



Note - European Network of Migrant Women

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Today, I want to shed light on the significant challenges faced by migrant women in the EU when accessing the job market.

While migrant women make up for half the migrants coming to the EU. However, the legal frameworks traditionally take a gender-blind approach, considering the male perspective as the default or universal standard, the latest example being the new Migration and Asylum Pact which barely mentions women. This oversight has proven detrimental to migrant women, as it fails to recognise and address their **unique vulnerabilities and obstacles**. Migrant women are frequently rendered **invisible in both law and society, with existing frameworks inadequately protecting their rights and needs**. This lack of recognition exacerbates the discrimination and challenges they face, leaving them marginalised and without sufficient support. This is, in part, fed by the **far-right movements** who are promoting the fake idea that the migrant population coming to Europe is overwhelmingly composed of dangerous migrant men.

Two-Fold Discrimination - As Woman and Migrant

Women are concentrated in a small number of employment sectors (such as health, education, public administration, hotels and catering, services to families and domestic work). Women are **more likely to be working part-time and are also over-represented amongst those working on short-term contracts**. In 2024, the wage gap between women and men in the EU is still 12.7% , and the gap in pensions is still wider.

Women migrants in the EU are more likely to be unemployed or economically inactive than any other group (EIGE), with employment rates varying based on their reasons for migration. Those migrating for family reasons have lower employment rates compared to those arriving for study or work. **Refugee women have an employment rate of approximately 45%, lower than the 62% for refugee men**. Women from countries with low female employment rates face higher unemployment in the EU. **The European Commission estimates that one in five non-EU migrant women is overqualified for her job, twice as many as other women**. This process is known as **deskilling**.

Even highly skilled migrant women encounter significant barriers due to “gender-blind” admission schemes that prioritise male-dominated professions. This, combined with

social isolation and increased household responsibilities, further reduces their employability.

Heavy administrative requirements and procedures, language barriers, lack of appropriate services and access to information, fear of deportation and sexist and racist discrimination are further barriers to access the job market.

Legal Status and Vulnerability

Legal status is crucial for accessing employment, public services and social benefits.

Spouses who are admitted under family reunification arrangements sometimes have to wait for a year - the delay which the Member States may impose - before being able to take up waged employment or a self-employed activity. This delay means that women are dependent on their husbands, distances them from the labour market and leads to a partial loss of skills. To remedy this, we recommend a revision of the directive on **family reunification**, rather than simply monitoring its implementation in the Member States.

As for asylum seekers, prohibiting them from working is an encouragement to their taking undeclared work, and also lead to women's sexual exploitation by pimps in prostitution.

Regularisation programs uphold **human rights and dignity for irregular migrants**. They **help reduce the number of undocumented individuals, promote circular migration, decrease the risk of migrant exploitation, curb the underground economy, and positively impact tax revenues and social security contributions**. Spain's 2005 regularisation program, which legalised over 570,000 people, serves as a significant example from which Europe can learn. In Spain, the program was well-received by irregular migrants, civil society, employers, unions, and the majority of political leaders.

Over-representation in Care and Informal Sectors

Migrant women are disproportionately represented in the care sector and informal economy. They face abusive working conditions, lack social protection, and are often overqualified for their jobs. **Seasonal workers and domestic workers face some of the worst conditions**, with limited access to public services and exposure to **violence and exploitation**.

The plight of seasonal agricultural workers is one example of how temporary work agencies, assuming the roles of both recruiter and employer, may exploit workers, submitting them to harsh conditions. The exploitation takes numerous forms, including **non-payment or deduction of wages, and charging the victims exorbitant prices for (often imaginary) services provided by the traffickers**, such as transport to the workplace or housing. While most victims are not physically confined to their workplaces, **the European Court of Human Rights considers that debt bondage, retention of identity documents and the absence of a work permit are often reasons enough for the victim to remain in the exploitative situation, which characterises forced labour.**

Jobs in the care sectors and informal economy are **excluded from contributory social insurance schemes that provide essential protections like maternity leave and healthcare.**

The situation of cross-border migrant women workers is also worth highlighting, with approximately 25,000 Moroccan women cross the border daily to enter Ceuta (Spain), with 99% working as domestic workers or mule women. Most of them come from the Tetouan region and are employed by construction companies, hotels, domestic workers, and exploited in prostitution. Many of these women endure harsh conditions, with some staying in Ceuta homes all day without a contract for as little as 200 euros a month. **Their daily journeys are filled with challenges, including interminable queues and violence at the border.** These women suffer from invisibilisation and widespread human rights violations, including exploitation, lack of legal protections, and inadequate wages. This systemic neglect and abuse highlight the urgent need for reforms to protect and support cross-border migrant workers, ensuring their dignity and rights are upheld.

Public Services for Young Children

For migrant women, childcare is also an important barrier in accessing the job market. In many countries, it is not possible to access childcare without an employment contract, but it is not possible to find employment without childcare.

Cost is the main barrier to accessing formal childcare services across the EU, particularly before the age of three. **These costs need to be reduced, as set out in the European Child Guarantee, through investment by Member States - supported by the EU (notably through the ESF+ fund).**

Cycle of Violence

Exclusion from the job market significantly heightens the vulnerability of migrant women to violence and sexual exploitation, creating a vicious circle. Economic dependency and lack of legal protections make them **easy targets for traffickers and pimps who gain profit from prostituting them.** In addition, migrant women face sexual harassment and physical assault as they navigate their way through informal employment or while staying in refugee facilities.

RECOMMENDATIONS :

- The EU should use its shared competence on labour rights, in accordance with Article 153 TFEU, to **legislate on the establishment of minimum requirements for working and employment conditions** aimed at protecting employed migrant women, including in irregular situations.
- States must adopt **measures to promote the full professional integration of domestic workers**, in particular through adequate employment contracts, in

accordance with the international standards set out in ILO Convention 189 on domestic workers.

- **Confidentiality barriers must be effectively implemented between social/public services and migration authorities.**
 - Example: In Portugal, the Ministry of Social Affairs maintains a database of all children of parents in irregular situations, which enables the government to allocate resources to schools and hospitals according to need, but this database is inaccessible to immigration services.
- There is a need to reform family migration regulations that discriminate against women, in order to **provide migrant women with residence permits, independent of their spouse and employer**, and to facilitate access to services and benefits in the event of relationship breakdown. In particular, migrant women seeking help in cases of domestic violence must be given their own residence permit, separate from that of their spouse (cf. Victims Rights Directive).
- **Harmonisation of data collection broken down by sex, legal status and other relevant indicators**, combined with strict measures for anonymisation and use of the data, is also essential. Fragmentation between organisations and data collection agencies is a major obstacle to the creation and implementation of effective public policies.
- Member States must ensure **full implementation of maternity leave rights for migrant women in all sectors at least as defined in the Pregnant Workers Directive and the Work-Life Balance Directive.**
- Member States should be encouraged to implement processes **enabling migrant and refugee women to obtain either a diploma equivalent to their original qualification or certification of their skills.**
- Member States must ensure the full application of all employment regulations, including the **Working Time Directive**, to care workers, including domestic workers.
- Member States must ensure the issuance of **renewable permits of reasonable initial duration (2 years is considered good practice)**, as well as pathways to permanent residency and citizenship.
- Member States should be encouraged to protect migrant women's **freedom of association and access to trade unions/collective bargaining for migrant workers.**