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‘There will be no law, or people to protect us’: Irregular Southeast Asian seasonal workers in Taiwan before and during the pandemic

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Abstract

This paper investigates the everyday lived realities of Southeast Asian migrant workers who left the formal sector of the labour market and entered the informal agricultural sector before and during the COVID-19 pandemic in Taiwan. Drawing on observations of migrants' daily lives and farm work and 19 in-depth interviews, it delves into migrants' subjective experiences of vulnerability, paternalism, exploitation, and control at work due to a lack of legal protection and the illegality of their employment. Although the literature has identified a link between ‘running away’ from formal employment and seeking freedom, this research suggests a continuum between experiences of work in the formal and informal economic sectors. The paper sheds new light on mobility, work, illegality, and informality and how these have constantly shaped ‘runaway’ workers' subjective experiences of freedom and unfreedom during the pandemic.

KEYWORDS

farmwork, freedom, labour exploitation, Taiwan, undocumented migrant workers, unfreedom

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1 | SEASONAL LABOUR SHORTAGE AND IRREGULAR SOUTHEAST ASIAN WORKERS

An important feature of Taiwan's economy is agriculture (Kuo, 2019), in the form of small-scale family farming.[1] Crucially, the operation of such farming remains subject to the availability of labour within and outside the family. To meet the demand for a diversified diet subsequent to improved living standards, from the 1970s, the cultivation of fruit and vegetables increased (Tsai, 2009, p. 47). Farmers were initially able to meet such demand, specifically since household members were historically involved in the production of labour-intensive commodities (Calkins, 1979) and the agricultural sector was not export-oriented but biased towards domestic need. However, this demographic advantage was gradually lost to urbanisation and growing rural population depletion.[2] The shrinking of the agricultural workforce created chronic shortages of seasonal workers, estimated at 201,000 in 2017 (MoL, 2020b, p. 9).

To replenish the loss of labour, in late 2013, the Council of Agriculture (CoA) began to lobby the Ministry of Labour (MoL) to formally recruit farm workers from Southeast Asia via a guest worker system. In January 2019, their campaign at last had some success, being put into effect in April 2019 on a trial basis. In February 2020, just after COVID-19 spread from China to Taiwan (Wang et al., 2020), the annual permitted number of such 'guest' agricultural workers had increased to 2400 (CT, 2020). In actuality, only 15 workers were employed in January 2020, and by August 2021, the number had only risen to 394 (MoL, 2020a, p. 28; n.d.). This was attributed by the CoA to disruptions caused by the pandemic, including reduced or irregular flights, increased airfares, stringent verification or disrupted issuance of visas, inadequate quarantine facilities, rising quarantine costs, and vaccination requirements (MoL, 2020b, p. 9). However, compared to the shortage of 201,000 seasonal workers in 2017 as reported by the CoA, even the permitted number of 2400 was a drop in the ocean (MoL, 2019, pp. 23–24).

Meanwhile, the CoA had, for several years, acknowledged the existence of (an unspecified number of) irregular Southeast Asian workers engaging in farm work (MoL, 2015c, p. 16). Speculating that they were former guest workers who had broken their contracts, the media reported that their employment was known to the authorities (UDN, 2016), who, however, seemed to underestimate the extent of the situation. Such employment reportedly continued during the pandemic, as guest workers were stranded in Taiwan (CTS, 2021). In light of this, three questions emerge. How were small-scale family farmers, before and during the pandemic, able to employ irregular Southeast Asian workers? How and why did such workers integrate into the informal economy of agricultural work? Did the move to farm work lead to new forms of vulnerability for migrants or was this an opportunity to 'run away' from more intense forms of exploitation?

This paper suggests that the intersection of mobility, work, illegality, and informality creates conditions conducive for supplying small-scale family farmers with irregular Southeast Asian workers as seasonal workers. Drawing on migrants' everyday lived experiences of freedom and unfreedom with regard to mobility and work, it reveals a link between working experiences in the formal and informal sectors of the labour market. In both sectors migrants are vulnerable and their agency is restricted: When entering the informal economy, instead of achieving the freedom they may expect, migrant workers face new inequalities and conditions of control.

2 | ABSCONDING AND MOBILITY

Hinging on workers' cross-border mobility, the guest worker system, which stringently regulates migrants' employment and residence, is commonly employed in East Asia (Walmsley et al., 2017). Recruited via brokers, migrant workers fill labour shortages in the agriculture, fishing, construction, manufacturing, care, entertainment, and hospitality industries

[1]For instance, in 2005, 86% of agricultural households were categorised as small operators, but in 2022, the average size of the land worked by agricultural households was 0.72 ha, with the majority of such households engaging in non-agricultural economic activities (EY, 2022).

[2]In 1979, nearly 30% of the national workforce was engaged in agriculture; by 1995, this had dropped to 10% (Bourguignon et al., 2001); between 2008 and 2018, the total number of people included in agricultural households fell from 3,152,246 to 2,760,296 (CoA, n.d.).

in Taiwan, Japan, South Korea, Hong Kong, Macau, Malaysia, and Singapore (Fielding, 2015). Research emphasises the temporary, precarious nature of their employment, the deprivation of their mobility, and debt bondage, which combine to produce conditions of forced labour (Bélanger, 2014; Cheng, 2020; Kaur, 2014; Lan, 2007; Surak, 2017; Trajano, 2014). In this respect, mobility is sometimes described as a form of 'capital' (Kaufmann et al., 2004), an exercise of agency that can multiply employment opportunities and generate remittance (Ambrosini, 2016). During the pandemic, this mobility was heavily restricted, increasing migrants' socio-economic vulnerability.

Even before the pandemic, such deprivation of social, spatial, and vocational mobility was manifold, simultaneously shaped by the state's strict migratory regulations and the working regimes dictated by employers, together with living conditions. Once guest workers enter their destination country, their right to reside there is linked to their employment, and their address (usually at their employers') is registered with the government (Cheng, 2020). They are thus subjected to employers' control over both their work shifts and daily life (Hoang, 2017); for instance, labour-intensive industries commonly house migrants in factory dormitories (Mezzadri, 2017; Pun & Smith, 2007). Moreover, in the formal economic sector, migrants are prohibited from changing employers or industries (Lan, 2007). In contrast, farm work is less confined, and for seasonal work in particular, workers can move between work sites.

Guest workers are thus often portrayed as victims of the brokerage industry (Hoang, 2016; Ku, 2013; Xiang & Lindquist, 2014). However, despite such 'structural vulnerabilities' (Ball & Piper, 2006, p. 219) and a pervading atmosphere of workers' secondary status in comparison to their employers' (Hoang, 2017), workers still exercise agency and mobility. For instance, one potential form of defiance is absconding, considered a form of agency. In Taiwan, guest workers who break their contracts are referred to as 'runaways'. In their studies on Vietnamese and Indonesian workers in Taiwan, Hoang (2020) and Parhusip (2021) demonstrated that 'running away' aims to achieve more freedom. However, absconding means migrant workers have to illegally enter the informal labour sector, making them even more vulnerable to abuse.

Lerche's (2007) research on the global alliance against forced labour and, more recently, Vandergeest and Marschke's (2020) study of the anti-slavery movement in Thailand's fishery sector show that the opposition between freedom and unfreedom represent 'anti-historical' analytical models (Lerche, 2007). Free and unfree labour relations continually shape each other within modern capitalist economies or even petty capitalist economies. Drawing on this critical understanding, absconding becomes a vantage point to look at how breaking a contract changes guest workers' social, spatial, and vocational mobility and, consequently, makes them available for seasonal farm work. The *intersection* of mobility, work, illegality, and informality facilitates a critical lens to apprehend how freedom and unfreedom are constantly present in 'runaway' migrants' subjective experiences of work and mobility.

Our research findings show that not only 'runaways' but also students and Vietnamese spouses' families were irregular workers before and during the pandemic. Besides their wages, 'runaways' were also attracted by the perceived 'freedom' from restrictions on their social, spatial, and vocational mobility. Another significant finding is that their recruitment was integrated into the practice of labour exchange amongst farmers, which made workers mobile and increased labour availability. However, the farmer–worker relationship was framed by illegality, and the working relationships between workers, farmers, and brokers were transactional. From the formal to the informal economy, the condition of precarity is reproduced, albeit under different forms, and makes workers more vulnerable to exploitation. For 'runaways', *knowingly* paying the price of absconding releases them from the 'legal servitude' (Lan, 2007) of the guest worker system. Questioning whether 'to flee is to be free' means investigating migrants' exercise of their agency, and the extent to which fleeing is an effective way out of vulnerability. We argue that instead of seeing their mobility and work experiences as a binary polarisation of being either free or unfree (Crane et al., 2022; Mezzadri, 2017), there are links between their experiences in both sectors. Drawing on migrants' subjective experiences of freedom/unfreedom (Barrientos et al., 2013), mobility, work, informality, and illegality are constantly reshaped by migrants' oscillation between vulnerability and agency (Crane et al., 2022; Lerche, 2007; Mezzadri, 2017). That is, although absconding and regaining their deprived mobility manifests migrants' agency, it also delivers them into the precarity of the informal economy, exacerbated by the state's policing power and the (seemingly arbitrary) restrictions to movement during the pandemic.

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3 | RESEARCH METHODS

Our insights into the intersectionality of mobility, work, illegality, and informality were initially obtained from our observation of four Indonesian 'runaways' on fruit farms in Taichung in April 2014. Our preliminary findings revealed how the informal economy was constituted by farmers, workers, brokers, and law enforcement agents. To further probe workers' life/work experiences during the pandemic, between July 2021 and November 2022, we interviewed, online and in-person in Taiwan, three farmers, two Vietnamese women married to Taiwanese men whose families worked in Taiwan, four police officers, and 10 workers. These workers included Vietnamese 'runaways', Vietnamese women overstaying their visitation visas, an Indonesian worker who had overstayed her visa, and students (Vietnamese and Indonesian) working more than the maximum of 20 h per week permitted by the government.

The seasonal work we explored was located in Taichung (three interviewees: one farmer and two workers, in-person and online), Nantou (seven interviewees: two farmers, four workers, and one student, in-person and online), Chiayi (one Vietnamese spouse, by text), Yunlin (one farmer and one Vietnamese spouse, online), and Pingtung (one student and one worker, in-person and online). These counties are amongst those most challenged by seasonal labour shortages (MoL, 2015b; 2019, p. 23; 2020b, p. 6)—and thus where most of 'runaways' moved—with Pingtung County being the southernmost county in Taiwan and the other counties adjacent to each other in central and southern Taiwan. The main crops of these areas included apples, oranges, pears, tea, betel leaf, water bamboo, leafy vegetables, courgettes, mushrooms, cucumber, pineapples, and tomatoes. Interviewees are referred to by pseudonyms. Specific information regarding their locations and work experiences has been withheld to conceal their identity and ensure their safety, since the majority of the interviewees were still in Taiwan at the time of writing. Of the interviewers, one is a native Indonesian speaker; thus, we were able to conduct participant observation of Indonesian workers' daily activities; and one is a native Chinese speaker and interviewed Chinese-speaking Vietnamese interviewees in Chinese, occasionally assisted by Vietnamese–Chinese interpretation offered by Vietnamese interviewees fluent in Chinese. We also translated transcripts from Chinese into English.

4 | FROM THE FORMAL TO THE INFORMAL ECONOMY: A RENEWED VULNERABILITY AND THE EFFECTS OF THE PANDEMIC

Why do migrants move from the formal to the informal economic sector? Is farm work an alternative to the inequality experienced in formal employment sectors? To answer, we investigated the working experiences of four Indonesian irregular workers in 2014, first in the formal sector of the labour market and then the informal agricultural sector. These workers, two of whom were a couple, left their contracted employment in the fishing, care, and manufacturing industries. Such employment earned them a very low wage due to salary deduction. Southeast Asian 'industrial workers' (employed in non-caregiving industries) are protected by the Labour Standard Act, which entitles them to the statutory basic wage of US $800; excluded by the Act, caregivers are paid US $670, raised from US $570 in the wake of the pandemic (WDA, 2022). However, National Health Insurance (NHI) and labour insurance (the latter inapplicable to caregivers, Cheng, 2020) are deducted from this, as are brokers' service charges and the costs of accommodation and food charged by employers (MoL, 2016, p. 18). In addition, a substantial amount is deducted for recruitment fees. An estimate shows that, after all these deductions, an industrial worker may receive as little as US $1200 *for the first year* in Taiwan (Global Views Commonwealth, n.d.).

Recruitment fees and the resultant debt bondage were identified as major drives for absconding by a MoL-commissioned study (MoL, 2017, p. 6). However, the MoL's *own* survey of factory employers claimed that 'being enticed by other workers' and 'debt caused by gambling and committing crimes' were the top two reasons guest workers broke their contracts (MoL, 2020c, p. 18). Associating absconding with criminality justifies the necessity of repatriating such workers. For the workers themselves, absconding was perceived as a way to avoid salary deduction

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and escape the control of brokers or employers, whose power comes from the state (Tseng & Wang, 2013). Nevertheless, this freedom was 'regained' at a substantial cost.

During the pandemic, the mobility restrictions imposed on guest workers were loosened by the government, who temporarily permitted the transfer of workers between employers or between industries (Cheng, 2022). Disrupted cross-border movement created labour shortages in industries relying on guest workers. However, economic recession also meant that some manufacturers received fewer orders and thus less work was assigned to guest workers, who subsequently were paid less by their employers. These generated incentives for workers to abscond to get higher wages (Lan, 2022). Border closure brought about other conditions that turned contracted guest workers into irregular workers, as was the case of Mrs Chu's Indonesian worker. The worker was originally contracted to look after Mrs Chu's relative. The death of the relative during the pandemic meant that, unless her broker transferred her to a new employer, the carer would have had to return to Indonesia. However, a transfer would enable her broker to charge her another high recruitment fee. Saving the worker from paying the fee, Mrs Chu convinced the woman to work in her home as a domestic worker, as well as on her 0.3-ha farm, picking spinach, morning glory, romaine lettuce, edible rape, pak choi, and en choy, the growing periods of which are between 17 and 45 days. Partly because the pandemic made it difficult to return home, the woman agreed and became an irregular worker, overstaying her visa requirements.

Phượng, a Vietnamese spouse in central Taiwan, and her fellow farmers also hired Vietnamese spouses' families who overstayed visitation visas issued for the purpose of tourism or family reunion. Entering Taiwan *legally*, their visitation visa became a ticket into the informal economy that led them into illegal and casual employment. Phượng and other farmers grow pears, peaches, oranges, grapes, strawberries, and persimmons. Staggered growing seasons allows her and other farmers to work for those who grow different crops, since farming does not generate a reliable income and small farmers often take on part-time work to make ends meet. In this sense, they also become seasonal workers, and their mobility increased labour supply in their locality. This traditional exchange of labour ('*jiaogong*' in Chinese), practised by rice-farming households with kinship links in villages (Chang, 2012), took on a new form when applied to 'runaways' who moved from urban to rural areas. Tapping into this additional supply, farmers 'took turns' to employ more or less the same group of 'runaways' and visa-overstayers, a practice also recognised or used by betel leaf farmer Mr Fan, courgette farmer Vân, and Vietnamese worker Kho in their villages. In Phượng's eyes, the reliability of the 'runways', some of whom had been on the run for over 10 years, was demonstrated by the fact that farmers left them to work independently whilst they themselves worked elsewhere.

Students such as Yusof, an Indonesian student, and Tri, a Vietnamese student, are also employed in the farming sector, where they often exceed their permitted number of hours of work. The hourly rate paid to Taiwanese and Southeast Asian workers for picking leaf vegetables is US $4 per hour, whereas the statutory minimum hourly wage was US $5.6 dollars pre-2023 (Focus Taiwan, 2022). Local people may work for 3 hours in the early morning, but working for longer increases one's hourly rate, as Yusof experienced. With a scholarship that only covered his tuition fee but not his living expenses, he had to work. Thus, during the pandemic, thanks to word of mouth amongst the Indonesian community, Yusof held down jobs at a convenience store, a restaurant, a pineapple farm, and a tomato farm. Working between 5:30 AM and 5 PM on a pineapple farm, with a 2-h break between 12 and 2 PM, paid him US $8 an hour, higher than the usual rate of US $5. Presenting his work permit and residence document to the farmer as he did when interviewed by the convenience store and restaurant owners, Yusof was told 'you don't need papers to work with me'. Thus, seasonal workers and their employers participated in casual employment where no contracts were signed and no legal responsibilities were shouldered by employers.

As soon as the agricultural labour market was opened to guest workers in 2019, workers were dispatched in groups by Farmers' Associations, agricultural cooperatives, and non-profit organisations. Upon receiving individual farmers' applications, these associations provide labour insurance and NHI for guest workers, a legal responsibility required by the Labour Standard Act (MoL, 2019, p. 27). As small farmers lack the legal or financial means to process the recruiting, transport, employment, accommodation, or insurance of guest workers, these associations are used as 'employers' (MoL, 2015a, p. 40). At the beginning of the pandemic, the number of guest workers permitted to

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undertake farm work increased. Worried about the illegality of, and the associated heavy fine for, employing irregular workers, Phượng hoped to hire workers legally via these channels. However, as she discovered, her application had to include records of bookkeeping and taxation, in addition to other documentation, which she lacked. Phượng's efforts show that in practice, small farmers are unable to access legally contracted labour. However, using associations to dispatch workers also demonstrates the precarity of casual seasonal work.

Phượng returned to employing irregular workers, hoping that 'everyone is on good terms with everyone else. […] As long as *we don't get into trouble with each other*, we can manage'. The 'trouble' happens if farmers have disputes amongst themselves and turn each other into the police or the National Immigration Agency (NIA). This can happen if competition amongst farmers for securing access to irregular labour becomes fierce; those who lost out because they paid less than the market rate or delayed payment and thus appeared unattractive in the market can become informants and give law enforcement agents tip-offs. Although Phượng saw this as a personal issue, this 'trouble' is in fact rooted in the criminalisation of Southeast Asian irregular workers. Thus, criminality deepens the precarity endured by irregular workers, on top of the lack of legal protection, because of the casual nature of their employment.

5 | PATERNALISM AND CONTROL: TRANSACTIONAL WORKING RELATIONS OF THE INFORMAL ECONOMY

An interesting prism through which to understand the link between the inequality characterising the formal sector of the market and forms of exploitation in the informal sector is the working relations on which the latter relies. Oscillating between paternalism and control, the transactional relations amongst workers, brokers, and farmers are the capstone of the renewed vulnerability which migrants experience. Before the pandemic, Thu and Kho left their factory jobs for farm work, similar to the aforementioned Indonesian workers. For Thu and Kho, who were in their prime, absconding meant restoring their socio-geographical and vocational mobility. Confined to an isolated and 'walled' life within a dormitory, their salary was deducted from living expenses, but they were overworked (as many as 18 h in Thu's case) without receiving statutory overtime payment. When not working, and thus not being paid, they were not allowed to leave the dormitory to pick up casual work and did not receive timely medical attention when needed because of the unavailability of their brokers (whose charges are justified by providing such services). Approaching the end of their contracts without any prospect of savings persuaded them into a fugitive life in the full knowledge that they would become vulnerable to unscrupulous brokers' deceit or employers' abuse, lose NHI cover, and face the prospect of arrest and repatriation. Arrest was such a worry that Kho was initially 'woken up by any slight sound during the night', a fear that gradually waned after he had been on the run for over 10 years.

As summed up by an Indonesian 'runaway', when the decision to abscond is made, it is '*siap mental*', seen as brave, resilient, and independent (cf. Prusinski, 2017) to take advantage of *precarious freedom* where '*there is no law, or people to protect us*' (Parhusip, 2021, pp. 663, 665). For those already on the run, such as Thu, the ongoing pandemic created a new reason for workers to be more cautious about their decision. The COVID-19 prevention measures exacerbated the structural tension between the state and guest workers (Lan, 2022). Irregular workers were more vulnerable to the virus, in part due to their reluctance to contact the government for vaccination. Thus, Thu's advice to her fellow workers was:

> If your working conditions are bearable, stay where you are and don't run away. If you run away and get infected, think of the danger you pose to yourself, *your fellow migrants and their left-behind families* who rely on you to work and send remittances back home.

Unscrupulous unlicensed brokers, who often rely on co-ethnic networking (Hoang, 2017; Parhusip, 2021), are key actors who can push irregular workers into *precarious freedom*. Tri, a Vietnamese student who was a tea picker and whose siblings worked in factories, described co-ethnic networking as 'everyone knows someone else in

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Taiwan'. Within this network, irregular workers encounter deceitful brokers, known as 'bullheads', who act as go-betweens for employers and irregular workers. Delivering irregular workers to employers, bullheads receive commission of as much as 10% of the total amount employers pay to the workers. Tri noted that if the bullhead is Taiwanese, most likely he/she is a gangster and has support from hidden patrons. Deceitful brokers were also found amongst Vietnamese women and their Taiwanese partners, who not only withhold workers' pay but also turn them into law enforcement agents in order to claim a bounty (Hoang, 2017). In fact, Kho suspected that his arrest and that of his friend were due to tip-offs given to the NIA by such a couple. Thus, Tri lamented that 'although you run away from an exploitative state system, you are still within an abusive system at the hands of bullheads or employers'. That is, *perceived* freedom is gained at the price of precarity constituted by the illegality of workers' employment, the structural exploitation of the informal economy, the deception of brokers, and the state's policing power.

Farmers, as key actors in the informal economy, play a role in increasing migrant workers' vulnerability, especially in case of worker injuries. For example, during the pandemic, a Vietnamese irregular worker hired by a vegetable farmer suffered amputation after his leg was trapped in the blades of a ploughing machine. In the absence of a legal employer, the medical bill was paid by crowdfunding organised by his Vietnamese spouse. Furthermore, the manner whereby farmers pay their workers also reinforces precarity. Some delay payment, criticise workers' performance, or deduct US $3 for workers' daily rate of US $40 for fruit or water bamboo. These behaviours make them 'stingy' and unattractive employers who may lose out in competition with others to hire seasonal workers.

Nevertheless, the farmer–worker dynamic goes beyond these *transactional* relationships. Vân from Vietnam is a farmer who tends her 0.3-ha farm without hiring any workers. As a seasonal worker herself in her off-season, she aims to teach irregular workers farming skills for free so that they can earn a good living and their employers can increase farm productivity. This symbiosis was explained by Van us:

> It takes farmers four months to grow [their vegetables] but it takes only one wrong slash during harvesting to ruin the crop. Even if the farmer didn't know we didn't get it right, customers would and they wouldn't buy from the same farmer again. The quality of our work affects the income of the farmers, and their income affects our wages. We must be very careful and do our job properly.

As per Tri's understanding, farm work is based on a new moral economy, sustained by what Thompson (1971) identified as a work ethic based on compassion and paternalism, which undermine exploitation and control. This is conveyed through farmers working with their workers under the same hard conditions, unlike the hierarchy at the factory where Taiwanese foremen or managers are 'above them [workers]'. Other acts that indicate a paternalistic attitude include farmers providing food and drink for their workers without making deductions from their pay and enjoying these together in their rest time.

The multifaceted worker–farmer relationship is critically impacted by ways in which farmers deal with the cost of workers' mobility. The hard-to-reach location of tea plantations in the mountains saw some tea growers, who live in situ, opt to 'raise' irregular workers and secure their availability by providing them with *free* lodging and meals. However, cabbage farmers in central Taiwan seemed to offer the opposite. Without a place to stay, some male Vietnamese workers used tree and bamboo branches to build a 'villa', pegging plastic sheets for the 'roof', and paving the 'floor' with cardboard (Nguyen & Tsai, 2016). In these barely habitable conditions, irregular workers regained their mobility at the expense of their health.

Absconding and earning cash incomes allowed irregular workers to save, remit debts, afford rented lodgings, and have a social life. For example, the Indonesian couple were able to live together, and Thu, an amateur choreographer, was able to train Vietnamese men and women for public performances in her free time. However, both felt constantly dogged by the prospect of arrest, which, according to Tri, Vân, and Thu, may happen due to a fellow migrant's jealousy (see also Hoang, 2016), or Taiwanese neighbours' intolerance of noisy parties (often involving drinking). In this light, through workers' everyday sociality, precarity can be easily triggered by the acts of individuals, be they vengeful farmers, bounty hunters, bullheads, jealous fellow workers, or neighbours.

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6 | THE STATE'S POLICING POWER

At this stage, a legitimate question emerges: What is the role of the state? Can the state's policing power ultimately terminate irregular workers' prospects for betterment? Widely known amongst farmers for turning a blind eye, police and NIA officers (as confirmed by the officers we interviewed), at a *personal* level tended to sympathise with the farmers' need to employ irregular workers for survival, particularly during the pandemic. This was partly due to the fact that police officers assigned to rural areas were often native to the area, were surrounded by farmers to whom they were related, and that removing irregular workers was mainly the responsibility of the NIA, rather than of the police. Their sympathy notwithstanding, the police and NIA are mandated to remove irregular workers. Consequently, farmers' profits and workers' incomes are at the mercy of these agents' discretionary power. Moreover, law enforcement agents financially benefit from exercising their power (CY, 2017): the state offers bounties in order to suppress absconding (MoL, 2016, p. 19). It has also encouraged *bounty hunting* amongst co-ethnic migrants and Taiwanese citizens (Hoang, 2017), as noted by the police officers we interviewed.

During the pandemic, the state's discretion was more pronounced at central and local levels. In 2020, when COVID-19 was effectively contained in Taiwan, the state, seeing absconding workers as a potential source of infection, announced an amnesty and encouraged absconding workers to turn themselves in for repatriation when flights were available and later for vaccination (Lan, 2022). Urged by her mother in Vietnam to return home, Cam turned herself in to the NIA and received notification of her 'intended repatriation', which was later postponed because of flight unavailability. Although reassured by her handling officer that no legal action would be taken against her if she came to a walk-in facility to be vaccinated, Cam was sceptical and reluctant. After all, she was aiming to continue the two part-time jobs at food stalls with which she had replaced her vegetable-picking job, notorious for its hard labour. Hoping to return home, other irregular workers also turned themselves in. However, after they were released from detention, the closure of borders between their home countries and Taiwan made repatriation difficult. For example, when Tri's Vietnamese friend decided to turn herself in, she was turned away by the police as their detention centre was full. Consequently, the state's interest in stamping out absconding was practically circumscribed by individual agents' discretion. Therefore, the discretionary nature of police power deepens irregular workers' vulnerability because of unpredictability of whether and how the police might exercise their power.

7 | CONCLUSION

Drawing on Southeast Asian workers' experiences of mobility and farm work before and during the pandemic, this article has critically addressed the ways the pandemic and lockdown measures impacted migrant workers in Taiwan and how their lives and status were shaped both by new vulnerabilities and exercise of their agency. Focusing on migrants' agency, we focused on the everyday lived realities of migrant workers navigating the irregular agricultural sector after leaving the formal sector, that is, the industries in which they are legally allowed to work. Our findings suggest that migrants' experiences of freedom and unfreedom in work shift, as vulnerability in the formal labour market is reproduced within informal working experiences. Perceived as an exercise of agency, 'running away' from the formal economic sphere can be contextualised within the broader landscape of the challenging, transactional, and capitalistic dynamics amongst farmers, workers, brokers, and law enforcement agents in the precarious informal economy. We attempted to illuminate how the interests of the farmers and workers converged but also clashed; these volatile relationships, characterised as paternalistic, but which could also be controlling and exploitative, continued throughout the pandemic.

The effect of the pandemic seemed to complicate guest workers' decisions to abscond and the state's discretion to repatriate. Whilst, for small famers, border closures meant stranded workers, such as Mrs Chu's Indonesian worker, were available for work, the threat of COVID-19 magnified the price for workers of being (precariously) free. As articulated by Thu, should infection amongst irregular workers take place, not only they but also the people in

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their contact group would be affected; they might not be able to receive medical attention and their sickness would mean they could not work. This ripple effect would spread across borders, reaching their families back home and diminishing their prospects of receiving remittances. Therefore, whilst the pandemic may have incentivised some guest workers to 'run away' in order to regain their mobility and enlarge their earning potential, the highly infectious nature of COVID-19 increased the cost of doing so. At the same time, the state's discretion seemed to grow, as manifested by the granting of amnesty to such workers. Nevertheless, the amnesty offer was met with scepticism and appeared arbitrary, worsening irregular workers' vulnerability.

In sum, taking such volatile relationships as a cue, we suggest viewing migrant workers' precarity, illegality, and agency before and during the pandemic through their own understandings of what freedom and unfreedom mean (Barrientos et al., 2013). Instead of seeing their experiences as a binary polarisation of being either free or unfree, we should view workers as using their agency and *moving between the two poles* in their everyday socio-economic activities vis-à-vis their fellow workers, employers, brokers, and the Taiwanese state (Mezzadri, 2017).

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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