Migrant women play an increasingly important socio-economic role in the EU. Yet their integration in host societies is often problematic. This is partly due to obstacles resulting from the institutional framework of receiving countries.

A migrant woman's status - i.e. whether she is legally or illegally resident - is likely to shape her migration experience. Those who migrate for work are expected to 'fill the gaps' in labour markets. In most cases it means working in low-paid and unregulated sectors of the economy, which are often not commensurate with their qualifications. Employment and legal status are interrelated: both have an impact on the migrant woman's access to public services.

The EU and its Member States share competences in the area of immigration. There are several EU legal instruments that prohibit discrimination based on sex and race. At the same time, there is no integrated approach to immigration, as the common immigration policy is at a very preliminary stage. And both the EP and civil society organisations point to the lack of a gender dimension in Europe's policies.

In this Briefing:
- Context
- Different status – different chances
- Migrant women in the labour market
- Access to public services
- EU law and policies
- The European Parliament's resolutions
- Civil society views
- Main references

Terminology

**Third-country migrant woman:** a woman born in a non-EU country, but living in one of the Member States (MS).

**Remittances:** money transferred by a migrant worker to his or her country of origin.

**Gender mainstreaming:** assessing the implications for women and men of legislation, policies and programmes.

Context

Women are a significant proportion of migrants worldwide. It is estimated that at mid-2010 they will constitute almost half (49%) of all international migrants.¹ With its gender ratio of 114 men to every 100 women, the EU migrant population is in line with global trends. While in most MS men slightly outnumber women among migrants, some countries, such as Cyprus, Portugal or Belgium, are exceptions. There are new trends in the migration of women...
to the EU countries. In the past, most travelled to Europe with their partners, or to join them. Today, they often migrate alone in search of work. As workers sending remittances abroad, migrant women play an increasingly important socio-economic role in both sending and receiving countries.

The integration of migrant women is a complex process. It depends on the host country, the immigrant community the woman belongs to, and on her willingness to accept the social and cultural norms of mainstream society.

In particular, in some immigrant communities women experience marginalisation and social exclusion. Coercion and violence may occur, sometimes taking the form of forced marriages, honour crimes or female genital mutilation.

The host country may exacerbate migrant women’s exclusion by creating barriers to their access to employment, public services and economic independence. Those barriers may result from regulations or policies, or emerge in the everyday functioning of host-country institutions. They are likely to arise, since migrant women 'by default' risk double discrimination: as migrants and as women.

**Different status – different chances**

The successful integration of a migrant woman depends to a large extent on her legal status.

Migrants legally resident and employed in the EU stand the best chance of integrating in the host society.

The integration of women arriving in Europe for family reunification – regulated by Directive 2003/86/EC – is a more complex issue. As the vast majority of arriving partners are women, they are particularly affected. The Directive recognises the necessity to "(…) create socio-cultural stability facilitating the integration of third-country nationals (...)."² In reality, it may contribute to creating a situation where a woman, unemployed and socially excluded, maintains a harmful relationship out of fear of expulsion.

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**Directive 2003/86/EC**

The legal status of the arriving spouse or unmarried partner is dependent on that of the sponsor (the inviting partner).

Only after five years is he or she entitled to an autonomous residence permit. It may be refused if the family relationship has been broken (e.g. through divorce).

Granting a work permit is not automatic and is subject to conditions set by the Member State.

The situation of **immigrants staying illegally** is still more insecure, as they face expulsion or detention at any moment and can only work in the informal market. Directive 2004/81/EC opens the door to the integration of those who have fallen victim to human trafficking, as it provides for granting residence permits to them. The scope of this directive may be extended by the MS to third-country nationals who have been the subject of an action to facilitate illegal immigration. Still, in any case, residence permits are granted only to those who cooperate with the competent authorities in the fight against related criminal activities.

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**Migrant women in the labour market**

In the EU, the unemployment rate is higher for third-country migrant women than for other women and men with a comparable education level.³

Those who find employment tend to work in low-skilled, insecure and badly-remunerated jobs. In particular, they work in sectors experiencing a growing demand for, and permanent shortages of, labour: domestic
care, cleaning, catering, etc. This often entails:

- Lack of, or limited, labour law protection.
- The likelihood of discrimination and exploitation by their employers. Domestic workers – working in the private sphere – are a particularly vulnerable category.
- No entitlement to contribution-based social benefits, or low contributions which entail low pensions.
- Restricted access to public services, such as health- or childcare.

What is more, it is estimated that one in five highly educated non-EU migrant women are over-qualified for their jobs (see Figure 1). This process is known as ‘deskilling’.

**Figure 1: Percentage of highly educated workers in low-skill jobs**

![Graph showing percentage of highly educated workers in low-skill jobs.](image)

Source: RAND Europe, 2009

Policies favouring the migration of highly-skilled workers are more and more common. Yet they often concern predominantly male professions (e.g. engineering or information technology). Policies favouring the migration of highly-skilled workers are more and more common. Yet they often concern predominantly male professions (e.g. engineering or information technology).

**Access to public services**

**Education**

Education is intrinsically related to employment: many migrant women are restricted to the ‘grey’ market due to their lack of adequate education, language skills and formal qualifications. Others encounter problems with having their foreign diplomas recognised.

Most MS open their education system to all migrant women, independently of their status. However there are exceptions: in Portugal, Greece and the Czech Republic it is open only to legal residents. Third-country migrant women have a lower average level of education than EU native-born women and migrant men. In 2003, over 50% of them did not progress beyond compulsory schooling and only around 17% attained tertiary (higher) level of education (as opposed to 30% and 25% for native-born women).

This emphasises the need for vocational training. It is suggested, however, that professional and language courses tend to be ‘gender blind’, meaning they do not recognise the specific training needs of migrant women.

**Healthcare**

Migrants in general and women in particular, appear to be in worse health than nationals. This is evidenced by a disproportionately high rate of pregnancy-related problems among migrant women throughout the EU. The problem concerns *inter alia* African women in France, Germany and Spain, and Turkish women in Germany.

At the same time, they are not as well protected as nationals:

- Access to public healthcare may depend on the person's legal status and regular employment. Migrant women may also be refused private insurance, as a high-risk group. In some countries though (Italy, Portugal, Spain), emergency treatment is extended to illegal immigrants not covered by public or private insurance. In others ( Greece and Denmark), in daily practice, treatment is given to 'illegal' immigrants in life-threatening situations.
- Health professionals are rarely trained to
address cultural and religious issues which may arise when dealing with migrant women (e.g. Muslim women may refuse to be treated by male doctors).

**Childcare**

Whereas migrant women often work caring for the children of host country citizens, they may have problems organising childcare for their own children.

As workers in low-paid and unregulated employment:
- Regulations on work-family reconciliation do not apply to them.
- They lack resources to pay for childcare facilities.

Conversely, the lack of access to childcare means less time for work.

**The 'global care chain'**

Many migrant domestic workers and caregivers leave behind their own children and elders. The responsibility of care is often passed to relatives or lower-income domestic workers. In this way the 'global care chain' is created.

Source: A Passage to Hope: Women and International Migration / UNFPA, 2006.

**EU law and policies**

The situation of migrant women is addressed directly or indirectly by a whole variety of measures and policies:

- **Measures protecting individual rights:** non-discrimination and gender equality legislation, as well as immigration legislation (regulating inter alia the residence rights of third-country nationals)

- **Integration and welfare policies** aimed at social inclusion and improving the socio-economic conditions of migrant women (access to the labour market, social benefits, healthcare, education, etc.).

**Legislative framework**

The following EU provisions and measures guarantee the protection of individual rights:

**Anti-discrimination and gender equality instruments:**

- Article 19 TFEU (ex Article 13 of the EC Treaty, introduced by the Treaty of Amsterdam) empowers the European Union to combat discrimination based on various grounds including sex and racial or ethnic origin,
- The EU Charter of Fundamental Rights: the principle of non-discrimination is enshrined in its Article 21,
- Anti-discrimination directives adopted on the basis of Article 13 of the EC Treaty:
  - Race Equality Directive
  - Framework Employment Directive
  - Directive implementing the principle of equal treatment between men and women in the access to supply of goods and services and other gender equality directives.

These legal instruments are complemented by the case law of the European Court of Justice. The ECJ has held on numerous occasions that the principle of non-discrimination on grounds of sex or nationality is a fundamental right under European law.¹¹

Directives on the rights of third-country nationals, such as:
- Family Reunification Directive
- Directive on the residence permit issued to the victims of trafficking in human beings.

**Policies**

The following policies are particularly important for the social inclusion of migrant women:
- Freedom, security and justice and, more
specifically, common EU immigration policy – non-existent as yet, but gradually emerging since the 1999 Tampere European Council. One recent development is the Commission’s commitment to promote “gender equality in migration and integration policies in order to ensure women’s rights and civic participation, to fully use their employment potential and to improve their access to education and lifelong learning”.

- Employment, social affairs and equal opportunities policy.

The centre of gravity is however at the national level: diverse Member State policies reflect the particularities of national welfare systems and migration patterns.

### The European Parliament's resolutions

The 6th term FEMM Committee dealt with the issue of migrant women's integration, which led to adopting:

- **Resolution on women’s immigration** (2006) whereby the Parliament stressed the need for a coordinated EU immigration policy. Once again it pointed out that gender has not been systematically taken into account in integration policies.

Both resolutions give an overview of obstacles to integration and call on the Commission and the MS to adopt adequate measures and policies.

### Civil society views

In Europe the debate on, and research into, the integration of immigrants are more recent than in ‘classical’ immigration countries, such as the US.

Non-governmental organisations – and women's associations in particular – seem to be particularly active in raising the gender dimension in this debate.

#### The European Women’s Lobby

- A gender perspective is absent in EU immigration policy, which means that migrant women's human rights are overlooked.
- Many states, interested in maintaining a low-cost unskilled labour force, turn a blind eye to illegal immigration, while combating it officially. As a consequence migrant women – overrepresented in the informal economy – cannot request better working conditions.
- Victims of trafficking must be granted a residence permit. This should be independent of their willingness to act as witnesses in legal proceedings against criminal networks.

Anti-Slavery International and Amnesty International also take part in the debate, stressing the need for a focus on human-rights protection in policies concerning migrant women.
Main references

A Passage to Hope: Women and International Migration / UNFPA, 2006.
Care to care? Assessing the challenges of integrating migrant women into Europe’s labour force / RAND Europe, 2009.


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Endnotes

4 Ibid. p. 61.
6 Women and men migrating to and from the European Union / Eurostat, 30 January 2003, p. 5.
8 A Passage to Hope: Women and International Migration / UNFPA, 2006 p. 36.
10 Legislation affecting working arrangements (concerning part-time work, maternity and parental leave, childcare etc.).
11 E.g. in Defrenne III case, points 26 and 27.
13 The Effects of Social Labour Policies of EU-countries on the Socio-Economic Integration of First and Second Generation Immigrants from Different Countries of Origin, RSCAS 2007/19, p. 7.