and the attitudes expressed by politicians, affect the public perception, which in turn affects laws and their enforcement. These racialised assumptions of vulnerability to exploitation can be seen as operating as self-fulfilling prophecies as they orient the deployment of anti-immigration interventions framing and exacerbating MSWs' exploitability. Together with Section 19 of the PRA these racialised, sexual humanitarian assumptions of vulnerability can be seen as being deployed in ways that are in a dangerous relationship of contiguity with racist laws against Asians and other Racialised Subjects in Aotearoa New Zealand, which began in the 1860s in an effort to keep the sex industry (and other industries) in New Zealand 'white'.

At the same time, SexHum's findings show that since the early 1980s the historical racial categories deployed by immigration policies and interventions in Aotearoa New Zealand gave way to intersectional forms of racialised bordering including class - mainly in the forms of desirable and profitable skills - (Simon-Kumar 2015), alongside gender, sexuality, religion and other dimensions of human diversity. The intersectionality of racialised bordering deployed by sexual humanitarian policies and interventions in Aotearoa New Zealand are part and parcel of the process of reorganisation of state sovereignty, borders and labour mobility by the exploitative interests of an increasingly globalised, neoliberal and predatory version of capitalism (Mezzadra & Neilson 2013; Mai 2018). These considerations point to the need to put the issue of labour migration at the core of policies addressing sex work, which in order to fight exploitation and respond to the needs and priorities of the populations most directly involved need to include migrants legal right to access the international labour market (Bravo 2009). The Aotearoa New Zealand case study further demonstrates how decriminalisation policies need to include all sex workers: national as well as MSWs regardless of their visa status, in order to not reproduce harmful sexual humanitarian racialised borders that put them at heightened risk of exploitation, violence and criminalisation and restricts their access to justice in the name of their protection.

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