

**Integration of Female Immigrants in Labour Market and Society. Policy  
Assessment and Policy Recommendations**



**FeMiPol Policy Brief**

**No. 3  
March 2008**

**Final Project Policy Brief**

A Specific Targeted Research Project of the 6<sup>th</sup> Framework Programme of the  
European Commission



# **Integration of Female Immigrants in Labour Market and Society. Policy Assessment and Policy Recommendations**

A Specific Targeted Research Project of the 6<sup>th</sup> Framework Programme of the European Commission

## **Coordinator**

Dr. Maria Kontos  
Institut für Sozialforschung  
at J. W. Goethe-Universität  
Senckenberganlage 26  
60325 Frankfurt am Main  
Germany

## **Research context**

Migration flows to EU countries during the last few decades indicate a growth in feminisation and informalisation, with female migrants increasingly entering informal labour markets in care, health, domestic services and the sex industry.

## **Objectives**

The research targets the impact of integration policies on the position of migrant women within EU countries in the last decade, and on this basis formulates recommendations for appropriate policy that fosters the integration of new female migrants and produces greater social cohesion.

## **Scientific approach / methodology**

Employing a combination of methods, the project uses a four stage analysis: first, analyzing policies affecting the integration of female migrants (document analysis, expert interviews), second, analyzing migration flows and mapping the processes of dispersion of female migrants, as well as analysing the demand for the labour of female migrants, third, analyzing integration processes in relation to female migrants (biographical interviews with migrant women), and fourth, analysing processes relating to the implementation of social policies (narrative interviews with social service officers).

The analysis covers eleven EU 25 national cases that comprise typical cases in relation to migration policy (highly regulated versus unregulated immigration), in relation to welfare systems (North versus South European countries), and in relation to member status in the EU (old versus new member states).

## **New knowledge and key policy messages and recommendations**

The Briefing paper is structured according to the following key categories and themes identified as central for analyzing policies affecting the integration of new female migrants:

- Integration of migrant women into the labour market
- Migrant women in the informal sectors of the economy
- Domestic workers

Skill enhancement (including language skills) and skill recognition  
Civic participation  
Migrant women in prostitution and entertainment  
Residence rights, and legalisation  
Combating trafficking and the integration of victims of trafficking

### **Integration of migrant women into the labour market**

As well as significantly shaping the demand structures for female migrant labour, the structure of welfare regimes, and particularly the public provision of care, place fundamental constraints on the labour market participation of female migrants. Limited access to care provision has proven to be a significant problem for female migrants, who need to adapt their paid work according to domestic and care responsibilities.

Labour market de-regulation and flexibilisation, which are key measures for reducing unemployment and facilitating labour market re/integration, have differential impact on different groups. This is due to ethnic and gender labour market segmentations, which entail female migrants being disproportionately located in low paid, low status jobs, and experiencing the insecurities and instabilities of part-time, short-term employment contracts and, in many cases, informal types of work.

A key problem is that the employment strategies that are currently being implemented are not creating adequate conditions for long-term integration, but rather are producing a growing unstable segment of the workforce, which remains on the margins of the labour market and wider society. In other words, the short-term strategies employed to increase participation and integration are not comprehensively solving the problem of social exclusion and marginalisation from a long-term perspective. In addition, the imperative for economic efficiency behind the service delivery often results in providing help for those with fewer barriers to employment and who are thus easier to help; this tends to disadvantage those in need of greater assistance.

Another aspect of labour market segmentation relates to the creation and amplification of 'ethnic niches' in the labour market. Although they fulfil an important role such niches may also provide limited access to majority society, and a reliance upon them alone may thereby limit the potential for wider social integration.

A reduced support for the unemployed, which is part of attempts at providing incentives towards entering the labour market, similarly impacts differently on different groups. This has a negative effect on groups that are not able to qualify for benefits adequately, because they lack the requisite criteria which determine access to, and levels of, compensation, either through unstable employment conditions, or because of the number of the hours worked and their rates of pay. Again, female migrants are generally disadvantaged in this regard.

The shift from rights to demands and compulsion with regards to welfare has a tendency to exacerbate socio-economic divisions, as welfare beneficiaries are expected to take up a greater range of jobs, leaving little scope to resist de-skilling.

The programmes and measures for labour market integration are multiple, and display a variable potential for success. Forms of training, as well as different job schemes provide opportunities for the female migrants who have access to them. However, their success is questionable both in terms of short-term and long-term integration and in

terms of the scope for a more substantial transformation of opportunity structures. For example, many of the Equal programmes are positively evaluated; however, their effects will remain limited until projects become part of the mainstream provision of services. The question of access to training and job schemes is important. This is limited for those female migrants with irregular status and limited residence permits. There are further obstacles which arise from a limited knowledge of programmes and the practical constraints posed by work and domestic demands.

The increasing distinction between ‘desirable’ and ‘undesirable’ migrants in European migration policies facilitate the entry of the highly skilled, whilst restricting that of low-skilled labour migrants, asylum seekers, and those seeking family reunification. Rights are stratified not only in relation to entry, but also in terms of rights to settlement, social welfare, family reunification, and citizenship. The gendered effects of these policies are significant, resulting from gender divisions and structures in both sending and receiving countries, as well as the gendered valuation of ‘skills’ that structure policies. For example, whilst the demand for care is growing, care is de-valued as a profession, which produces constraints for the female migrants who are often expected to fill the gaps.

A stark categorisation of different groups of migrants and a lack of recognition of heterogeneity within groups further impacts on the rights and opportunities of female migrants. For example, the distinction between highly skilled labour migrants and asylum seekers disregards the fact that there are many highly skilled in the latter group. In most countries, asylum seekers do not have the right to work, leading to de-skilling and a massive waste of skills. However, de-skilling as well as downwards social mobility is an experience shared by most women in our cross-national sample.

### **Policy Recommendations**

- The need for an evaluation of the gendered effects of general policies, including welfare and labour market policies, and specific policies, including those concerning migration and integration
- The need to adopt a rights-based approach to migrant workers, and separate residence rights from employment rights. This proposal is a key part of the UK’s Trade Union Congress’ (TUC) approach to migrant workers, and it is suggested that giving all workers employment rights, including the regular and irregular, is needed in order to counteract the current power of employers to exploit vulnerable migrant workers
- The need to improve the opportunities for female migrants to pursue their labour market aspirations. This includes an increased recognition of skills and qualifications; providing increased access to forms of training and work-practice; helping women enter the labour market; and more comprehensively addressing questions of ethnic and gender discrimination
- The need to consider integration in terms of a long-term perspective, and critically assess the extent to which current measures are providing the best avenues for long term integration.
- The need to include a strong emphasis on the socio-economic dimensions of integration, and consider how these provide a fundamental basis for female migrants’ ability to integrate into wider society, and develop a sense of belonging within it.
- The need to use a variety of strategies in order to reach the most disadvantaged groups, for example by using forms of mentoring, and providing access to valuable social networks
- The need to give asylum seekers the right to work in countries where this is currently prohibited. The skills and qualifications held by many asylum seekers are

currently being wasted. Furthermore, this negatively impacts on their social status as well as sense of belonging

- The importance of considering how the potential for success of different routes into employment, including training programmes, job schemes and self-employment, are dependent on several factors, including access to support and resources (material and immaterial), highlighting the need for compensatory mechanisms

### **Migrant women in the informal sectors of the economy**

For many female migrants, working in the informal sector is the only available source of income; this seems to be the case for women from third countries who have restricted job opportunities because of their migratory status. For a number of years, the employment of migrant workers in the informal sector has been particularly prevalent in Southern Europe. However there is, at present, a growth of this sector in other EU countries. The main sectors for informal work are agriculture, construction, tourism and domestic services. These sectors absorb low paid, low status labour which is taken up by the more vulnerable groups like women and migrants.

Migrant women across European societies constitute a significant section of flexible labour. On the one hand, there has been a growth of temporary and insecure employment conditions, and on the other, a growth of the undocumented segments of the workforce. This creates favourable conditions for exploitation by employers, who desire cheap and docile labour, to take advantage of the deregulation of the labour markets and welfare regimes. In this sense, we can speak of a *specific demand for informality* which encourages not only irregular migrants in need of employment, but also general informal working practices among those who have regular migration status and others in need for work. We have also identified a type of informality produced by EU-led policies facilitating sub-contracting which result in cheap informal migrant labour. At the same time, there has been a general undermining of the welfare regimes, which in turn forces many to seek informal work to supplement their low incomes.

There are different types of undeclared workers. This is particularly visible in the case of female migrant workers who do not constitute 'legitimate' workers because of their immigration status as 'undocumented' (i.e. with no regulation or rights at all); or 'semi-legal' (e.g. having legal entry but working beyond the provisions provided in the work permit).

Moreover, policies aimed at preventing and combating illicit work in the EU countries under study are not only ineffective and counter-productive but often worsen the plight of female migrant worker. The criminalisation of undeclared work is particularly disempowering for female migrant workers: the 'punishment' for the migrant worker is always much harsher than that given to employer as she will face deportation at the end of the day. Repressive policies undermine further the social position and job security of migrant workers.

The general migration policies, which regulate the legal status of migrants across the EU, disadvantage the most vulnerable groups in the labour hierarchy such as asylum seekers and other third country migrants who are forced to accept the worse conditions to survive under the regime of informal economy. The regimes that tie residence and work permit to particular jobs for particular employers are problematic and distort labour relations at the expense of the worker

Powerful racialised and gendered processes generate specific and acute forms of discrimination towards different categories of female migrants; these processes often operate as informal constraints which reproduce undocumented and exploitative work regimes. Systemic, institutional and structural discrimination, as well as ideologies, discourses, myths and negative stereotypes are all combined in associating ethnic/cultural/national and gender traits. These operate as social, economic, institutional and ideological devices that reproduce and perpetuate structural inequality and discrimination.

### **Policy Recommendations**

The policy proposals largely centre on the following areas of intervention:

- The need to extend rights to both atypical workers and undocumented workers, which constitute a crucial step towards tackling deprivation, disadvantage and exploitation.
- Various restrictive policies aiming to restrict migrants' access to the labour market and access to public services are particularly disempowering. Legislation in this domain ought to divorce residence rights from work rights. Also it ought to act preventively by creating effective 'exit strategies' for undocumented migrant workers via positive incentives for regularisation, access to trade union and labour rights, and in general their effective integration and full civic participation in the country of reception.
- It is apparent that the labour of female migrant workers is not only essential for the economies of Europe, but the urgency for regulation and empowerment is more pressing than ever. Undocumented female migrant work is linked to a range of problems. Most important among them are health risks, risks concerning the reproductive health of migrant women and forced separation from their families. These can only be resolved by the regularisation of undocumented migrants and their immediate decriminalisation to empower NGOs and trade unions to properly support them.
- As for women asylum-seekers, they ought to be granted full rights to work under the same conditions as all other workers. This would significantly reduce discrimination and the percentage of those working illegally.
- Our findings point to the persistence of negative stereotypes associating the individual to her/his ethnic/cultural/national group instead of apprehending him/her as an individual (e.g. stereotypes of different ethnic groups as "flexible" and cheap labour). In this sense, it is necessary to design policies for altering negative social representations. This includes the setting up of systems for effective monitoring and combating discrimination at all levels: from work and employment, to education, social welfare and public life, policy needs to be properly informed about the whole social experience and social position of female migrants.
- Policies that enhance self-organisation as well as full participation in all mainstream institutions need to be developed so that the integration of female migrants becomes realisable.

### **Domestic workers**

Demographic and labour market specificity, welfare policies as well as the evolution of intergenerational obligations define different levels of demand for foreign domestic workers within EU countries.

South European countries acknowledge the need for foreign domestic and care workers in their immigration legislation. In Spain and Italy, foreign domestic and care workers are integrated in quota systems. Greece practices periodic legalization programs and enables legalization of migrant domestic workers either on the basis of a work contract or on the basis of self-employment and self-insured work. While the latter may decrease dependency on the employer, it is often merely a disguised salaried work with reduced rights and

benefits for the worker. On the other side Cyprus practices temporary immigration of domestic workers.

Due to the specificities of this sector and to the complicated and costly administrative procedures, a large number of domestic and care workers in South European countries have an unstable legal status.

Easter European countries do not officially recognise a demand for foreign domestic workers for a set of reasons. In Slovenia home and personal services are not identified as deficit professions, as in Poland, these sectors employ mainly undeclared migrant women.

In Germany and France, where these occupations are identified as deficit professions, policies aiming at developing and formalizing domestic and care work have different outcomes. While in Germany this has yielded little success, mainly because of the imbalance between the costs of formalized domestic work and limited capacity of households to afford it, in France the tax deduction and facilitated employment procedure have contributed to gradually absorbing undeclared work in these sectors. Germany has also failed to attract foreign domestic workers within the existing immigration recruitment scheme, whereas in France the domestic and care work is listed among 150 deficit occupations, but open to the citizens of new EU member states only.

The Swedish government adopted recently a policy on tax deductions for domestic services, which was aimed at creating jobs. Tax breaks are also part of UK policy in the area; however, domestic work is not part of the new 'points system' for migration, and hence legal routes for domestic workers from outside of the EU are very limited. The policy is in line with the general aim of filling gaps in lesser skilled sectors of the labour market with workers from within the EU, and notably the new accession countries.

Immigration laws and care policies construct immigrant/foreign domestic and care workers as "helpers" and "assistants". This is in contradiction to the widely underscored need for the professionalisation in this sector, where indeed considerable skills are required.

There is a variety of domestic work in terms of work content (cleaning, housekeeping, care for old, child care), work arrangements (live in /live out, single-multiple employers, service agencies) work premises (work at other people's home/versus at home-in case of child care), underlying legislation (au pair programs of cultural exchange, labour legislation). There is also a variety of experiences. Domestic work can be a simple stepping step to entering the country and later shifting to other employment or study, i.e. it is either a transitional and short-lived experience (often parallel to other work or training) or a long-term working experience or durable situation .. This overall lack of recognition contributes to undermining the self-esteem of workers, most of whom experience a sharp de-skilling when entering care and domestic work.

In Northern Europe, live-out domestic work predominates. This arrangement often implies having multiple employers and fragmented working hours. Live-in arrangements, which are more widespread in Southern Europe, are associated with the risk of being trapped in this sector against one's will and being subjected to exploitation. On the other hand, live-in arrangements may provide a transitional solution to housing problems as they enable workers to cope with instability, precariousness and occasional housing problems. They also help workers to save money on rent which is important for fulfilling their role as breadwinner and, in many cases, as a transnational mother.

## **Policy Recommendations**

- Policies need to take into account the variety of domestic and care worker categories and experiences.
- There should be a re-evaluation of domestic and care work, and recognition that it is “work” instead of “help”. There is a need for the professionalisation of such work, especially in care for the elderly and children. Training and supervision should be offered accordingly. Professionalisation is related to empowerment and awareness of rights, which enhances the ability to negotiate work conditions and contracts. Professionalisation procedures should recognise the skills and knowledge that migrant domestic care workers have acquired on the job.
- Professionalisation and formalization of domestic work are possible only if domestic and care workers possess a work and residence permit. The EU enlargement offers the opportunity for the legalization of a range of domestic and care workers citizens of new EU countries. In addition, however, provision should be taken for the legalization of domestic and care workers from Third Countries
- Language and orientation courses are needed which provide domestic and care workers with a stronger competency in the host country, so that mobility within and out of the domestic sector becomes possible for those who wish to do so.
- Conditions for the reconciliation of work and family life for domestic workers, as well as potential for family reunification, should be secured. This would facilitate the social integration of domestic workers, which in turn will increase the quality of services and social cohesion.
- Self-organizations of migrant domestic and care workers must enjoy state support as they have the potential to reach out to them and trade unions should engage in organizing migrant domestic and care workers.
- It is important to provide better information for women migrating through cultural exchange programs (au pair schemes) about the reality of housing and working conditions.
- Intergenerational live-in arrangements involving students' helping with domestic work or care in exchange for housing should be developed, but not at the expense of professionalisation or making domestic and care services affordable for households

## **Skill enhancement (including language skills) and skill recognition**

The following factors affect language proficiency and skills:

- The legal status of migrant women. Long-term residence and access to nationality or citizenship are favourable for developing language skills and gaining qualifications.
- An infrastructure which gives migrant women access to language courses and/or courses on the receiving country's history, institutions, culture, etc. as well as to formal education and training.
- Degree recognition and equivalence; recognition of prior study and learning experiences.
- Access to both formal and informal labour market
- Access to active labour market policies, such as subsidised vocational and training courses, coaching, mentoring, etc.



In some countries, language skills are a prerequisite for granting long-term residence, while other countries have a more “open” approach toward defining eligibility for long-term residence. The infrastructure in countries practising the “open” approach is often insufficient in terms of providing language and integration courses. This might imply that the country (for example Greece) has no intention of granting long-term resident permits to migrants.

Even though the knowledge of a host society’s language, history and institutions is indispensable for integration, according to the Common Basic Principles 4 and 5 of the Framework for the Integration of third-country nationals in the EU, (documented) migrant women have limited access to language and other courses (especially those employed in the informal labour market). Instead, migrant women are often self-taught and use their ingenuity to learn the language (they watch TV, buy and use dictionaries, read children’s books, etc).

The same applies to obtaining a recognition or equivalence of degrees and qualifications; there is limited access for migrant women to information about procedures, which are bureaucratic, time-consuming and often charge high fees. Often discouraged by these difficulties, few migrant women manage to complete this process, whilst most do not even attempt to get their qualifications and skills formally recognised. In this way, they remain trapped in precarious and low-paid job in the (informal) labour market. The “brain waste” this entails for both the country of origin and the host country is significant.

Both the lack of language proficiency and of skills recognition has a negative impact on migrant women’s access to the (formal) labour market and their positioning within. However, the fact that a woman is fluent in the host country’s language does not necessary guarantee her access to the labour market, since the latter also depends on her legal status. Moreover,, in some countries it is not even necessary to speak the native language in order to find employment (e.g.if one speaks English like many Filipino migrants working as domestic workers).

Reskilling policies and programmes targeted at migrant women are rather limited, and are promoted mainly through Community Initiatives (Equal, Integra, etc.). Migrant women may have access to subsidised vocational training courses either through Public Employment Services (if they are registered as unemployment) or through participation in paid courses. However, the number of migrant women attending vocational training courses provided by the Employment Services is extremely limited and so is the number of women attending paid courses.

### **Policy recommendations**

- Free language courses for migrant women offered at flexible hours and on various days in order to enable the participation of domestic and care workers who have restricted time schedules. Language courses should be accompanied by courses helping migrant women to access the labour market (interview techniques, writing a CV, replying to ads, confidence building, etc.) and ways of learning about their rights as workers. A close collaboration is needed between local authorities, educational institutions, and migrant NGO’s and NGO’s supporting migrants.
- The development of appropriate and innovative methods that help to identify skills and competences in order to make them visible and have them recognised on the basis

of the European Qualifications Framework approach. This recommends describing what a learner knows, understands and is able to do (i.e. one's 'learning outcomes'), regardless of where a particular qualification has been acquired. Characteristics such as intercultural experience, flexibility, mobility, and so on, which are part of a woman's migration experience, should be recognised as job relevant assets.

- Safeguard and promote migrant women's equal access to information about qualifications and skills recognition, accreditation and equivalence procedures.

### **Civic participation**

A broader understanding of civic participation is adopted here in order to encompass the full spectrum of this dimension and its relation to the integration of migrant women. This includes two layers of analysis: firstly, the more formal forms of participation, usually termed political participation and relating to migrants' political rights and activity and secondly informal networks, and understanding the various coping strategies of the migrant women, including ethnic networks, self-organisation and self-help of migrant women.

Overall, there is a notable absence of research on the civic participation of migrants, and the gender dimension is particularly lacking. Civic participation of migrants is an entirely new topic especially for all the new EU member states (such as Slovenia, Cyprus), but also seems a worrying "taboo theme" in several other states (e.g. Greece). As long as migrants are only considered "temporary guests" (i.e. foreign workers on short-term work and stay permits), the issue of the full development of migrant communities, including their own economic, social, cultural and political structures, will remain obscured in public discourses and this will be reflected in migration policies also..

The comparative evaluation of the material gathered for the 11 country cases shows the predominantly harsh conditions experienced by migrant women, both in terms of accessing the labour market on equal terms as nationals, and in terms of their formal status and general social position in society. Most are overburdened, overworked, and having to employ various coping strategies to improve their situation and to achieve their life plans. Though considerable differences exist in terms of access to political rights and civic participation, overall the situation for all migrant women could be much improved. "Third-country nationals" are excluded from political rights, unless they naturalise. The political life of migrants is low or non-existent in countries with weak civic involvement in general, and where migrants' self-organisation is lacking. Rather than being actively engaged in civic activities, migrant women are mostly involved in ethnic, cultural associations and religious organisations.

### **Policy recommendations**

- Allowing full enfranchisement only via national citizenship should be superseded. Good practices based on local (municipal, regional) experiences from those states where civic participation of migrants is already in place through various forms of migrants' consultative bodies, etc., should be examined and widely adopted.
- Different forms of political participation at local level should be encouraged.
- It is essential that policy-makers recognise the results of research, which point to a need to acknowledge the meaning and significance of active civic participation for migrants in assisting integration, as well as allowing them the ability to voice their

specific problems and become active participants in their resolution, as well as active participants in future policy-making processes.

- Trade unions should be more receptive to gender issues and should open up towards “undocumented” migrants, especially those in the domestic sector and in prostitution.
- More governmental programmes are necessary that would stimulate and finance female migrants’ civic participation.

### **Migrant women in prostitution and entertainment**

Prostitution and entertainment are segments of a growing, highly diversified and global sex industry. There are strong economic, but also social bases, which encourage the demand for, and produce the supply of, those offering sexual services. The presence of foreigners among them, especially women from non EU countries, has become increasingly noticeable from the beginning of the nineties onwards.

Beyond the ideological debates and considerations about prostitution either as a male sexual exploitation and violence against women, or as a labour market issue, differently represented or exacerbated across the EU, the FeMiPol project focused primarily on the concrete experiences of those who enter prostitution, practice it as an income generating activity, and possibly shift to other activities.

Some women have already practised prostitution in their home country, whilst for others, entering this sector was the only available gate opener to the EU. Most women entered autonomously, whilst some relied on a smuggler or a trafficker, and went into prostitution in order to repay a debt. Overt coercion under violence or threat of violence was also mentioned. Street prostitutes entered the country legally or illegally - with or without relying on smuggling or trafficking - while night club dancers and strippers entered through short-term entertainment visas or work contracts. Some enter on a tourist visa and commute at short-term intervals, or circulate between countries.

An artist visa or a job as a dancer may secure legal status but can tie the worker to the employer. This can imply expanding entertaining activities to the provision of sexual services (as for instance in Cyprus and Slovenia).

Women enter the sector for lack of alternative employment or they consider commercial sex as a “fast earning” but temporary and transitional opportunity. They may move into prostitution from other low paid and undesirable jobs.

In part depending on modes of entry, the terms and conditions of work vary greatly amongst women in this sector. They provide services on private premises, flats and massage parlours in countries where prostitution is tolerated, as long as it is not conspicuous in public places (France, the UK), or in brothels, as in Germany, where it has been legalised since 2002. The most vulnerable are street prostitutes who, threatened by repression and deportation, especially under laws like the 2003 French Internal Security Law, are relegated to remote and unsafe places at risk of violence from clients and pimps.

They can be independent and self-employed (especially those in brothels in Germany), work for a pimp, or practise only occasional prostitution while being employed in another sector.

Networking and solidarity with other prostitutes occurs among brothel prostitutes, but can also be very strong among street prostitutes. These are more isolated and distrustful of others, especially under restrictive legislation and under risk of prosecution. The strategies

of distinction or “othering” in response to stigmatisation among street prostitutes, dancers and strippers, jeopardize solidarity and collective mobilisation.

Access to legal status and residency is a central issue and represents the first step towards exit, which is impossible without “papers”.

Most make a rational calculation and do not envisage shifting to another job which would be less stigmatized, but also less remunerated and often performed under difficult conditions. For those who consider prostitution as a transitory fast earning activity towards the realisation of their life plans, leaving the sector is not a matter of urgency, given high earnings and no alternatives.

The option of exit concerns primarily those women who can be identified by the local police as victims of trafficking or procuring, and who provide testimony. This is also for them the way of getting a legal status and residency, in most countries only a provisional stay permit.

### **Policy Recommendations**

Engaging in such a stigmatized activity as commercial sex cannot be reduced to the dichotomy of “free choice” versus “coercion”, but reflects adaptive action under different constraints in a context marked by structural violence, economic need, oppressive gender relations and double standards of morality.

- Policies should be multilayered, addressing both the root causes and aiming to improve the conditions of those who practice sex work activities in all their variety.
- Repressive and restrictive policies, in particular concerning entry and residence of foreigners, criminalisation of any activities supporting prostitution, contribute to illegalisation, limited alternative job opportunities, and drastically deteriorate the conditions under which the commercial sex activities are practiced. Soliciting as well as supportive procuring should be decriminalized.
- Legalisation of the undocumented should be accompanied by measures that guarantee security and provide long term residence and yield viable alternatives to those who wish to exit the sector. Residency should not be subjected to conditions of witnessing against traffickers or procurers.
- Accompanying services, counselling, health centres and NGOs should get support. In some countries they have to face a hostile attitude and harassment on behalf of local authorities.
- The stigmatisation and stereotyping of night club dancers, strippers and prostitutes must be deconstructed and combated so as to enhance women's mobilisation in favour of their rights.
- The work permit for dancers, strippers (entertainers) should not be tied only to specific employers, so as to enable free choice of employment.
- Current policies of resettling in the country of origin for victims of trafficking should be seriously reconsidered. Every precaution must be taken to ensure that the women can realize a vocational identity, and not be placed again in the position that made them enter prostitution in the first place.

## **Residence rights and legalisation**

Legal regulations and legalization patterns form a complex system, often incomprehensible and incoherent in its internal structure, and often incompatible with labour law regulations. Short-term stay regulations are shaped on a temporary basis, and they often change rapidly. This makes it impossible for female migrants to develop long-term integration strategies. Some of the systems (e.g. the German and the Cyprus temporary immigration for domestic work) directly and explicitly oppose the integration of migrants. The same applies with regard to regularization schemes, which prove ineffective and fragmentary. They might cover large groups; however without practically stabilizing their legal situation and status.

Migration policy is increasingly geared toward ensuring the economic success of the receiving societies, and in this context, migrants often seem to be reduced to labour providers in sectors where there is short supply of workers.. Such an instrumental approach to immigration is problematic in that it fails to acknowledge the complexities of migration and the integration process. It is crucial to develop integration policies taking into account the migrants' motivation and life plans.

The newly adopted positions on immigration policies taken by the EU (European Commission's Green Paper on the future Common European Asylum System) tend to concentrate on the creation of overall and all-embracing policies, whilst disregarding vulnerable groups with specific needs.

The specific needs of female migrants and the types of constraints (and forms of exploitation) they experience are not taken into account in the legalization mechanisms. These often put women in a position of dependency, with regards to their spouses and families, but also through their ties to particular jobs and employers given policies prohibiting them from changing occupations/employers.

The countries we researched usually have a two-tier system of support structures, combining officially appointed authorities (ministry departments etc.) and independent entities, often based on migrants' associations and/or NGO, thus lacking recognition in the eyes of the government.

In particular, undocumented migrants, for obvious reasons, do not make use of state sponsored free legal aid. Lack of legal information make immigrant groups particularly susceptible to human trafficking. Moreover, lack of stability and consistency in services provided by migrant/minority organizations and groups is an additional obstacle in the provision of adequate support.

There is a definite shortage of organizations (and funding) for free legal assistance, including information on legalization options which by their nature demand professional character of advice.

It is important to note that legal status does not necessarily contribute to migrants' integration, due to a lack of proper and adequate integration support structures. However, illegal stay directly and negatively affects the integration process, in particular with regard to female migrants (due to the multiple constraints they face). It is clear that procedures of legalization contribute to migrants' integration, mostly by eliminating the negative effects of illegal status. Although legal stay might not in itself safeguard integration, it is illegal stay which definitely directly jeopardizes the very

existence of migrants, as well as their prospects in the receiving society. In short, legal status is crucial but does not ensure an automatic and complete integration process, for which numerous aspects have to be met.

### **Policy Recommendations**

There is a general policy plan envisaged by the EU regarding legal migration to its territory. The initiative has a comprehensive character, encompassing legislative measures on labour immigration, migrants' integration and cooperating with the countries of origin. The main proposal is to issue a framework directive, combining rights of migrants in legal employment, including a single uniform work and residence permit. The decisions shall be subject to an existing work contract, and more generally on a positive result of an 'economic needs' test. The proposed legislation shall cover tailored-made provisions on amongst others seasonal workers and highly skilled workers.

The existing EU-sponsored support instruments in the immigration domain include the European Job Mobility Portal (EURES) and European Migration Network (EMN).

On the basis of the above analysis the following recommendations for gender tailored immigration policies can be made:

- Introduction of independent legalization mechanisms, which do not subject the female migrant (both with regards to employment-based legalization and family-based legalization) to the male relative and take into account the specific nature of the occupations taken by female migrants.
- Launching of a comprehensive information policy, aimed at preventing falling into illegal status, the possibility to gain legalization (including legal aid to illegal migrants, presumably to be offered by non-state agents), as well as integration measures available at each stage of legislation.
- Changing the prevailing mode of promoting joint applications for asylum from spouses who arrive together. Often this results in an inferior position for the woman in the subsequent procedure, as she is deemed to share the husband's situation and therefore share his status in a derivative way. This affects both positive and negative decisions.
- Addressing the policies of family unification which should take into account the particular needs of women. There is a need to facilitate the procedures of granting independent work permit to migrant women with family reunification status. It is important to create a legal possibility of giving temporary residence permits for the pre-marriage trial/accommodation period
- Reversing the current model in which social, economic and cultural integration is a pre-requisite of stabilizing residence rights
- Need for simplification, transparency and shortening of official procedures affecting migrant women concerning issuing residence and work permits or asylum
- Tying the validity of work permits to residence permits should be dropped, so that one is not revoked automatically at the expiration or cancellation of the other

### **Combating trafficking and the integration of victims of trafficking**

Since the 1990s, the distinction between the concept of “trafficking in human beings” and “smuggling of migrants” has been widely accepted. Both represent a form of irregular migration, but there are important differences between them. In fact, trafficking in human beings is a criminal activity aimed at exploiting the trafficked persons; crimes committed (fraud, blackmail, intimidation, forgery of documents, etc.) on the way are steps towards exploitation in illegal/illicit circuits (forced labour, commercial sex industry, begging, pornography). This feature makes the phenomenon a human rights issue and justifies the definition of trafficking in human beings as a modern form of slavery. In fact, the trafficked person is strictly linked to the traffickers by a debt bondage that must be paid off through long-term exploitation.

Trafficking may be considered as part of migratory systems. The migratory systems assume a specific character in different national or regional contexts. This means that various illegal practices are covered by the term of trafficking: sexual exploitation organised by transnational criminal networks; street prostitution managed by small criminal groups inside large migratory flows crossing the borders through smugglers; practices of children exploitation; and forced marriage and forced labour.

In our sample trafficked women have very different trajectories. Most trafficked women already knew, before leaving their native country, that they would be working as prostitutes. Nonetheless, they did not suspect the conditions of nasty exploitation that they would endure, doing prostitution in clubs, hotels or apartments, or, in Italy, mainly on the street.

The research findings show that the complexity of the issue of trafficking has to be considered in relation to the different status of prostitution in the different countries.

The approach to THB is not homogenous, either among institutional actors or among non-institutional actors and different countries. There is a variety of approaches according to objectives, range of work, degrees of cooperation, national laws etc.

At EU level, over the last decade, Italy has positioned itself as a key institutional actor on the issue of THB. It has recognized the importance of cooperation in THB prevention, introduced a human rights’ violation approach and has implemented a rather innovative legal instrument aimed at fighting the phenomenon (Law no. 228 of 2003 "Measures against trafficking in human beings"), which assumes the core principle of article 18 of immigration law decree no. 286 of 1998. Differently from other European legislation, the Italian Law grants residence permits to sexually exploited victims of trafficking regardless of whether they have entered the country illegally or whether they are willing to testify against their exploiters. We can consider article 18 as good practice, compared to the legislation existing in other countries.

Trafficked persons who have experienced sexual exploitation receive a short-term residence permit that is valid for 6 months (in some cases for one year). Once expired, it can be converted into another type of permit (e.g. work permit, study permit, permit for family reasons). This provides an opportunity to exit the situation of exploitation and to reintegrate, by using programmes of socio-professional integration. Unfortunately, the data demonstrate that, in practice, only women who decided to denounce their pimps have a real option of converting a short-term permit into a long-term stay permit.

Trafficked persons are also offered the alternative to return to their homelands through assisted return programs, which are coordinated together with IOM. The meaning of ‘assisted return’ implies that there is a ‘reintegration programme’ in the country of origin for the returnee, which provides access to services and financial resources. The programmes are managed by the local IOM office in the country in collaboration with local NGOs.

Main problems in implementing policies for the protection of victims of trafficking are:

- Difficulties in cooperation amongst NGOs and law enforcement agencies
- discretion in granting residence permits for victims of trafficking
- bureaucratic obstacles (for instance, long period to obtain the temporary residence permits)
- incoherent policies of the National Governments (and the EU) in the field of migration
- inadequate level of information exchange on activities and good practices (at local and national level) amongst different types of institutions, as well as amongst offices of the institutions itself (i.e. police)
- current legislations, especially their implementation, seem unbalanced, mainly promoting repressive actions against traffickers rather than safeguarding and protecting the victims
- once returned to their countries of origin, either through being expelled or involved into voluntary return projects, trafficked women may suffer retaliation from traffickers and/or social stigmatisation
- the exploitation of women is a structured market: an increasing supply exists just because a demand from the clients exists
- the root causes of THB lie in the countries of origin: poverty, lack of educational level and employment opportunities, etc.

### **Policy Recommendations**

- Raising awareness amongst the police forces (and magistrates) about the issue of THB, which is not only/mainly a criminal problem (to be repressed)
- Formulation of more precise rules at national and international level, taking into account the tools developed by Italian Law no. 228/2003.
- standardizing and speeding up the bureaucratic procedures
- Elaboration of a more integrated and coherent policy on migration at EU level that opens official immigration channels.
- Building up networks and working groups composed of representatives of different institutions at local, national and international level
- *Ad hoc* (legal and social) measures aimed at protecting the victims
- Monitoring of assisted returns in order to guarantee protection of the trafficked people. This could be achieved by developing social and labour market integration programmes for victims of THB in their countries of origin, in cooperation with national governments, international organisations such as IOM, and local NGOs
- Information campaigns addressing the clients and potential clients of the sex markets, for instance inside schools
- Flyers containing information on support possibilities should be obligatory, especially in the transport agencies and particularly in Eastern European countries.
- Financial support for the development of cooperation in the countries of origin



- Placement of social street workers at the important arrival/entry points for detecting, as soon as possible, helpless cases of migrants
- Implementation, at the national and international level, of various Protocols and Conventions on the issue of THB (paying particular attention to women and minors) that have been signed and ratified by EU countries
- Extending the tools present in Italian Law no. 228 of 2003 to ALL victims of THB, not only those who have been sexually-exploited.
- Entertainment visas should be controlled and they should not bind the women to the employers.

### **The identity of the project**

Title:

Integration of Female Immigrants in Labour Market and Society. Policy Assessment and Policy Recommendations

Consortium:

Institute of Social Research at J.W.Goethe-University, Frankfurt am Main, Germany

Dr. Maria Kontos, Coordinator

Oxford Brookes University, United Kingdom

Prof. Floya Anthias

Universite de Paris X, Nanterre, France

Prof. Mirjana Morokvasic-Muller

University of Florence, Italy

Prof. Giovanna Campani

Peace Institute, Institute for Contemporary Social and Political Studies, Ljubljana, Slovenia

Dr. Mojca Pajnik

Jagiellonian University Krakow, Poland

Prof. Krystyna Slany

Centre for Research on Women's Issues, Athens, Greece

Ms Maria Liapi

Intercollege, Nicosia, Cyprus

Dr. Nicos Trimikliniotis

Duration: 01.02.2006 – 31.03.2008

For more info about the project please contact Maria Kontos, e-mail: [Kontos@soz.uni-frankfurt.de](mailto:Kontos@soz.uni-frankfurt.de)

Further reading:

Anthias Floya (2007a) 'Gender, Ethnicity and Class: Reflecting on intersectionality and translocational belonging', *The Psychology of Women Review*, Vol 9, no1, Spring 2007 pp2-11.

Anthias Floya (2007b), 'Conflict and Mobility: Reflections on tensions in contemporary feminism, through the prism of POWS Conference 2006', (with S. Zeedyk, A. Treacher, R. Khalid and E. Burman), Vol 9, no1, Spring 2007, pp 44-52

Anthias Floya (2007c), 'Ethnic Ties: social capital and the question of mobilisability', *The Sociological Review*, 55: 4, p788-809 November

- Anthias Floya (forthcoming 2008), 'Multiculturalism, 'diversity' politics, and the spectre of social cohesion' in Anders Neergaard (ed), (festschrift for Carl-Ulrik Schierup)
- Anthias Floya (forthcoming 2008), The nation, transnationalism and intersections of belonging' in Handbook of Race and Ethnic Studies, Pat Hill-Collins and John Solomos (eds), London: Sage
- Anthias Floya, (forthcoming,) 'Belonging, identity, intersectionality, and translocational positionality' in Ethnicity, Belonging and Biography: An Ethnographical and Biographical Perspective, Gabriele Rosenthal & Artur Bogner (Eds.), Münster: Lit Verlag
- Anthias Floya and Maja Cederberg (forthcoming), 'Narratives of ethnicity, resources and social capital', Journal of Ethnic and Migration Studies
- Apitzsch, U. in cooperation with K. Shinozaki & L. Inowlocki, 2007, Citizenship, new migration and gender diversity in Europe. Irregular Migration, Informal Labour and Community in Europe, Hg. Berggren, E., B. Likic-Brboric, G. Toksöz & N. Trimikliniotis, Maastricht: Shaker Publishing, 216-225.
- Bajt, Veronika. 2006. Umut Özkirimli, Contemporary Debates on Nationalism: A Critical Engagement. Nations and nationalism 12(3): 531–532.
- Campani G. (2008), *Genere e globalizzazione*, ETS, Pisa, (on the press).
- Campani G. (2008), *Dalle minoranze agli immigrati, il pluralismo culturale in Italia*, Unicopli, Milano (on the press).
- Campani G., (2007), *Migranti nel mondo globale*, Sinnos, Roma.
- Campani, G. (2007), "Language and Minorities in the European Context", in Houtsonen, J. E Antikainen, A. (a cura di), *Symbolic Power in Cultural Context*, Sense Publishers, Rotterdam, Taipei, pp. 125-140.
- Campani, G. (2007), "Irregular migration and trafficking: Controversial Concepts and changing contexts in Southern Europe", in Bergen, Likic-Brboric, Toksoz, Trimikliniotis, *Irregular Migration, Informal Labour and Community: a Challenge for Europe*, Shaker Publishing, Maastricht, pp.66-84.
- Campani G., (2007), "The case of Italy", in Berliner Institut für vergleichende Sozialforschung, *Immigrant generations and the problem of measuring integration – A European comparison*, Edition Parabolis, Berlino, pp.401-495.
- Catarino, C., Morokvasic, M. Hily, M-A, Femmes, Genre, Migrations et Mobilités. Numéro thématique de la Revue européenne des migrations internationales, Vol.21 n°1 2005, 289 p.
- Catarino, C., et Morokvasic, M.« Femmes, genre, migration et mobilités », Revue européenne des migrations internationales, Vol.21 n°1 2005, pp. 7-27.  
<http://remi.revues.org/document2534.html>
- Kontos, Maria (2008) "Policies and the crisis of the care system. The German case" in Campani G. (ed.) *Genere e globalizzazione*, ETS, Pisa, (forthcoming).
- Kontos, Maria (2008) "The biographical method in the analysis of integration processes of migrant women" in Papageorgiou, Y. (ed.) *Empirical methods and gender research*, (forthcoming)
- Kontos, Maria (2008) "Migrant domestic work in Europe: Integration policies and Integration strategies" in Kadri, A. (ed.) *Nouvelles Migrations, Syllepses*, Paris (forthcoming)
- Krzystek, Karolina (2007) *Integracja kobiet imigrantek na rynku pracy i w społeczeństwie – komunikat z badań, „Przegląd Polonijny” nr 2*, Kraków.
- Krzystek, Karolina; Małek, Agnieszka (2008) *Integracja w opinii ekspertów* In: K. Slany (ed.) *Migracje kobiet. Perspektywa interdyscyplinarna*. WUJ, Kraków (to appear).

- Liapi, Maria (forthcoming) "The impact of migration policy at migrant women's social integration and biographical plans" in "Gender, Migration and Space" Technical University of Athens.
- Liapi, Maria (forthcoming) "Migrant Women's strategies of social integration: constraints, choices and perspectives" Athens, Metaichmio,
- Małek, Agnieszka (2008) Kościół i religia w doświadczeniach migracyjnych kobiet, in: K. Slany (ed.) Migracje kobiet. Perspektywa interdyscyplinarna. WUJ, Kraków (to appear).
- Małek, Agnieszka (2006) Le migrazioni pendolari delle donne polacche in Italia, in: K. Golemo, K. Kowalska-Angelelli, F. Pittau, A. Ricci (a cura di) Polonia; nuovo paese di frontiera. Da migranti a comunitari. IDOS Centro Studi e Ricerche, Roma.
- Morokvasic, Mirjana (2007): "Migration, Gender, Empowerment". In: Lenz, Ilse; Ullrich, Charlotte; Fersch, Barbara (eds.): Gender Orders Unbound. Globalisation, Restructuring and Reciprocity. Barbara Budrich Publishers. Opladen; Farmington Hills: pp. 69-97.
- Morokvasic M: (2008) Migration and mobility in enlarged Europe, (ed. with Metz-Göckel S& Münst S.) Barbara Budrich Publishers. Opladen; Farmington Hills, (forthcoming )
- Morokvasic, M. « Crossing borders and shifting boundaries. A gender perspective » (in Russian). Vostochnoevropeiskie issledovania, Moscou, 2007, n°5, pp. 66-79
- Morokvasic, M. « Settled in Mobility : Engendering post-wall migration in Europe », Feminist Review, vol. 77, n.1, 2004, pp. 7-25.
- Morokvasic, M. Crossing Borders and Shifting Boundaries of Belonging in Post-Wall Europe. A Gender Lens, in: <http://www.migrationonline.cz/e-library/?x=2067079>
- Morokvasic, M. "Migración, Género y Empoderamiento, Punto de Vista, Cuadernos del Observatorio de la Migraciones y de la Convivencia Intercultural de la Ciudad d Madrid, n°9, Año III, Marzo 2007: 33–49.
- Morokvasic M et Catarino C : « Une (in)visibilité multiforme », Plein Droit, n° 75, décembre 2007, pp. 27-30. <http://www.gisti.org/spip.php?rubrique56>
- Pajnik, Mojca 2008. Das Framing des Menschenhandels in der slowenischen Presse, In Jürgen Nautz and Birgit Sauer, eds. Frauenhandel: Diskurse und Praktiken, 123–140. Göttingen: V&R unipress.
- Pajnik, Mojca 2008. Prostitution and Trafficking in Human Beings: Perspectives of Gender, Work and Migration. (Slovene-English). Ljubljana: Peace Institute, In print.
- Pajnik, Mojca and U. Kavčič. 2008. Sodne prakse s področja trgovanja z ljudmi in prostitucije v Sloveniji (Legal Practices from the Fields of Trafficking in Human Beings and Prostitution, In Slovene). Revija za kriminalistiko in kriminologijo, June 2008.
- Pajnik, Mojca and U. Kavčič. 2008. Discussing the Demand behind Trafficking in Human Beings. In Aino Saarinen and Marina Calloni, eds. Eastern European Women Immigrants as "Constructors" of a "New Europe". Gender Experiences and Perspectives in the Northern, Central and Southern / South-Eastern Trans-regions (tentative book title).
- Pajnik, Mojca 2007. Integration Policies in Migration Between Nationalizing States and Transnational Citizenship, with Reference to the Slovenian Case. Journal of Ethnic and Migration Studies 33(5): 849–865.
- Pajnik, Mojca 2007. Medijske podobe o beguncih (Media Images of Refugees, in Slovene). Socialno delo (Social Work) (46(1–2): 1–11.
- Pajnik, Mojca 2006. Transnacionalno državljanstvo: presežanje neokolonialnih politik (Transnational Citizenship: Surpassing Neocolonial Policies, in Slovene), Časopis za kritiko znanosti 226: 29–40.

- Pajnik, Mojca 2006. Trafficking in a Nation-State Framework (in Greek), Peripeteies Ideon special issue on Migration and Belonging, October 2006.
- Ruokonen-Engler, Minna-Kristiina (2008): De/Constructing difference: a biographical perspective on constructions of ethnicity as transnational positionality. In: Gabriele Rosenthal/Artur Bogner (eds.): Ethnicity, Belonging and Biography: An Ethnographical and Biographical Perspective. Münster: Lit Verlag. (Forthcoming)
- Ruokonen-Engler, Minna-Kristiina (2006): Differenzen im Kontext. Biographieanalytische Perspektiven auf Intersektionalität und Subjektpositionen. In: Helga Bilden/Bettina Dausien (eds.): Sozialisation und Geschlecht. Leverkusen Opladen: Verlag Barbara Budrich, S. 199-21
- Sacaliuc, Ana-Violeta (2008): "Mentoring für qualifizierte Migrantinnen als Integrationsinstrument" in Ines Michalowski, Andreas Ette, Can Aybek and Uwe Hunger (eds) "Migration- Herausforderung für Europa", VS-Verlag, Wiesbaden, (forthcoming)
- Shinozaki, K., forthcoming, Negotiating citizenship in transnational lives: Gender, domestic and care work, migration.
- Slany K., Kowalska B, Smagacz M, Ślusarczyk M, Krzystek K., Zielińska K. (2007) Aspekty społeczno-ekonomiczne napływu kobiet-pracowników na polski rynek pracy, in: A. Jurczak et al. (eds.) Triple E Dose: Education, Employment, Europe – Materiały konferencyjne, Krajowy Punkt Kontaktowy Programów Badawczych UE, Warszawa
- Slany, Krystyna; Ślusarczyk, Magdalena (2008) Immigrants in Poland. Legal and socio-demographic situation, in: S. Metz-Göckel, M. Morokvasic, D. Kałwa, S. Münst (eds.) Migration and mobility in enlarged Europe. A gender perspective", Opladen, Verlag Barbara Budrich (to appear)
- Slany, Krystyna; Ślusarczyk, Magdalena (2008) Socio-demographic analysis of return migrations in Poland in 1990-2004, in: Ewa Nowicka, Homa Firouzbakhch (eds.) Home Doming; an Anthropology of Return Migrations, WUW, Warsaw (to appear).
- Ślusarczyk, Magdalena (2007) Koncepcje integracji kulturowej - wybrane zagadnienia, in: J. Balicki (ed.) Integracja kulturowa imigrantów. Wyzwania i dylematy, Instytut Politologii UKSW, Fundacja Konrada Adenauera, Warsaw.
- Ślusarczyk, Magdalena (2008) With Us or Near Us? Directions of Change and the Concept of Cultural Integration of Immigrants in Europe, in: Culture and migration: the cultural implications of international migrations in the light of fieldwork evidence (ed.) Krystyna Romaniszyn, Nomos, Krakow (to appear).
- Warat, Marta (2008) Etniczność i gender - między teorią a praktyką, in: K. Slany (ed.) Migracje kobiet. Perspektywa interdyscyplinarna. WUJ, Kraków (to appear).
- Warat, Marta (2008) Instytucjonalne ograniczenia czy stereotypy. Imigrantki, urzędnicy i kultura biurokracji, in: K. Slany (ed.) Migracje kobiet. Perspektywa interdyscyplinarna. WUJ, Kraków (to appear)
- Zielińska K., Krzystek K., Kowalska K., Slany K. (2008) Polityka integracyjna w Polsce; zarys problematyki, in: K. Slany (ed.) Migracje kobiet. Perspektywa interdyscyplinarna. WUJ, Kraków (to appear).

Web site: [www.femipol.uni-frankfurt.de](http://www.femipol.uni-frankfurt.de)