

How deviant policies produce precarious immigrant workers: The case of Brazilians in Ireland

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Abstract

The objective of this paper is to explore the precariousness of immigrant labour through the concept of 'deviant policies'. These policies are not explicitly intended to regulate the employment of foreigners, but they lead to the creation of uncertain zones of exploitation and vulnerability for immigrants. To achieve this aim, we conducted an ethnographic investigation of Brazilian immigrants with Irish study visas. The findings of our study indicate that the Irish study visa functions as a deviant policy that gives rise to precarious workers and a network of exploitation that encompasses everything from English language schools to unscrupulous employers.

INTRODUCTION

In recent years, the Irish media has criticized English schools for foreigners that were essentially just a facade, receiving funds from students who were not attending classes and using a scheme to remain documented in the country with precarious jobs. The State responded to these scandals as if they were a deviation from the study visa policy, which was the sole responsibility of this market created over time (McGee, 2014). We intend to assert that this is a case of a deviant policy wherein the State aims to establish a precarious market covertly. When questioned about precariousness and related schemes, the State can shift the blame onto third parties.

The main point of this paper is to think about the use of immigration management policies (or policies related to the displacement of people but not explicitly related to immigration) to produce effects that are not explicit in their text. In this case, we take as an example a set of Irish laws on student visas and compare them with immigrant work visas, demonstrating how, in practice, the student visa functions as a precarious work visa for immigrants from countries in the 'global south'. Although the student visa is designed and defended by Irish authorities as

being exclusively for study, in practice, by authorizing students to work 20h a week, the State encourages immigrants to take up jobs with below-market wages without any commitment to the 'student's rights'.

METHODOLOGY

In terms of methodology, the work has three specific dimensions: an analysis of Irish migration policies, an analysis of the Irish media in the case of the scandals concerning English language schools for foreigners, and finally, an ethnography conducted among Brazilian immigrants in Ireland in the first half of 2022. The analysis of documents and the media, following qualitative news framing methodology (Linström & Marais, 2012), provides a broader context in which the ethnography situates the experiences of job insecurity through the experience of being a worker on a student visa. This research was carried out between March and June 2022, using a multi-sited ethnography (Marcus, 2012) among Brazilians in various cities in Ireland. The ethnography was an itinerant research, following Brazilians who work as deliverers of goods for other Brazilian immigrants in Ireland, allowing access to immigration stories across the country. In addition, we conducted 10 in-depth interviews with Brazilian immigrants who described the experience of immigration under the student visa regime. The women interviewed, averaging 32 years old, participated in interviews conducted in Portuguese. Each interview lasted 45 min and the women agreed to participate since total anonymity was guaranteed.¹

Non-explicit policies

We are contributing to the theoretical discussion on the precariousness that regular and undocumented migration reproduces. We have organized our reflection around the concept of deviant politics, highlighting how a legal system's fringes produce precariousness. These deviant politics aim to create such precarity.

What type of policy is being referred to here? These policies operate at the interface between unstable forms of documentation and the general precariousness of immigrant labour in contemporary times, such as global systems of exploitation and immigration control. In this case, we are specifically discussing the effect of migration policies (regarding state legislation and regulations) on the constitution of precarious labour markets defending the idea that undocumented is also a precariousness project. As De Genova (2002) points out the precariousness of immigrants (in the case of Mexicans in the US) is produced by legislative and political structures. Anderson's work (2010) also shows how restrictions in migration policies produce systems of exclusion in which workers live on the margins of society. However, practices of precariousness produce ambiguous zones where undocumented and documentation can go hand in hand (Anderson & Ruhs, 2010). Goldring et al. (2009) also highlight other forms of state precariousness of immigration when restrictive policies result in migratory statuses of fragile stability, generating systematic precarity (albeit in the sphere of documentation). On the other hand, Lewis et al. (2015) point out that precariousness is produced not only in the labour market but also in limited access to public services. Thus, documentation policies that, at the same time, limit access to these services also produce precarity.

In this context, the notion that certain forms of unstable documentation produce the same outcome is supported, as Goldring et al. (2009) stated. Therefore, it is advocated that visa regulation policies, in addition to immigration restriction policies, can be formulated to generate precarity. As Berg (2015) points out, a context of restrictive immigration policies and precarious access to labour rights creates a situation where immigrants are pushed into low-paid and precarious jobs, generating a cycle of vulnerability from which it is difficult to escape.

Temporary visa regimes, for example, as Velayutham (2013) shows, can generate precarious experiences. The authors' analysis focuses on Indians working in Australia under a particularly precarious visa regime (Temporary Work Visa 457). The visa's legal framework legitimizes the absence of legal protections and generates

overexploitation of labour. A highly precarious and uncertain visa structure influences the immigrants' instability. This instability creates a sense of fear and apprehension of retaliation from their employers. It was a deliberate consideration of the temporary visa policy's creators to create a precarious scenario. In another example, this time concerning immigrant sex workers in Finland, Vuolajärvi (2019) highlights the production of restrictions in the lives of these workers depending on which migratory status regimes are accessed. In the context of a European Union border regime, the authors demonstrate the 'precarious intimacy', in which legal regimes and working conditions at the border intertwine to produce various forms of precarity.

Modifications in the labour market are necessary to tackle the obstacles immigrants encounter due to migration laws and visa regulations. This precariousness is shaping the structure of the labour market. McDowell et al. (2009) indicate that the labour market in London, for example, was increasingly relying on precarious immigrant labour, especially in the service sector. This paper will analyse something similar when dealing with the work of Brazilian 'immigrant-students' in Ireland. Thus, this work's contribution centres on analysing a 'deviant policy' of study visas, which produces precarious workers in the Irish labour market.

Concerning the type of visa that we will analyse in more detail in this article, namely the study visa, which hides a precarious workforce, Campbell et al. (2016) analyse how international students in Australia who work in food services face a very vulnerable journey, mainly because they combine work and study on the one hand, but also because they can only access precarious jobs with meagre wages. Maury (2017) and Thomas (2017) also address the issue of student-worker-immigrants. In places as different as Finland, in the case of Thomas or with the point of view of Indian students in various parts of the world, in the case of Thomas, we see a narrative similar to that of Campbell et al. with accounts of precarious work, inadequate wages, overlap between work and study and cases of exploitation. Thomas also highlights the weight of the debts incurred to leave the country, which affects the precariousness of these students' lives in their places of destination. The situation of Brazilian student-workers in Ireland sheds light on the creation of unstable policies. To illustrate this case, we will examine a few examples in Section [Brazilians' experiences of job insecurity](#).

The visa system and the student visa

This paper describes the Irish student visa system in Ireland, based on an analysis of current legislation and the work of authors who have dealt with the subject at different times (Feldman et al., 2008; Finn & O'Connell, 2012; Gilmartin et al., 2016, 2021; O'Connor, 2018; Pan, 2011; Rojas Coppari, 2019). The Irish visa system formally divides visas into work, study and residence categories. There is a division around a set of 'stamps', ranging from 0 to 5, with some subdivisions between them. We can find the different definitions for each visa² on the Irish Department of Justice website. Visas 1 and 4 are exclusively for work; they are provided in different situations and differ in the freedom they offer for immigrants: workers under Stamp 1 cannot change jobs during the duration of the visa. Therefore, they depend on their employer for at least 5 years, at the end of which they can apply for citizenship or Stamp 4. Stamp 4 permits the holder to work without being bound by any restrictions imposed by their employer: the workers can change jobs and the job market is much more comfortable. Stamp 4 is the stamp that nationals of European Community countries who want to work in Ireland receive, for example. Both visas count towards the naturalization process, which means they are valid for acquiring Irish citizenship.

Tourists are eligible to apply for a visit visa called 'short stay C', which is not a stamp. Investors with a Stamp 4 visa are subject to housing regulations stipulated by the regulators. Pensioners with means to support themselves and some other similar categories can apply for Stamp 0, which allows residence in Ireland, but does not offer access to the health system or allow work or business development on Irish soil. Stamp 3 has effects similar to those offered to workers' companions with Stamp 1. These companions also do not have access to the health system and cannot work or do business in the country. The time spent under Stamp 3 counts towards the naturalization process. Stamp 5 is the visa received when someone completes the naturalization process: it allows them to live

in Ireland like any other national. When renewing the passport, the authorities update the validity of Stamp 5 for the duration of the passport.

This text concerns the study visa known as Stamp 2. The formal description of Stamp 2 on the Irish Department of Justice website is³:

Stamp 2 indicates permission to study a full-time course on the official Interim List of Eligible Programmes (ILEP) for a specified period, subject to conditions. Stamp 2 is not reckonable as residence when applying for citizenship by naturalisation.

Summary of conditions

You cannot receive any benefits or use publicly funded services (for example, public hospitals) unless you have an entitlement via other means. You can work in casual employment for a maximum of 20 hours per week during school term and 40 hours per week during holidays. You must not engage in any other business or trade.

Should you desire to remain in Ireland beyond the expiration date of your immigration permission, you must submit a renewal application (up to a maximum of 7 years) and registration before they expire. Please note if you are an English language student you can only be registered on three courses of a 25 week duration. If you wish to continue studying than they need to move to a course on the ILEP. Students can only study in the State for a maximum of 7 years.

You must show progression each year in your course.

You must have an attendance of at least 85%.

It is a condition of all stamps granted:

That you obey the laws of the State

That you should not become involved in criminal activity

That you are continuously resident in the State for the duration of your permission with allowance for reasonable periods of absence from the State for holidays, exceptional family circumstances or commitments outside the State arising from business or employment carried on within the State.

That is the basic rule of Stamp 2,⁴ thought of and explained solely as a study visa, but the fact that work is allowed takes us to another scenario, especially when compared to work visas. However, before going any further, it should be noted that this visa, which Brazilians widely use, only allows a total of 2 years' right to stay when it is employed for English courses, with the sum of the 25-week teaching periods (which do not have to be consecutive). Under the previous rules, before the 'schools scandal', – which we will examine in detail later on – the visa period was up to 3 years. Soon after the media exposed this stamp's problems, the government tightened the process.

Stamp 1, unlike Stamp 2, is very restrictive regarding the type of work to be carried out by the immigrant: the government releases an annual list of sectors where employers can offer work contracts to non-European immigrants, with specified quantities of possible permits. In general, the government uses this visa for those sectors

of the labour market that have critical difficulties filling their vacancies (as is the case with the Irish meatpacking labour market). Nevertheless, even this use is entirely restricted and this probably has to do with the fact that under the rules of this stamp, immigrants can count time towards future naturalization.

Thus, there is a vast labour market in Ireland, traditionally linked to immigrant labour, as in several other countries (Bratsberg et al., 2018; D'Amuri & Peri, 2014), which continues to need cheap labour but does not have access to Stamp 1, let alone the Stamp 4 visa. For these employers, labour is mainly employed among those with a student visa, especially those who study English in Ireland (Pan, 2011; Ruhs, 2005).

Manual labour jobs like waiting, sales clerks, elderly and child caregivers, cleaning and delivery jobs through apps are in high demand in Ireland's labour market. This market has become a significant resource for immigrants with student visas, as reported by Gonzalez-Perez et al. (2005) and Arnold et al. (2019). Ruhs and Anderson (2006), dealing with a similar situation in the UK, for example, even created the category of 'semi-compliant' immigrants to talk about immigrants who work on the margins of the specifications of their visas, highlighting students for working more than specified in the visa rules.

The language school ecosystem, scandals and the government

To apply for a Stamp 2, applicants must access an electronic address and select a course from the Interim List of Eligible Programmes (ILEP).⁵ There are currently 7741 entries from eligible institutions, including ESL schools. A search among the entries with the term 'language' gives us 508 entries. The first 200 or so on the list are courses at renowned universities in the country, which leaves us with around 300 language schools that are not linked to universities and are also eligible for the Stamp 2 system.

The website informs that the Immigration Service can conduct unannounced inspections and monitor schools' activities. We have a regulated environment at both ends: the entry of student immigrants and the ecosystem of English language schools, with oversight of their operation. As we have seen, the schools must monitor students' attendance and inform the Department of Justice of non-compliance with the rules. Suppose students fail to attend classes with a minimum of 85 per cent attendance. In that case, it is assumed that they are violating the Stamp 2 rules and, thus, only using their study visa for employment purposes.

In 2014, however, media reports began to show that this universe needed to be regulated. Some investigations indicated that schools were altering attendance controls to cheat the Stamp 2 rules (at the time, the rules stipulated a minimum attendance of 80%). The 'schools scandal' brought several schools and prominent figures in the Irish community into the public eye, such as the president of Eden College (former Irish education minister), who had already lost his position as head of the school when a similar scandal was exposed at its sister school in the UK, Eden College International (The Pie News, 2014). This issue was relatively prominent in the media, putting the student visa policy in check. What proves this impact is that the legislation was changed, as we will see below.

According to the reports, some Irish schools aimed at students from countries defined as 'Non-European Economic Area (EEA)' were systematically cheating the Stamp 2 rules to give students more free hours to work. In response to these allegations, the Irish government took action against what its representatives considered to be an 'abuse of the study immigration regime'. The government's reaction resulted in the closure of several schools that year. At the time, the Minister for Education announced reforms to the Stamp 2 system, making it more difficult to circumvent it. Minister Jan O'Sullivan stated that

It has become clear over recent months that we need to protect international students studying in Ireland, support high-quality education providers, and tackle abuse of the student immigration regime.

(McGee, 2014)

In the wake of the allegations, many schools were closed, leaving students destitute and unable to receive back what they had already paid. The government set up a 'task force' to supposedly help students while preparing a reform called 'Regulatory Reform of the International Education Sector and the Student Immigration Regime' (Department of Justice and Department of Education, 2014). This reform resulted from the rules we saw in the previous session, which increased the required course attendance and decreased student visa time.

In 2015, this proposed reform went live and, according to Minister O'Sullivan, it would eliminate 'rogue operators and blatant abuses' (Duncan, 2015) from the Stamp 2 system. The minister also stated that 'It is clear that there have been businesses operating in this sector who were solely interested in facilitating immigration and not in providing quality education', she said. 'We are working to ensure that "visa factories" and the people who run them have no place in Irish education' (Duncan, 2015).

Considering the language employed by government officials and the broader civil society when discussing the series of events is noteworthy. Their emphasis is often on the alleged 'abuse' of the Stamp 2 system. In other words, the idea is that a system has been distorted by unscrupulous agents, who are 'dishonest operators' and owners of 'visa factories'. The CEO of Marketing English Ireland (a council of 52 English language schools), David O'Grady, for example, said that it was necessary to eliminate 'rogue operators (...) who exploit Irish immigration, employment and taxation regulations, abuse international students, and cause reputational damage to the regulated English language sector in Ireland' (Duncan, 2015).

Two things to note about these kinds of statements: First, they transfer responsibility for all the problems to 'unscrupulous agents'. Second, they directly link these problems to the exploitation of students as workers. The agents of the Stamp 2 system link the student visa with the precariousness of work. However, in this confused statement, the schools are responsible for the precariousness, making life easier for immigrants by defrauding them of their course attendance.

If there were no Rogue Operators in the system, it would theoretically work and not exploit the students. Nevertheless, we want to argue that the system is *designed and planned* as a 'rogue system' of job insecurity. When schools cheat on attendance, they only vent to a market created by the student visa system. Because immigrant work is made difficult on work visas, many employers rely on Stamp 2 to find employees. However, these students earn very little for their 20h of work, which leads them to look for more 20-h jobs because they need to make ends meet. This process implies a lack of time to attend courses and the realization that employers have no control over whether or not that student works elsewhere.

Moreover, these two effects of the Stamp 2 system are known to the government, which does not check whether students work more than the 20h they have been given (nor do they force employers to ask about it). The government did not heed schools that 'relaxed' controls to give students more time to work. The necessity of reforming the system was only recognized after the accusations were publicized and it became crucial to address the public's perception of the matter. Furthermore, to deal with this impression, the agents involved in the Stamp 2 system blame third parties for the 'abuse' of a system that would otherwise be perfect. Nevertheless, even in this process, they reveal one of the system's facets: the production of precarious workers, with wages far below the market and subjected to systems of resource extraction from various agents.

This extraction of resources comes from the school ecosystem itself, which charges expensive fees to students who have to pay them all at once (you pay for the whole year when you enrol), from the government itself, which charges high fees for issuing Stamp 2 and its renewals (in addition to indirectly paying taxes), from employers who, knowing the fragility of students, pay below-market wages and from landlords who charge abusive rental fees, also aware of these fragilities. These landlords, for example, had no problem putting many students in the same room and charging extortionate rental fees. A general system of exploitation of labour was set up, creating a whole ecosystem of exploitation and precarization of the life experience of immigrant students. It is possible to achieve this without the State incurring any cost and without counting the time spent as a student towards the immigrant's future naturalization.

Brazilians' experiences of job insecurity

How does precariousness happen and how do employers benefit from it? To comprehend the processes that immigrant student work initiates, let us examine the trajectories of Brazilian immigrants.⁶ Brazilian immigrants choose English language schools based on their migratory networks, meaning they attend schools where their friends and family have studied. These schools are different from those related to universities, where there is a higher demand. We are primarily concerned with Brazilians who plan to study briefly, for whom studying is typically a means of obtaining documentation in Ireland. Over time, as exemplified in one of the cases below, immigrants can progress to more comprehensive study programmes, extending their duration as students. However, this is a minority, as most of the immigrants we met who had study visas were closer to becoming undocumented, as in the third case described below.

Nádia⁷

A Brazilian from the State of Minas Gerais, Nádia, has a degree in public administration from a Brazilian public university. She also has two MBAs in her preferred field, information technology (IT). In Brazil, she managed IT teams adapting to corporate software change processes, working mainly in banks. In 2014, when a drastic crisis began in the Brazilian economy, which would last until 2017,⁸ she lost her job at a major Brazilian bank. After 2 years of unemployment, against a sharp fall in the economy – Brazil's GDP fell by 8.33 per cent between the second quarter of 2014 and the third quarter of 2016 (Oreiro, 2017) – the alternative she chose was to move abroad. At the same time, in 2016, a significant increase in Brazilian international emigration emerged as a major phenomenon (Machado, 2024). Some preliminary analyses indicate that around 2,000,000 Brazilians may have left the country since then (Oliveira, 2019).

She chose to go to Ireland to improve her English in one of the many courses offered in the country. The issue of quickly obtaining a student visa and the partial work permit were determining reasons for her choice, as well as the price of the course itself. On arriving in Dublin, Nádia settled into a costly rented room with the help of the school and soon found a temporary job as a nanny in a family's home, also through the same English school, which also functioned as a housing and employment agency. Unfortunately, her remuneration was inadequate to meet her accommodation expenses and Nádia saw her savings running out. She looked for other housing alternatives and got a room with other Brazilian women, cutting down on her expenses and changing jobs, now as an attendant in a convenience store.

Nevertheless, the resources still needed to be increased and the salary needed to be much higher. With experience in IT, Nádia began to circulate CVs in companies in the field. After a year in Ireland, she got a job in her field of specialization, but still, as a student, working only 20h a week. Nádia's salary was still well below market rates, but she now knew that her colleagues were earning up to three times as much for the same jobs. Although getting a job in her field of specialization was a victory, the bills still did not add up, as the pay was derisory. Consequently, the labour market's instability and fragility permeated Nádia's entire professional journey, involving difficulties in paying for rent and food, for example.

The situation only improved when she convinced her employer to apply for a Stamp 1 since IT is one of the areas that the Irish government qualifies as a priority for a work visa under the Stamp 1 regime. She was finally able to get off the Stamp 2. This process did not mean an increase in salary proportional to the increase in hours worked (the salary was increased by 20%), but the hours worked doubled. Thus, the precariousness of work increased in the transition from Stamp 2 to Stamp 1. However, in the Stamp 1 regime, she no longer had to pay for school (she would not have to pay for another year's course) or private health insurance. This situation meant a little more stability despite the difference in salary compared to her work colleagues. Despite the abovementioned challenges, one benefit of the transition from Stamp 2 to Stamp 1 was that the countdown towards future naturalization commenced.

Maria Emília

Maria Emília came to Ireland in 2016, around the same time as Nádia. She was about 32 at the time and was going through a personal crisis that led her to leave the country. Her fiancé, whom she would soon marry, fell ill and died in <6 months. After this tragedy, Maria Emília decided to live outside Brazil. She diligently managed her finances for 2 years, working as an accountant and taking up various temporary jobs to ensure her financial stability. When she had enough money to pay for English school and to prove she had the resources to stay in the country (3000 euros, according to Stamp 2 rules), she went to Dublin.

The circumstances were arduous, as is often the case for most international students: the rent was too expensive, the bills were too high and the jobs she got did not pay enough.

I arrived here and had to fight to survive... I did not have time to live; I had to survive. With precarious accommodation, subletting, no English.

She lived far from school, could not afford urban transport and had to walk several kilometres daily. She secured employment with an Irish family and fulfilled various duties, including working at their family café and caring for an infant and an older woman. She slept in the family home and worked when she was not at English school. This type of labour exploitation, the appropriation of all the worker's time in these jobs that mix personal relationships, care and uncertain working hours, results in a high level of precariousness (Kaelin, 2011; Martínez Buján, 2022). The exhaustion of this work was such that she lost some teeth in her mouth, which fell out.

Nevertheless, she was fired overnight and had to leave the house immediately, with nowhere to live. She had to turn to friends for a place to sleep until she found a new job, paying an expensive dentist's bill to repair her teeth. She later secured a position in bookkeeping, similar to her previous role in Brazil, after a stint at a pizzeria. She kept this job (on a part-time basis) until her interview in 2022. In order to stay documented in Ireland, she had to seek further education beyond English school, as her visa would only last 2 years. She enrolled in a technical accounting course, which was the cheapest she could find, as the fees for non-EU students are costly and even with an excellent part-time job, it would be difficult to pay. The course lasts 3 years and she was finishing it when we spoke, waiting for the end of the course to apply for a change of visa to Stamp 1g, which is exclusive to those who finish a higher education or technical course in Ireland and can, for 1 year, work as a trainee (on a 40-h basis) and, after that, if they have a job, apply for Stamp 4.

Maria Emília's path was one of suffering from various exploitative work in her supposedly available 20h a week, leading her to describe the experience as hell. An essential feature of this experience was that she had completed 6 years as a student under the terms of Stamp 2 and all this time counted for nothing towards possible naturalization. She would still need another year in a temporary Stamp 1g regime to finally obtain a minimally stable regime. The contradiction in this regime is that if she had arrived in Ireland in 2016 as a tourist and remained in the country undocumented, she could have tried to obtain Stamp 4 in the extraordinary Irish legalization regime of 2022 (McGreevy, 2022; Polakowski & Quinn, 2022). She cannot do that because she is documented but lives in a highly precarious situation.

João

João has a different trajectory: he entered Ireland in 2010, at 37, as a tourist and remained undocumented in the country. In Brazil, he worked as a shopkeeper, selling goods in the interior of the State of Goiás. In Ireland, he made his living in the shadow of undocumented status, working as a van driver and making deliveries for contractors informally. Unlike Maria Emília and Nádia, he came with his family, who all worked in the informal market. Life was getting complicated for João, who drove the van without a licence, and work became scarce. Instead of being

undocumented, he enrolled in an English school and obtained a Stamp 2. It was only him and not his family, as he could not afford to pay for the course for everyone.

Therefore, he remained under the Stamp 2 regime for a year. During this time, he divided his occasional work with his classes in a town in the Irish countryside. However, there was always a dilemma, as the hours spent delivering goods all over the country meant he missed too many classes. There were bills to pay. Officially, however, the work was still informal, as he did not have a 20-h contract or driver's licence. However, having de Stamp 2, he began obtaining a driver's licence, betting that this 'documentation window' would be enough to get the all-important document. The strategy worked and he got his driver's licence, valid for 10 years.

Obtaining the licence changed the conditions for João to get deliveries, as many employers required the document. The result was that the demand for work increased significantly and the conditions for attending classes decreased; after all, the bills kept coming in and he had two teenage children to raise. After evaluating the advantages of documentation and the terms of Stamp 2, he soon recognized that the expenses were overly high, the school fee was exorbitant and the cost of maintaining attendance was sacrificing job opportunities. So, even before the end of the school year, he dropped out and did not apply to renew his Stamp 2. He said, 'It was either study and starve or work'. As the final horizon was not to have a more stable condition, he preferred to return to undocumented status, but now with the great benefit of having a regular driver's licence. Hence, João avoided being subjected to exploitative work policies for students since he earned significantly more from his deliveries. Maintaining this income was not compatible with Stamp 2: the fact is that the Stamp 2 regime pushes people into precariousness. Having had experience in the country, after more than a year living with documents, João found less unfavourable alternatives to earn enough to support his family and wife, who also worked informally as a cleaner. The quick passage through the topology of Stamp 2 allowed him to obtain a fundamental document for his professional life in the sphere of undocumented status: a driver's licence. He knew this documentary regime was a trap: life as an undocumented person was preferable to life with a Stamp 2.

This situation is the case for João and many other immigrants, who made very similar calculations, preferring life in an undocumented situation after a period as a student under the Stamp 2 regime. Various studies point to the high number of undocumented Brazilians (de Farias, 2022; Maher & Cawley, 2016; McGrath & Murray, 2009; Sheringham, 2010), indicating a typical passage between Stamp 2 and undocumented status. While doing fieldwork, it was common to meet Brazilian students who had no options to change their stamp and whose only option to remain in Ireland after the Stamp 2 deadline was to enter undocumented status.

João remained undocumented for the next 11 years after that experience with Stamp 2. Only in 2022, in the process of extraordinary regularization, did he get Stamp 4 (and has now been able to renew his recently expired driver's licence).

Precairization and deviant policies

The three short stories tell us something in common: the precariousness of work and the feeling of being trapped in a very stressful life. The perception of being suffocated by the relationship between a poorly paid job, the cost of living and the entire life taken up by work and study is a precarious process affecting most Brazilian immigrant-students in Ireland. The path taken by Brazilians involves the three possibilities described in these trajectories: moving on to more secure visa regimes (Nádia), staying for up to 7 years with Stamp 2, seeking a move to Stamp 4 (Maria Amélia) or moving on to undocumented status (João).

All three alternatives involve continuous work exploitation, even in the case of Nádia, who moved on to a work visa under Stamp 1. We want to highlight that this radical exploitation of work happens in all three cases under a supposed study regime designed for a group of students focused on learning and developing learning skills. We believe that this is not a flaw in the visa system but rather an undisclosed intention of the entire system. However, all the narratives I got from students at Stamp 2 are narratives of workers who have to work to support

themselves. The students are received in the workplace as employees rather than as students. Stamp 2 conditions create a precarious situation that makes work the primary focus of their experiences rather than studying.

It can be argued that the 'students' are exploiting a visa designed for learning to reside as immigrants and maintain documented status in Ireland. However, accepting this view would be to endorse the official narratives of the State. The visa system, especially the rigorous regime of the Stamp 1 work visa, leaves those who want to work in Ireland no option but to apply for Stamp 2. The State knows this since it created Stamp 2 as a 'semi-visa' for work. It allows Irish employers access to an incredibly fragile and vulnerable workforce since 20h is insufficient to sustain a decent life in Ireland. Students' desperation makes them easy prey for jobs with below-market wages.

Moreover, the study visa deprives its holders of the right to include their time in Ireland when applying for more stable documentation schemes, such as citizenship. The time denied to Stamp 2 holders is a kind of theft that reinforces the precarious regime of these student-workers: they act as workers, are paid like people in an undocumented situation and cannot access the nationalization process until they change their visas. They are the ideal example of vulnerable and disposable skilled workers. This situation is a trap legally exploited by the government to produce precariousness, an example of what we call a 'deviant policy': the architecture of the Stamp 2 regime aims to produce precariousness, which allows us to say that the State is interested in producing immigrant precarity and to this end creates disguised policies in order to hide this objective from critical reading. In observing the students' life stories, we can see the effects of these deviant policies. To the point that many, like João, prefer the undocumented situation to be a student with Stamp 2.

The school scandal is an example of this process of 'outsourcing' responsibility for the precariousness of work: we have seen how the government blames other agents for the 'abuse' of the student visa. However, the visa is designed to produce precariousness and the responsibility lies with the governments that created this legal architecture that is permissible for the extreme exploitation of student workers.

FINAL CONSIDERATIONS

Our findings indicate that the experience of working as a student is inherently precarious and that the Irish market for this type of employment (waiters, restaurant workers in general, child and elderly carers, sales clerks, among others) hires mainly immigrants-students. In contrast, the immigrant work visa has a very restricted use for some areas of the Irish economy (notably the meat industry). In addition to the precariousness of low wages, the major problem with the 'deviant policies' strategy is that it denies students the possibility of accessing a more stable documentation status. While a work visa for immigrants counts towards an application for Irish citizenship after 5 years, the time spent in Ireland on a student visa counts for nothing: the legislation thus guarantees both the precariousness of work and prevents the granting of fundamental rights to working students.

Drawing on the experiences of immigrants who entered Ireland on a student visa and, after the maximum period of stay allowed by the legislation, continued to stay in the country, either undocumented or with access to other forms of legalization, We demonstrated how the process of precariousness affected the immigrants. The narratives recall this period with great sadness and anger and it is even alarming that some immigrants prefer their life in an undocumented situation to the one they experienced as students.

This situation provides an opportunity for a more systematic reflection on the role of immigration legislation (or visa legislation in general) in producing a precarious immigrant workforce. We affirm that deviant policies achieve this goal with a regulation that officially has nothing to do with the labour market. However, these policies are trojan horses that favour local employers by making highly vulnerable skilled labour available.

We refer to this practice as a deviant policy because it allows the State to evade any responsibility for its effects on the labour market. In other words, the precariousness that results from its application does not appear as an objective by the State. However, the State has shifted responsibility to third parties due to several public scandals involving English schools implementing this policy.

PEER REVIEW

The peer review history for this article is available at <https://www.webofscience.com/api/gateway/wos/peer-review/10.1111/imig.13323>.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

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ENDNOTES

¹The majority of the information presented in the article is derived from fieldwork. In addition, in-depth interviews were used, particularly in sections containing verbatim quotations. The interviewees were selected from a WhatsApp group comprising Brazilian women residing in Ireland who were open to sharing their experiences. As a result, the interviews were exclusively conducted with female participants. Conversely, details about João's experiences were gathered through fieldwork and extensive, unrecorded discussions with him.

²See <https://www.irishimmigration.ie>.

³See <https://www.irishimmigration.ie/registering-your-immigration-permission/information-on-registering/immigration-permission-stamps/>, accessed on 25/10/2022.

⁴This was true until at least the time of writing this text in March 2023.

⁵See <https://www.irishimmigration.ie/coming-to-study-in-ireland/what-are-my-study-options/a-third-level-course-or-a-language-course/> Accessed on March 5 2023.

⁶For an analysis of Brazilian immigration to Ireland, see da Silva, 2019; de Farias, 2022; de Oliveira, 2021; Freitas, 2019; Healy, 2006; Maher, 2010; Maher & Cawley, 2015, 2016; Marrow, 2013; McGrath, 2010; McGrath & Murray, 2009; Sheringham, 2009, 2010; Silva, 2016, 2018; Soares, 2014.

⁷All names are fictitious.

⁸The crisis had external and internal origins: a fall in the prices of primary goods exported from Brazil, the end of US monetary stimulus that began in the crash of 2008, errors in the economic policy of the Dilma Rousseff government, ideological polarisation led by the strong opposition, instability in the government's support base (Amorim Neto, 2016).

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