



# Chapter 7

## Cross-border migration of workers

The discussion of rural and urban livelihoods in the previous two chapters indicates that movement—whether seasonal, circular, temporary or permanent—is integral to people’s livelihoods in many parts of the developing world. For many of those with deteriorating incomes, migration offers the promise of survival or of a better life for themselves and their families. This can involve seasonal migration; it can also involve longer-term or even permanent stays in towns or cities in the hope of finding better-paid work than is available in rural areas. Yet another scenario involves crossing international borders in the search for earning opportunities.

It is often assumed that international migration almost invariably involves the movement of people from poor to more affluent countries. However, the reality is more complex; today’s migrant workforce comprises workers with a variety of skills moving to an increasing variety of destinations. Considerable migration takes place between industrialized countries.<sup>1</sup> This diversity of worker migration has led to the emergence around the world of complex systems of workforce stratification according to ethnic origin, migration status and gender.<sup>2</sup> Given the increasing income gaps between countries in different regions over the past couple of decades,<sup>3</sup> it is reasonable to assume that there has been a surge in both short-range and long-range movements.

The international migration of workers has attracted a great deal of policy attention in recent years. The reasons stem in part from xenophobic political considerations in destination countries, and also from the process of ageing under way in most industrialized countries, with greater longevity imposing

new demands on the care economy. There are also concerns about brain and skills drains from developing countries which they can ill afford. Countries of origin have also begun to show increasing interest in their diasporas and the benefits of their remittances; this has been assisted in some cases by programmes such as the Migration for Development in Africa initiative by the International Organization for Migration (IOM).<sup>4</sup> Total diaspora remittances worldwide are estimated at around US\$100 million annually; they thus keep entire economies afloat.<sup>5</sup>

Within and beyond these considerations, there are gendered ramifications of migratory processes. Gender-differentiated population movement often reflects the way in which gender divisions of labour are incorporated into uneven economic development processes.<sup>6</sup> Prejudices attached to immigration, combined with racial and gender inequalities, make migrant women “triply disadvantaged” and likely to be over-represented in marginal, unregulated and poorly paid jobs. At the same time, the upheaval of migration—whether by women on their own or jointly with men—has the potential to reconfigure gender relations and power inequalities. Opportunities emerge to improve lives and escape previously oppressive situations.

These, however, are accompanied by new vulnerabilities. In unfamiliar environments, migrants can be exposed to exploitation and abuse in the living environment and workplace, and to breakdowns of norms within their own social networks. Families are often split apart. The departure of one or both spouses to other countries, sometimes together, sometimes apart, has negative implications for children left behind and can lead

**Box 7.1 “Illegal”, “undocumented”, “irregular”: A note on terminology**

Migrants without documentation or work permits are typically referred to as “illegal”, which is misleading as it conveys the idea of criminality. Many studies have shown that migrants shift between the status of legality and illegality for various reasons, often beyond their control or knowledge. The term “undocumented” is preferable, but does not cover migrants who enter the destination country legally but later violate their original entry visa. At the 1999 International Symposium on Migration in Bangkok in 1999, 21 participating countries agreed to use the term “irregular migrants”, which has since become common practice.

to permanent family break-up.<sup>7</sup> The risk of sexually transmitted disease also rises. Migrant workers tend to have higher HIV infection rates than non-migrants, no matter what the HIV prevalence is at sites of departure or destination; this has been documented in Mexico, Senegal, Ecuador and southeast Ghana.<sup>8</sup>

## INTERNATIONAL MIGRATORY FLOWS

All regions are implicated in the rising mobility of people in search of work and earning opportunities, and the associated policy issues have correspondingly risen on political agendas. Although transnational workers still represent a small percentage of industrialized countries’ total workforce (4 per cent), migratory flows of workers from the developing to the industrialized countries have been rising in recent decades. The United States received the largest proportion (81 per cent), followed by Canada and Australia (11 per cent) and the European Union.<sup>9</sup> Women account for an increasing proportion of international migrants (49 per cent in 2000), reflecting their increasing role as primary income earners. The out-migration of women workers is most evident from Asia, with the majority migrating as domestics, workers in the entertainment industry, and to a lesser extent as nurses and teachers.<sup>10</sup>

Despite women’s increasing presence in migratory flows, there are few statistics on international migration by gender; the data is also uneven across countries.<sup>11</sup> Surveys inevitably underestimate those entering in an undocumented manner or working irregularly, as well as the extent of transient circulation.

The lowly position of women in the labour market, the poor value accorded to domestic work, the lack of protection in informal and irregular occupations, especially those dominating the entertainment and hospitality industries, and involvement in (illegal) commercial sex, mean that many women are vulnerable to exploitation. Gender considerations cannot, therefore, be confined to male/female breakdowns of formal labour migration statistics, but should embrace the factors influencing standard male/female roles and access to jobs and resources.

## CHANGING “MIGRATION REGIMES”: WHO GETS IN?

Regulations and practices—“migration regimes”—govern the entry and continued residence of migrants. Despite a history of excluding certain groups of migrants, the so-called “settlement countries” (Canada, the United States, Australia, New Zealand) grant most migrants the right to settle permanently. Today, migrants from Asia (in Canada, the United States, Australia and New Zealand), and from Latin America (in the United States), have displaced earlier patterns of migration from Europe to the “New World”. The pattern in Europe has been different. The postcolonial policy of bringing in temporary workers and limiting long-term immigration has led to distinctions between “settlers”, “guest workers” and “colonial” migration. All four settlement countries still welcome large-scale immigration, and access to both labour markets and citizenship is straightforward in comparison with much of Europe.

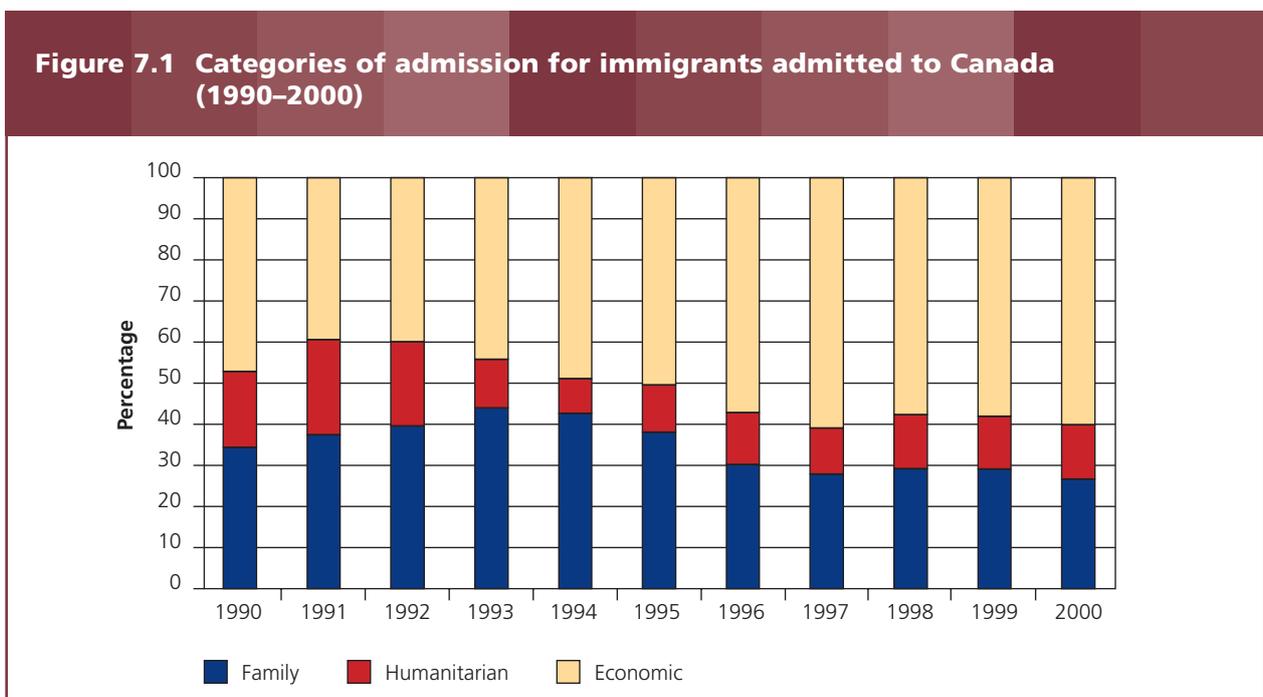
### In North America

However, there has recently been a change in attitudes towards immigration in North America. Both Canada and the United States admit permanent residents on the basis of three long-established principles: family reunification, economic contribution and humanitarian concerns. There are now moves towards a dilution of these “settlement” principles in ways that favour the needs of the labour market. Policy makers are increasingly urged to tailor immigrant selection to meet long-term demographic needs based on those human-capital characteristics most likely to ensure net national advantage. They thus appear to be moving closer to a “guest worker” regime.

The number of temporary residents in both the United States and Canada has grown rapidly in the recent past. They include both skilled workers, such as managerial, professional, and information technology (IT) workers, and low-skill workers such as live-in caregivers and seasonal agricultural workers. Most active recruitment has been in the skilled categories. There is a belief that skilled and educated workers will integrate more

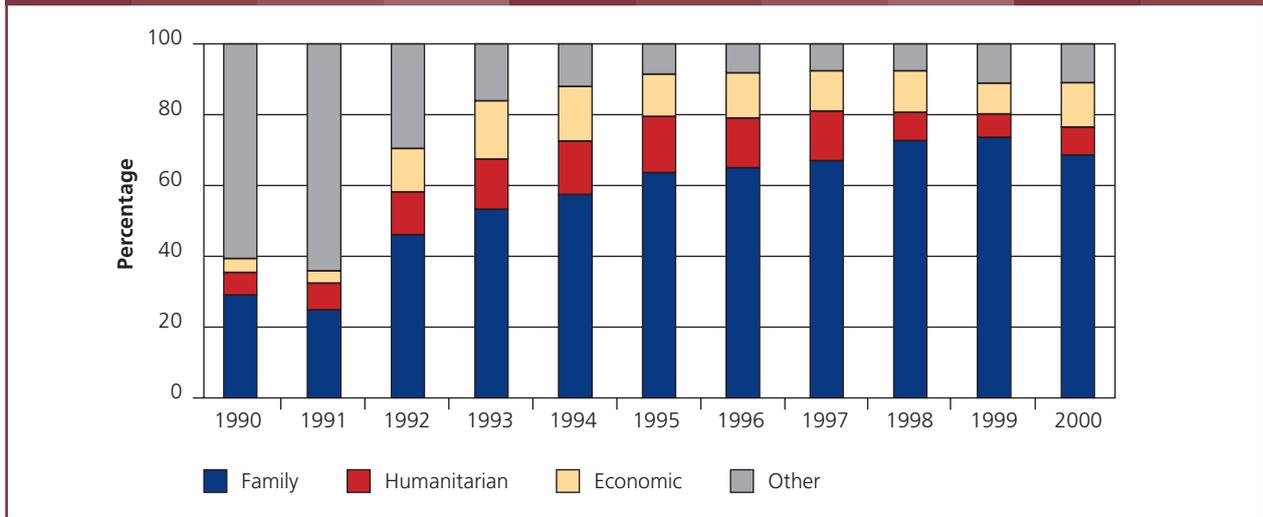
easily, whereas immigrants with low educational attainments are regarded as hard on the public purse. In both countries it has recently been proposed to legalize irregular immigrants by granting them temporary-worker status.

The targeting of young, highly skilled entrants for permanent residence is most evident in Canada, where a series of regulatory changes in the 1980s and 1990s restricted immigration based on family reunification, and emphasized the intake of those who would make economic contributions. By the end of the 1990s, the majority of new immigrants to Canada consisted of “economic immigrants” and their immediate families (see figure 7.1). In the United States meanwhile, despite frequent calls from economists and policy makers to change immigration policy so as to improve immigrant “quality”, most still come in as relatives of legal residents (see figure 7.2). A variety of political and administrative factors militate against the adoption of more selective entrance requirements in the United States, not least the politicized nature of the debate at a time when the electoral importance of the huge Hispanic population is taken very seriously by both political parties.



Note: Years ranging from January 1 to December 31.  
 Sources: Minister of Supply and Services Canada 1991, 1992, 1996; Minister of Public Works and Government Services Canada 1994, 1997, 1998, 1999a, 1999b, 2000, 2001, cited in Boyd and Pikkov 2004.

**Figure 7.2 Categories of admission for immigrants admitted to the United States (1990–2000)**



Note: Years ranging from April 1 to March 31.

Source: Department of Homeland Security, United States 2003, cited in Boyd and Pikkov 2004.

## In Europe

In Europe, the debates surrounding immigration are also politicized; populist protests fed by far-right elements vociferously demand restrictions on migrants, whether for work, family reunification or asylum. In countries where right-wing parties have gained power in recent elections, as in Denmark, France, Italy and the Netherlands, one of the first policy areas to be addressed has been that of immigration control. Several countries have recently introduced legislation to tighten rules concerning family reunification and other areas of the migration regime. In the wake of 9/11, Denmark, France and Germany have also introduced or reinforced compulsory integration programmes. The increasing pressure for “integration” and “assimilation” has served to reinforce suspicion towards Muslim populations in particular, who are wrongly and simplistically depicted as inimical to Western values, especially in their views of gender relations.

Within more restrictive and punitive regimes, however, a distinction has been drawn between the skilled who are welcome, and the less skilled whose numbers are to be controlled. Some countries offer easier entry to the skilled: the right to be

accompanied by one’s family, family members’ right to work, a permanent residence permit and citizenship. Some new systems—those under Germany’s new immigration law, and in the United Kingdom—operate a points system; in the United Kingdom this prioritizes income, job status and educational level. The less skilled generally enter as contract labour or under a guest worker system, without the possibility of transition to settlement or the right to bring in family members. Where quotas are insufficient to meet employers’ demands, migrant workers enter in a forced state of irregularity.

## In Asian countries

In East and Southeast Asian countries, hosts to millions of migrant workers from poorer regional neighbours, contract labour is also prevalent. Since the mid-1970s when significant worker migration began, measures to control flows and at the same time provide employers with a pool of flexible labour have gradually been introduced. Workers are categorized according to skills: registered professionals and highly skilled workers;

authorized unskilled workers on contract; and unskilled workers with neither contract nor permission of entry, who are therefore unauthorized. Notably absent from this is any right of admission based on humanitarian concerns. In contrast with Europe and the traditional “settler” countries, Asian countries officially prevent unskilled migrants from settling and reuniting with their families.

Although multi-ethnic and multi-religious societies such as Malaysia, Singapore and Hong Kong (SAR China) were historically formed by migration, maintaining ethnic balances is a contributing reason for rigid migration policies today. In some countries—Thailand, for example—some national minority groups do not even have full citizenship rights. Acquisition of permanent residence status, let alone citizenship, is therefore out of reach for most inter-country Asian migrants. In the multi-ethnic societies, migrants usually enter to work on contract at well-defined jobs for a specified number of years. In the more mono-ethnic countries of East Asia, such as the Republic of Korea and Japan, there is no admission of unskilled migrants—except for those with ethnic ties (the so-called *nikkeijin* in Japan and Korean-Chinese in Korea). Skilled foreigners are admitted for selected occupations. Despite the official policy of prohibiting unskilled foreigners from employment, both countries have

been home for many years to 200,000–300,000 unskilled migrants, either legally under the cover of “traineeship programmes” or irregularly in an undocumented manner.

## WOMEN WORKERS’ MODES OF ENTRY

### Family reunification

In both North America (table 7.1) and Europe, women predominate among migrants entering on the basis of family reunification, while they are less than half of those entering on the basis of economic criteria. This statement is based on data concerning both sexes, regardless of whether they enter as principal applicants or as family members. Earlier research for North America confirms that when women enter on the basis of humanitarian or economic criteria of admissibility, they are most likely to be the spouses or dependents of male principal applicants.<sup>12</sup> Only where labour flows are destined for female-typed jobs, such as nurses and domestics (see below), do women predominate as economic migrants. The mode of entry for women thus tends to reflect their stereotypical roles as wives, daughters and caregivers.

**Table 7.1 Percentage of total admissions of immigrants in the family, humanitarian and economic categories who are females<sup>(1)</sup> (1990–2000)**

	Canada <sup>(2)</sup>			United States <sup>(3)</sup>		
	Family	Humanitarian	Economic	Family	Humanitarian	Economic
1990	54.9	40.3	49.2	54.2	46.7	50.9
1991	56.0	38.5	50.2	54.8	48.1	50.3
1992	57.1	38.7	50.1	56.5	48.2	48.6
1993	58.0	42.6	51.6	56.4	49.0	47.7
1994	57.5	43.7	50.7	56.6	49.1	49.0
1995	58.3	43.1	49.5	56.9	48.5	49.5
1996	58.8	45.7	48.3	57.1	47.6	49.9
1997	59.8	44.6	47.8	57.6	46.8	49.2
1998	60.9	46.0	47.5	56.8	46.6	48.1
1999	61.2	45.9	47.1	57.4	48.7	49.5
2000	61.6	46.4	46.7	58.5	48.0	49.4

Notes (1) For example of all persons admitted to Canada in 1990 as immigrants (permanent residents) on the basis of family ties, 54.9% were female.  
(2) Calendar years, ranging from January 1–December 31.  
(3) Fiscal years, ranging from April 1–March 31.

Sources: Minister of Supply and Services Canada 1991, 1992, 1996; Minister of Public Works and Government Services Canada 1994, 1997, 1998, 1999a, 1999b, 2000, 2001; Department of Homeland Security, United States, 2003, cited in Boyd and Pikkov 2004.

Despite the significance of migration for family reasons, it receives virtually no attention in migration research. This is mainly due to its association with female “dependency”. The assumption is that most women migrants do not enter the labour force and are not concerned about work. Virtually nothing is known of their employment aspirations. With the expansion in skilled male migration and the likelihood that the wives of skilled males may also be skilled, an increasing number of educated women are likely to be blocked from careers. There has recently been some relaxation in regulations for spouses of skilled migrants; but difficulties of recognition for professional qualifications obtained elsewhere typically remain.

In the European Union (EU) and North America, another regulatory inhibition is that the “family” for immigration purposes is defined by the state, and although it includes spouses and dependent children under the age of 18 years, it does not normally include parents unless they are dependent or in serious difficulties. Thus the more limited concept of family leaves little consideration for caring at a distance, cultural differences

in familial relationships, and the role of grandparents or other relations in providing nurturing and support for different members of the family (see table 7.2).

## Asylum and refugee migration

The other significant category is humanitarian-based admissions: asylum seekers and refugees. Although laws and procedures for such admissions are couched in gender-neutral language, this does not guarantee gender parity in outcomes. Statistics for camp populations assisted by the United Nations High Commissioner for Refugees (UNHCR) show that women aged 18–59 equal or outnumber their male counterparts; but throughout the 1990s, women of all ages represented less than half of refugee and asylum seekers in the United States, and of Canadian refugee admissions (table 7.1). The gender gap in admissions is larger when using data on principal applicants, since this excludes spouses and dependants: 33 per cent of

**Table 7.2 Beneficiaries of family reunification in the European Union**

Country	Spouse	Children	Parents	Others
Belgium	Yes	Less than 18 dependent		
Denmark	Yes (also de facto partner)	Less than 18 living with person with parental responsibility	Over 60 dependent	For special reasons
France	Yes	Less than 18; less than 21 for member states to the European charter	Not considered	
Germany	Yes	Less than 16 unmarried; less than 18 for specific cases	For humanitarian reasons	
Greece	Yes	Less than 18	Dependent	
Ireland	Yes	Depending on individual circumstances	Depending on the circumstances	Depending on the individual circumstances
Italy	Yes	Less than 18 dependent	Dependent	Non-minor children
Luxembourg	Yes	Less than 18	Yes	Non-minor children
Netherlands	Yes (also de facto partner)	Less than 18 dependent	If non-reunification causes difficulties	In exceptional circumstances
Portugal	Yes	Dependent	Dependent	May be considered
Spain	Yes	Less than 18	Dependent	Non-minor children
United Kingdom	Yes	Less than 18 dependent, unmarried	Dependent widow mother; widower father	For extraordinary reasons

Source: European Commission 2003.

principal applicants as refugees to Canada were women in 2000. In the UK the majority of asylum applicants in 2002 were men (78 per cent), but the rates of recognition of the right to claim refugee status did not vary markedly between women and men.

Within the asylum processing or refugee recognition process, factors relating to gender—such as vulnerability to sexual violence, discrimination based on behaviour or dress—may not be given consideration. The definition of a refugee should be gender-neutral, but the exclusion of gendered forms of discrimination or vulnerability amounts to male bias. Women’s political activities, often located in the private sphere or comprising domestic support for dissidents, may not qualify as likely to provoke persecution. In Australia, Canada and New Zealand, guidelines for gender persecution in the asylum process are already in place, and European states (Denmark, Germany, Ireland, Norway, Sweden and the United Kingdom), are increasingly following suit. Norway and Sweden operate affirmative policies, providing women to be resettled with travel grants and applying selection criteria which include vulnerability as well as political persecution; similar proposals are being considered in the United Kingdom.

Countries which resettle refugees often add admissibility criteria to the basic eligibility criteria. These reflect concerns that the refugees should not pose health or security threats, and that they should not require extensive and long-term social assistance. For the most part, eligibility is a necessary, but not sufficient, criterion of admissibility, which also depends on education, job skills and the potential for economic self-sufficiency. The gender stratification typical of most societies means that women usually have less education than men, and have lower skills and fewer working experiences; they are therefore likely to encounter greater difficulties in meeting “self-sufficiency” criteria. Canada’s pioneering Woman at Risk programme, which began in 1988 in response to a request from UNHCR for special assistance in the protection and resettlement of vulnerable women refugees, still only receives modest numbers. Only 2,250 women and their dependents have been resettled since admissions began. This stems from the real difficulties of economic integration and the long time-frame required, and the high cost of caring for these individuals from private and state funds.<sup>13</sup>

## Trends in East and Southeast Asia

Contrary to the North American and European stereotype of women migrants as dependants, East and Southeast Asian women overwhelmingly migrate as independent workers, either as single women or as married women without their husbands or children. A channel of migration increasingly used by Asian women is “marriage migration”. Either marriage is the result of labour migration, when for example a hospitality or entertainment worker marries a host-country customer; or marriage is the purpose, as is the case with “mail-order brides”.<sup>14</sup> There has been such a significant increase in inter-country marriages in East Asia, with the majority of couples involving local men (in Japan, Republic of Korea and Taiwan Province of China) and women from Southeast Asia, that East Asian governments are revisiting their residence and citizenship regulations. In Singapore, marriages between unskilled foreign domestic workers and local men are prohibited by law.

As already noted, migration destination countries in Asia do not recognize family reunification as a criterion of immigration. The number of immigrants formally admitted on humanitarian grounds (refugees and asylum seekers) is also insignificant. Table 7.3 shows outflows of female migrant workers, mostly live-in domestics, from the four major sending countries in Asia from 1979 to 1996. The data shows that the feminization of migration from these countries began in the late 1970s, when Sri Lanka despatched significant numbers of women domestic workers, mostly to the Middle East. By the mid-1990s other countries were contributing to this flow, with women constituting up to 70 per cent of their migrant worker outflows. These women were employed in the Middle East, Europe, North America and Oceania.

Turning to the presence of migrant women in Asia’s labour-importing countries, table 7.4 lists by country the number and proportion of females to the total migrant population in various occupations. By 2002 there were at least 1.3 million foreign women working in the seven major labour-importing countries: Singapore, Malaysia, Thailand, Taiwan Province of China, Hong Kong (SAR China), Republic of Korea and Japan. In some, these women constituted a high proportion of the total immigrant labour force.

**Table 7.3** Number of female migrant workers by sending country and proportion of females in total outflows (1979–1996)

	Sri Lanka		Indonesia		Philippines		Thailand	
	Total number	% of females						
1979	12,251	47.3	—	—	—	—	—	—
1980	14,529	50.8	—	—	3,862	18.0	—	—
1981	30,135	52.5	—	—	—	—	—	—
1982	5,400	24.0	—	—	—	—	—	—
1983	7,819	43.2	12,018	48.4	—	—	—	—
1984	5,762	36.7	20,425	48.0	—	—	—	—
1985	11,792	95.1	39,960	49.4	—	—	—	—
1986	5,150	31.4	39,078	47.7	—	—	7,194	6.4
1987	5,474	34.0	44,291	49.0	180,441	47.2	9,752	9.2
1988	10,119	54.9	49,586	48.6	—	—	15,062	12.7
1989	16,044	58.4	—	—	—	—	—	—
1990	27,248	63.9	—	—	—	—	—	—
1991	43,612	67.0	—	—	—	—	—	—
1992	29,159	65.3	—	—	—	—	—	—
1993	31,600	64.8	85,696	66.0	138,242*	54.0	41,830	19.4
1994	43,796	72.8	—	—	153,504*	59.2	—	—
1995	125,988	73.3	—	—	124,822*	58.3	31,586	15.6
1996	119,456	73.5	—	—	111,487*	54.2	28,642	13.3

Note: \* Numbers of newly hired only.

Source: UNDESA Population Division 2003, cited in Yamanaka and Piper 2004.

## Irregular migration

As table 7.4 suggests, irregular or unauthorized migrants are an important contingent in the Asian countries. This is a product of uneven economic development and the fact that neighbouring countries contain populations with a shared history, language and religion. Borders between Malaysia, Indonesia and the Philippines have been porous, as have those between Thailand and Myanmar, Laos, Viet Nam and Cambodia. Reliable information is not available, but the total number of unauthorized workers in these areas is estimated at 1.5 to 2 million. Studies of undocumented migration in Southeast Asia report considerable numbers of migrant women from the Philippines, Indonesia, Myanmar and Laos working under strenuous conditions with little legal protection in a wide range of occupations, as domestic workers, vendors, plantation workers, factory

workers, construction labourers and fish-farm hands. The border areas between Thailand and Myanmar host large numbers of women, often belonging to ethnic minorities, who engage in sex work.<sup>15</sup> The many legal and human rights contradictions inherent in the status of many of these women migrants have triggered mushrooming activism by non-governmental organizations (NGOs).<sup>16</sup>

At the US–Mexican border, where unauthorized labour enters North America, migrants face similar or worse discriminations and difficulties. The irregular population in the United States is estimated at about 9.3 million, representing a little over one-quarter of all foreign-born in the country; 41 per cent are women. Backlogs are thought to be responsible for a considerable proportion, as family members can wait 10 years for a visa. Ninety-six per cent of the men are in the workforce, as are an estimated 62 per cent of the women. The 6 million altogether

**Table 7.4 Occupation, immigration status, country of origin, and number of unskilled female migrant workers by receiving country and percentage of total number in the early 2000s**

Country/economy	Major occupation	Immigration status	Country of origin	Number of women	% of women to total number
Singapore	Domestic worker	Contract worker	Philippines, Indonesia, Sri Lanka	140,000	43.8
Malaysia	Domestic worker	Contract worker	Indonesia, Philippines	162,000	20.5
		Unauthorized migrant		-	-
Thailand	Domestic worker	Registered migrant	Myanmar, Lao PDR	244,000	43.0
		Unauthorized migrant	Cambodia	-	-
Hong Kong (SAR China)	Domestic worker	Contract worker	Philippines, Indonesia, Thailand, Sri Lanka, Nepal, India, Other	201,000	70.0
Taiwan Prov. of China	Domestic worker, Caregiver	Contract worker	Indonesia, Philippines, Viet Nam	170,000	56.0
Republic of Korea	Factory worker	Industrial trainee	China, Philippines, Viet Nam	35,000	35.1
		Unauthorized migrant	Mongolia, Thailand, Other		-
	Service worker	Unauthorized migrant	Korean-Chinese, Chinese	43,000	-
	Entertainer	Entertainer	Philippines, Russia	5,000	-
	Unknown	Unauthorized migrant	Thailand, Mongolia, Other	19,000	-
	Foreign Wives	Spouse of Citizen	China, Philippines, Thailand	57,000*	-
Japan	Factory worker	Long-term resident	Brazil, Peru	120,000	45.1
	Entertainer	Entertainer	Philippines, Russia, Rep. of Korea	40,000	84.1
	Unknown	Unauthorized migrant	Rep. of Korea, Philippines, Thailand, China	106,000	47.3
	Foreign wives	Spouse of citizen	China, Philippines, Rep. of Korea, Thailand	89,000**	-

Notes \*Total for 2000 and 2001.

\*\* Total for 1989 to 1999.

Sources: Huang and Yeoh 2003; Chin 2003; Tantiwiramanond 2002; Hong Kong Census and Statistics Department 2002; Lan 2003; Lee 2003; Yamanaka 2003, cited in Yamanaka and Piper 2004.

who are thought to work account for 5 per cent of the work force, and contribute 10 per cent of the US economy.<sup>17</sup> These workers earn less than others; two-thirds make less than twice the minimum wage.

In the face of this tidal flow of migrant workers playing a significant role in the US economy, a shaky political consensus has formed in favour of conferring some kind of legal status to at least some part of the undocumented population. President George W. Bush's 2004 immigration policy reform proposal and its programme for legalization bear a striking resemblance to European

guest-worker policies, and may well lead to the institutionalization of a class of legal residents with second-class status.

## Trafficking

People trafficking is the most notorious feature of irregular migration, and trafficking for the purpose of sexual exploitation frequently constitutes the gravest violation of human rights. Trafficking in human beings is far from being a new phenomenon,

but like other migratory flows, it appears to be growing in scope and magnitude. Migration and trafficking are often distinguished from one another by the notion that migration is characterized by choice, and trafficking by coercion, deception or force. However, in today's globalized economic context and in the face of heavy restrictions on freedom of movement, cross-border trafficking and migration exist along a continuum. In addition, war and conflict situations tend to result in higher incidences of trafficking (see chapter 13).

A problematic issue is the definition of trafficking, which is differently interpreted according to differing interests, viewpoints and policy objectives. Views vary as to whether non-coerced, adult migrant prostitution should be included. Too narrow a definition of trafficking may obscure the different pressures pushing women to migrate in search of work in the sex industry. There is increasing evidence that migrant women rarely fit the perfect victim image. Many fully understand prior to migration what their working destination consists of, and even if their choice is constrained by economic and social circumstances, they actively co-operate in it. What such women need is a legal status and employment rights, which would allow them to leave commercial sex for other types of work. Another problem with the common definition of trafficking is its focus on sexual exploitation only, omitting those who are the objects of other types of work-related trafficking.

In the context of cross-border movements, destination countries have commonly treated human trafficking first and foremost as an issue of illegal immigration. The danger with this approach is that it involves a shift of focus away from the problem of human rights violations to that of illegal entry and stay, so that ultimately the receiving state, rather than the trafficked person, is perceived as the "victim".

This also explains the reasoning behind victim support systems recently put in place by some destination countries, which require women to testify in court against their traffickers in order to receive residence permits. Temporary residence, however, does not result in long-term security for the women involved. The practice of entwining the selling of sex by migrant women with debates over illegal immigration usually results in the latter taking precedence, with many women being deported upon

detection. This also explains governments' reluctance to regularize the presence of foreign sex workers, as such a move is seen as encouraging illegal immigration.<sup>18</sup>

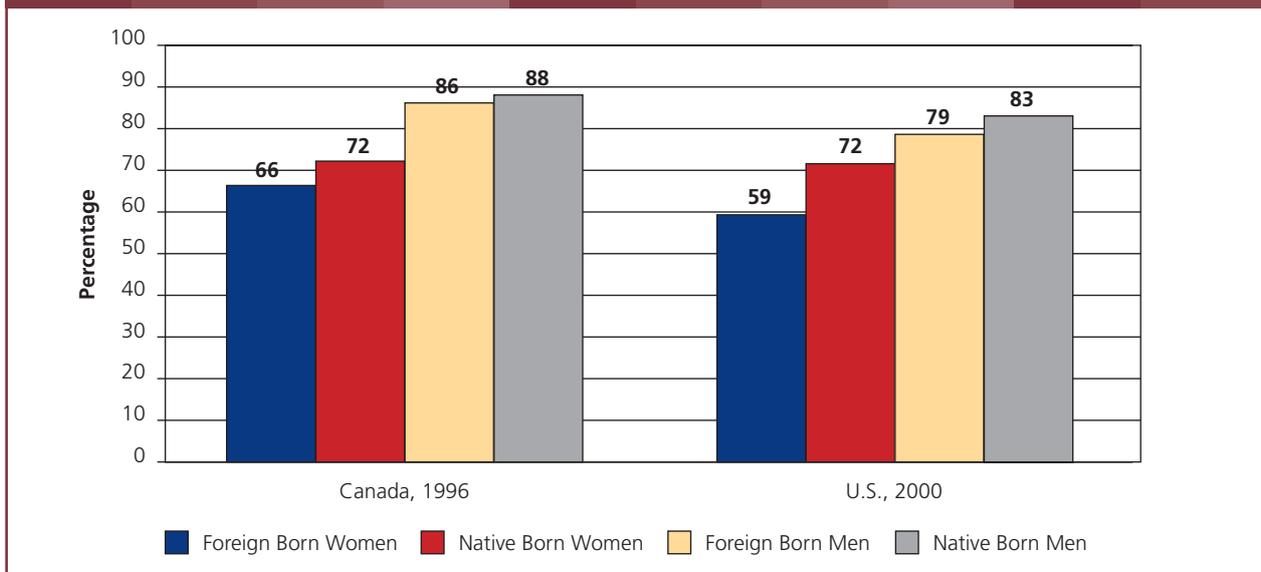
One of the harshest realities for undocumented migrants is that they are vulnerable to deportation at any time for any infraction of the law. While this has implications for trafficked women, undocumented immigrant women who suffer physical abuse at the hands of employers or spouses are also vulnerable. In the United States, battered women's advocates pressured the US Congress to create a provision in the 1994 Violence Against Women Act to reserve green cards for undocumented immigrant women who have been physically abused by a (legally resident) spouse, and allow them to petition for permanent residency without the knowledge of their husbands. By 2001, 17,907 women had applied under the provision. Destination countries of women trafficked for sexual exploitation have also begun to put in place victim support programmes and provide visa categories that allow identified victims to postpone, or even avoid, deportation; Italy is a case in point.

## STRATIFIED LABOUR MARKETS

Immigrant women have low participation in the labour force, and occupy low-status jobs with poor working conditions and low earnings (see figure 7.3 and table 7.5). In North America, foreign-born women were the least likely of all groups, defined by birth-place and gender, to be in the formal labour force in the 1990s.<sup>19</sup> Although some foreign women, including some of those from the developing world, are present among skilled workers, they are disproportionately visible at the bottom rungs of stratified services, retail and manufacturing sectors. African, Latin American and Hispanic women are most likely to be in low-skilled jobs.<sup>20</sup>

In Northern Europe, the rate of participation in the labour force of migrant women is lower than for national women, although it has recently been increasing. Within each country there are also considerable variations between nationalities. Refugee women find it particularly difficult to enter the labour market, according to Norwegian data, and fewer women participate in

**Figure 7.3 Percentages in the labour force of foreign-born and native-born population age 25–64, by sex, Canada (1996) and the United States (2000)**



Sources: Calculated from Statistics Canada 1996 and United States Census Bureau 2000, cited in Boyd and Pikkov 2004.

labour market schemes than men.<sup>21</sup> In many countries asylum seekers are barred from employment, at least initially. Being the non-principal applicant for asylum can also make it more difficult to obtain the right to work. Refugees generally confront cultural and language barriers, racism, prejudice and lack of recognition of qualifications; but women refugees have additional burdens of childcare and may also face opposition from male family members to employment outside the home.

While some of the disparity between groups may be explained by such factors as greater numbers of children in immigrant families and culturally conditioned choices of suitable female employment, these low rates also reflect difficulties in finding jobs, and the quality of employment on offer.

The rise in women's employment in many Organization for Economic Co-operation and Development (OECD) countries, especially where many mothers of young children work full-time as in Sweden and France, has created extra demands for childcare and other social services. Although family members, especially grandmothers, may provide significant informal support, there is also increasing resort to formal service provision,

either in the public sector, or via the market, or by less formal community networks.

The service sectors in which jobs are created are prime generators of insecure and low-waged jobs, especially where government is off-loading social services to the private, community and voluntary sectors. In the new global economy, men and women circulate differently. Men tend to occupy an elite space in a high-tech world of global finance, production and technology: the commanding heights of the "knowledge economy". They move more easily within transnational corporations and in the IT and scientific sectors, while women provide the services associated with a wife's traditional role: care of children and the elderly, home-making and sex. Although women are not absent from the ranks of the skilled, demands in such industries as IT for constant physical mobility and flexibility between workplaces are difficult for migrant women workers to meet.

Migrant women thus fill expanded needs for care in advanced economies, enabling their growth to take place under neoliberal conditions of welfare restriction and flexible labour forces.<sup>22</sup> The role of migrant women in providing care for the

**Table 7.5 Participation rate and unemployment rate of nationals and foreigners by sex in selected OECD countries, 2001-2002 average**

	Participation rate				Unemployment rate			
	Men		Women		Men		Women	
	Nationals	Foreigners	Nationals	Foreigners	Nationals	Foreigners	Nationals	Foreigners
Austria	78.7	84.6	63.2	63.1	4.0	9.3	4.0	8.2
Belgium	72.8	71.2	56.2	42.7	5.1	14.3	6.6	17.8
Czech Republic	78.5	84.1	62.8	61.6	6.3	9.1	9.1	13.2
France	75.2	76.1	63.4	48.4	6.7	16.6	9.6	21.0
Germany	78.9	77.6	65.2	51.5	7.7	13.7	7.7	12.1
Greece	75.8	89.4	49.1	57.8	6.6	6.9	15.2	16.1
Hungary (2001)	67.5	77.3	52.4	53.1	6.3	2.2	5.0	7.7
Ireland	78.8	77.3	56.7	56.4	4.3	4.9	3.6	5.5
Luxembourg	73.0	81.8	48.4	59.1	1.3	2.4	1.9	4.2
Netherlands	85.3	68.9	68.1	52.1	2.0	4.4	2.6	5.0
Spain	78.3	88.3	51.2	63.8	7.4	11.4	15.7	17.0
Sweden	80.5	71.0	76.9	60.4	4.9	12.1	4.3	9.3
Switzerland	88.8	89.6	74.1	71.2	1.7	4.6	2.6	6.2
United Kingdom	82.7	76.4	68.7	56.3	5.3	8.4	4.1	7.5
Australia (2001) <sup>(1)</sup>	81.7	77.8	67.6	59.3	7.8	8.6	6.2	8.1
Canada (2001) <sup>(1)</sup>	73.9	68.7	62.3	54.6	7.8	6.8	7.0	8.1
United States <sup>(1)</sup>	82.0	86.5	72.2	62.6	6.0	5.6	4.7	6.3

Notes: Calculations are made on labour force aged 15 to 64 with the exception of Canada (15 and over) and the United States (16 to 64 years old).

(1) The data refer to the native and foreign-born populations.

Source: OECD 2004b.

elderly, children, the disabled, in paid, unpaid, formal and informal capacities is a factor too little addressed in the context of changes in the care economy and the welfare state.<sup>23</sup> In some countries migrant labour contributes substantially to employment in schools, hospitals, residential homes for the elderly and childcare centres. The Scandinavian countries and the United Kingdom have the highest percentages of migrant women employed in education and health. In Sweden these accounted for 27 per cent of migrant female employment in 2001–2, in Finland and the United Kingdom for 22 per cent. In other European countries the proportions are much lower: 8 per cent in France, 10 per cent in Germany and 5 per cent in Spain.

As far as domestic work and household care is concerned, the most widespread problems are the low pay and long working hours, the inferior positions of domestic workers, and the personalized relationships with employers which make it difficult to negotiate reasonable and timely pay or time off. The prospects of exploitation are greater if the worker is young, especially if she is below official working age. The health and safety situation in the home may not be satisfactory, education and personal growth opportunities may be lost, and if the worker is ill she may not be paid and may even lose her job. There are also risks of psychological, physical and sexual abuse. Chances of redress are low since domestic work is not usually covered by

### Box 7.2 How commuters from the margins help the elite live in clover

Ewa, a single mother in the small Polish town of Siemiatycze near the border with Belarus, has been shuttling back and forth to Brussels for four-month stints for the past seven years. The mother of a 12-year-old boy, Ewa operates a job-share with her mother. They take it in turns to manage their Brussels employers' domestic load—cooking, cleaning, minding the children, and running the errands—to free them for leisure or professional employment.

Thousands of people in Siemiatycze regularly commute to Brussels to provide an underclass of cheap and irregular labour to the upper crust of Western Europe. Lack of jobs at home and the huge wealth gap between east and west foment this flow of people in search of work. There are no official figures, but around 5,000 people from a town of only 16,000 are thought to be working in or near Brussels at any given time.

Ewa and her mother are typical of many families sharing jobs which take them far away and break up their own opportunities for an integrated family life. The rewards are too important to pass up. The bus journey takes around 22 hours, and in four months the worker can earn £3,000, the amount it would take two years to earn in a local job, if one was to be found. Ewa's sisters and their husbands, her two brothers and their wives are all commuting 1,000 miles once or twice a year to do similar jobs. Ewa speaks approvingly of her employers. "They treat me really nicely. I wouldn't dream of changing them," she says.

There have been some alarmist projections, many ill-founded, about the volume of migration to be expected from new EU accession states into the better-off countries. However, Brussels projects that because of demographic decline, the new Europe's working-age population will fall by 20 million within a generation, necessitating an influx of immigrant labour. Meanwhile the phenomenon of the Polish underclass servicing the west European elite has been going on for a long time and is unlikely to change very much soon.

*Source: Traynor 2004.*

labour legislation. In East and Southeast Asia, various countries and territories—Hong Kong (SAR China), Singapore, Malaysia and Taiwan Province of China—recognize domestic work for visa purposes, but except in Hong Kong (SAR China) they explicitly exclude it from labour standards.

Many migrant women with full high-school experience and even university degrees experience deskilling and lack of recognition for qualifications. This applies particularly to women from the Philippines, Eastern Europe and Latin America. Many enter a host country as a student or a tourist and then overstay. The boundaries between the legal and the irregular become blurred; this is particularly true for Latin American and Southeast Asian women workers, since Eastern European women do have rights of residence for up to three months and often rotate a job between several people (see box 7.2).<sup>24</sup>

In Germany, it has become possible since February 2002 for citizens of countries joining the EU to work legally for up to three

years in households that are taking care of a relative and are receiving benefits from the state care insurance system. Though legally employed and paid at German rates, the state stipulates that these carers cannot compete against German-trained home-care employees and their permit must be for "household assistant"; by suggesting that "untrained foreign workers" may put those they care for at risk, they have in effect sanctioned deskilling. This resolution of a labour shortage contrasts with that of IT workers; these are employed at the same grades as Germans.

Although migrant women's qualifications may not be recognized, and they may suffer in jobs for which they are overequipped, their and their family's position in their home community often rises. Several studies have explored the contradictory class position in which some labour migrants find themselves, especially the well educated from such sources as the Philippines or Eastern Europe. Migration can mean a simultaneous experience of upward and downward mobility. Discrimination and

the erosion of skills at destination sites may be offset by upward mobility at home, as remittances are invested in small businesses, housing and children's education.

## MIGRANT HEALTH WORKERS

Historically, women have tended to enter the welfare and social professions (education, health and social work). An analysis of UK work permit data for 2000 showed that sectors with high proportions of female staff constituted some of the fastest-growing sectors of migrant employment. A crisis in nursing in the United Kingdom and Ireland, as well as in Canada and the United States, has created a truly global labour market. Globally, the Philippines has supplied the overwhelming number of nurses for work overseas, followed by countries in Africa such as Ghana and Nigeria. Not only do the prospects of better pay attract them to the North, but the state of the health sector at home constitutes an important push factor (see chapter 8). Ireland too has become heavily dependent on overseas nurses, with Filipinas supplying the largest contingent. In order to address skills and brain drain concerns, the United Kingdom is introducing a code of conduct to cover foreign health worker recruitment, but doubts remain whether it will be enforced in the private sector.

In a study of international nursing recruits in the United Kingdom, mainly from Europe, Australia, Africa and the Philippines, many felt that their skills were not appreciated or respected; that they were downgraded; and that they confronted racism and xenophobia. Experiences varied considerably between the National Health Service, judged in more positive terms, and the private independent sector where they were frequently used as care assistants.<sup>25</sup>

These findings are echoed in similar studies carried out into the situation of foreign-born nurses in North America. These may receive higher salaries than in their countries of origin, but there is much potential for exploitation. Nurses are frequently employed as nursing aides rather than as registered nurses, and face discrimination in the form of lower pay, fewer promotions,

higher risk of being fired, and more common assignment to high-stress units.<sup>26</sup> The connection of the recent demand for foreign nurses with the restructuring of health care systems raises the possibility of deteriorating work conditions, lower pay and a negative climate for patient care. Hospitals in the United States with shortages of nursing personnel are often municipally run and located in inner-city areas.

In Canada, all highly trained immigrant workers, including nurses, are affected by licensing and recertification requirements for professionals. Regulated occupations, such as those in certain trades, law, engineering and health areas, require statutory certification or licensing, primarily through professional associations. While the purpose is to maintain standards and assure public health and safety, these practices also are the defining characteristics of segmented labour markets which create monopolies by controlling labour supply. In Canada, certification requirements can be seen as a form of systemic discrimination; criteria may be applied to the Canadian-born and foreign-born alike, but they disproportionately restrict the access of the foreign-born to trades or professions. Devaluation of education credentials becomes part of this systemic discrimination when professional associations do not recognize foreign degrees as equivalent to those obtained within the country.

While the most publicized, nursing is not the only area of professional health personnel shortage. In the United Kingdom, overseas doctors (non-European Economic Area (EEA) qualified) form a large percentage of the hospital medical workforce; in 2000 they constituted 26 per cent. In an increasingly feminized occupation, women form a significant proportion of migrant doctors—over half of those registering with the General Medical Council in 1998. Most are appointed in the lower and middle grades, and are seeking further qualifications and training.

Even if many of the skilled women migrants do not intend to settle, they have the possibility of renewing their contracts, of eventually acquiring citizenship and bringing their families—entitlements that are not available to the less skilled. So although fewer in numbers, the expansion of skilled opportunities for female migrants highlights the diversity of migratory circuits and potential entitlements.

## Notes

- 1 See for example Hugo et al. 2003.
- 2 Castles 2003; Kofman 2004.
- 3 Milanovic 2003; see also IDEAS 2002.
- 4 IOM 2004.
- 5 Newland 2003.
- 6 Chant and Radcliffe 1992.
- 7 Asis, Huang and Yeoh 2004.
- 8 Collins and Rau 2000.
- 9 ILO 2004f:5.
- 10 ILO 2004f:10–11; Yamanaka and Piper 2004.
- 11 Zlotnik 2003.
- 12 Boyd 1992; Freedman 2003a.
- 13 Boyd and Pikkov 2004.
- 14 Piper and Roces 2003.
- 15 Battistella and Asis 2003; Asia Watch and Women's Rights Project 1993.
- 16 Piper 2003, 2004.
- 17 Jimenez 2003.
- 18 Gallagher 2001; Freedman 2003b; Piper 2004.
- 19 Bean and Stevens 2003; Schoeni 1998.
- 20 Boyd 2001; Shumway and Cooke 1998; Wright and Ellis 2000.
- 21 Hauge Byberg 2002.
- 22 Ehrenreich and Hochschild 2003; Hochschild 2000; Sassen 2000.
- 23 Williams 2003.
- 24 Morokvasic 1996.
- 25 Allan and Aggergaard Larsen 2003.
- 26 Stasiulis and Bakan 2003.