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Gendered Migrations, Livelihoods and Entitlements in European Welfare Regimes

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April 2005

Prepared for the UNRISD report
Gender Equality: Striving for Justice in an Unequal World

DRAFT WORKING DOCUMENT
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INTRODUCTION

In a previous era of mass, though far less restricted, migration from the 19th century until the First World War, Europe supplied by far the largest contingent of migrants. From 1880 to 1930, 40 million left the continent for the Americas and European colonies (Castles and Miller 2003: 56)¹. Similarly intra-European migration was considerable until the Second World War. So though unwilling to acknowledge the significance of immigration and the contribution of migrants, European societies and states have a long history of immigration, both from neighbouring areas as well as from far-flung colonies throughout the world. In the initial post-war period until the stoppage of mass labour migration, distinct migratory regimes (colonial, hybrid, guestworker), defined in terms of the mode of entry, rights of residence and status of migrants, were characteristic of European countries (Kofman et al 2000: 46-56). The more expansive colonial regime, as in the UK, not only brought in workers but also whole families. Though attenuated, colonial links have left their imprint on migratory regimes in a number of European states, including those which in the earlier period had been countries of emigration, such as Portugal and Spain. Entry and/or access to citizenship may be facilitated for individuals with direct links to the country of origin or from former colonies. Historical and cultural attachments continue to attract students and skilled migrants from erstwhile colonies. Other states too have had privileged links and favoured access to the labour market for some migrants. The Nordic countries, and in particular Sweden as the largest economy, have since the 1950s operated as a regional unit. Germany too, though pursuing a guest worker regime premised on the rotation of single migrants unencumbered by family responsibilities, has since the end of the 1980s, received large numbers of ethnic Germans who have immediate access to German citizenship.

However just as the role of immigration in Europe has been marginalized, so too has an historical amnesia befallen female immigration. Yet as Hania Zlotnik (2003) points out, the percentage of female migrants in Europe (as in other developed regions) was already high (48.5%) in 1960. Indeed, amongst migrants from the Caribbean and the European periphery (Ireland and Southern Europe), many women migrated on their own or as workers with their spouses, often leaving their children behind. As with traditional societies of immigration, Europe states permitted family reunification from the 1970s, whilst entire families from former colonies also settled in states such as the UK, France, Netherlands, Belgium and Portugal.

¹ At this time the US was an important net recipient of immigrants and relative to population, its gross migration rates between the mid-19th century and the WWI were double what they are today. Thus it is not that contemporary globalization has necessarily generated higher rates of migration but that the number of states involved and their interdependence has been considerably extended from the earlier period of mass migration.

TABLE 1

Proportion of women in immigration flows in selected EEA countries, 1999
(unless otherwise indicated)

	Proportion of women in immigration flows, % of total	Average annual growth since 1990 ¹
Austria (1998)	46.5	--
Belgium	50.7	0.9
Denmark (1998)	49.7	0.4
Finland	50.3	1.4
France ²	52.8	0.4
Germany	41.3	-0.1
Greece (1998) ³	56.8	0.3
Luxembourg	46.4	-1.1
Netherlands	49.1	1.7
Norway (1998)	50.1	0.1
Portugal ³	48.6	4.3
Spain (1998)	50.1	0.4
Sweden	51.6	0.9
Switzerland	49.8	1.2
United Kingdom	50.6	0.2

Note: Data refer to people (excluding nationals for France, Greece and Portugal) who wish to settle permanently in the country.

1. 1992 for Portugal; 1994 for Luxembourg

2. Data relate only to entries of foreigners (excluding refugees and people who benefitted from the regularisation programme).

3. Data relate only to entries of foreigners (excluding returns of nationals).

Sources: Eurostat (New Cronos database); Office des migrations internationales (France).

Since 1989 the spaces of immigration have been modified as the European Union has expanded its borders and deepened integration. Those from the former periphery (Greece, Portugal and Spain) became part of the European Union in the 1980s, thereby enjoying the benefits of mobility and entitlements conferred upon EU citizens. However, as Louise Ackers (1998) has forcefully highlighted, intra-European migration remains profoundly gendered given its assumption of a male breadwinner model and derivative social rights². Rights are accorded to the worker, through whom the rights of family members, including the spouse, are channelled. Furthermore, the low levels of intra-European migration may well partly reflect the continuing difficulty of transferring social entitlements, such as pensions.

² Recent legislation has sought to facilitate the movement of non-workers, such as students, spouses. Directive on Rights of Residence of Community Citizens 2003.

Another round of enlargement of 10 countries in Eastern Europe and Mediterranean islands (Cyprus and Malta) took place in May 2004³. Immigration from Eastern and Central Europe has been a contentious issue such that the UK withdrew at the beginning of 2004 from their initial willingness to open up labour mobility and have adopted a more restrictive policy requiring registration and delayed access to a range of benefits. Elsewhere a transitional period of up to 7 years for full mobility has been imposed. Nevertheless, these migrants can circulate for periods of up to 3 months within the existing boundaries of the EU without the need for visas. Though under-studied (Krieger 2004), East-west movements in Europe have contributed to new ways of viewing the relationship between livelihoods, entitlements and gendered migrations. Even without the right to reside permanently or work, many migrants have developed strategies to accumulate resources from short-term and rotational stays in what Mirjana Morokvasic (2003) depicts as a pattern of ‘settled in mobility’.

During the past decade, patterns of migration (countries of origin, types of migration, duration) have become more diversified and stratified in line with the general globalization of migration (Castles and Miller 2003). Diversification and accrued stratification emerged most forcefully in Europe at the beginning of the 1990s, with continuing and new geopolitical conflicts in neighbouring regions in Eastern Europe, Middle East and Africa. States responded to increasing numbers of asylum seekers by generating a range of statuses, each with attendant rights (Kofman 2002; Morris 2003). From the beginning of this decade, some states, and especially the UK and Ireland, selectively opened up their economic routes of entry, whilst further enacting highly restrictive legislation against asylum seekers. Labour migrants too encountered differential rights and entitlements according to their utility to the economy and social esteem (see section on Changing Immigration and Settlement Policies). Hence whilst IT workers and domestics were both in short supply, the former enjoyed the rights attached to the skilled unlike those working in low status employment in the household.

Compared to the earlier post-war period of very distinctive migratory regimes, the current harmonisation of European Union policies has led to some convergence, particularly of family reunification, the control asylum and illegal immigration⁴. However, the common management of labour migration and its opening up within an orderly and rational system have been less successful. Populist and political opposition, especially amongst right wing parties, to labour migration and concerns about high levels of youth unemployment, especially amongst those of migrant origin, have prevented a sustained increase in Northern European countries. In the UK, vitriolic attacks by some of the popular press

³ Following an agreement in 2002 with the EU, Switzerland too has been incorporated into the EU migratory space although various economic and social rights will only gradually come into force for EU nationals in Switzerland between 2004 and 2014.

⁴ A number of immigration experts argue there has been convergence of immigration control policies in industrial democracies, especially in relation to asylum seekers and illegal immigration (Widgren 1994) in Europe in recent years. Others (Meyers 2002) contend that immigration control among Western receiving has been similar for over a century. In recent years, with the opening up of skilled migration in the UK, on the one hand, and restrictions on family migration in the classic immigration states of Australia, Canada and US, convergence has become more apparent.

and the Conservative Party succeeded in putting immigration back on the electoral agenda in early 2005.

In Southern Europe the shortage of labour has been recognised in several less skilled sectors (agriculture, construction, hotel and restaurants and the household) and this has led to the development of quotas, albeit totally inadequate to meet the real shortages. And throughout Europe as elsewhere, migrant women underpin the globalisation of care and social reproduction (Hill Maher 2004; Mills 2003; Poster 2002), yet except for the most skilled in the education and health sectors, the role of migrants is undervalued. Nonetheless, as the section on Welfare, Livelihoods and Migration shows, an increasing proportion of female migrants are engaged in biological and social reproduction in the household, the community, the private sector and the state. The over-representation of Third countrywomen ie. those with a citizenship from a state outside the European Union in devalued sectors of the economy, both as legal and undocumented migrants, has profound consequences for their entitlements compared to homestate women.

Many formal rights and claims to entitlements are taken for granted by citizens of the European Union but for migrants, rights may be legally withheld, be subject to conditionality and be discretionary. Their relationship to entitlements, defined as access to resources, and covering material, social and symbolic dimensions, is more problematic and constrained by lack of rights. It is therefore not just a matter of the inability to exercise rights but formal exclusion, which is sanctioned by immigration, residence and employment regulations.

Some of the key areas differentiating citizens and migrants are: the right to enter, conditions of residence and unlawful presence in the territory, security from deportation, the rights and conditions of family life, employment, including access to the public sector, self-employment and the liberal professions, access to citizenship and the ability to make the transition from one legal, residence and employment status to another. Formal dependency may be sanctioned through immigration legislation, a situation which particularly affects migrant women. They are bound as family members by a probationary period in most European states and in a few cases not permitted to enter the official labour market in the first few years, for example in Germany. Thus for an increasing number of migrants, their lives are constrained by their tenuous status and their limited claims to welfare entitlements.

This paper focuses on the livelihoods and entitlements of Third Country women in different welfare regimes, and who enter on their own for work and education, as family migrants or as asylum seekers and refugees. It primarily focuses on first generation migrants, that is those who were born in another country. In many European countries the term migrant is both narrower and more extensive. Narrower in the sense that too often a 'migrant' is someone from a Third World country with value systems different to prevailing European norms. Frequently, migrant women, and especially if Muslim, quintessentially exemplify the weight of tradition. Recent immigration and integration policy has evolved around the idea of "immigrant islands outside the social consensus" who need to be integrated (German Federal President Johannes Rau). At the same time,

‘migrant’ may, in states such as Austria, Germany and Switzerland, be applied to all non-nationals, many of whom have been born and educated in the country⁵. In this case it is difficult distinguishing those of migrant origin from recent arrivals.

The paper is divided into three sections. The first section outlines the gendered characteristics of different categories of immigration (labour, family, asylum) which are internally differentiated. The second section turns to migrant livelihoods and examines the influence on the nature of female employment patterns of migration in five countries with different welfare regimes. The third section evaluates the differential impact and outcomes of immigration, residence and citizenship regulations on women migrants.

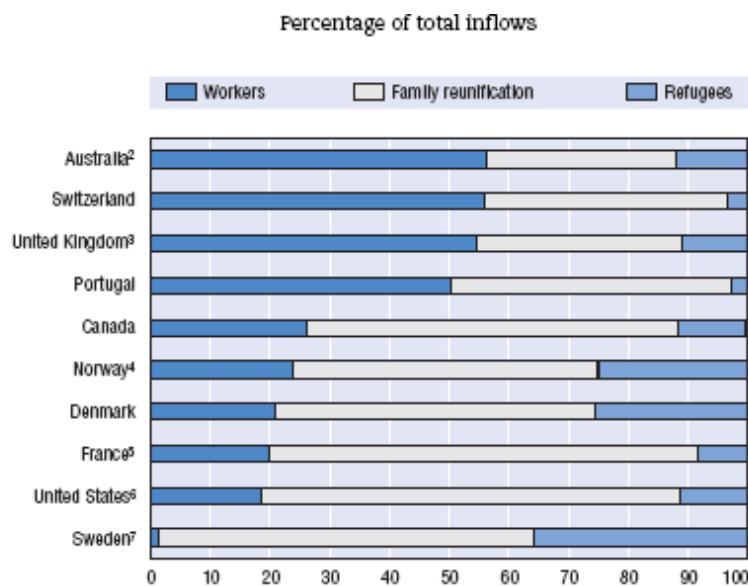
The countries selected for a fuller analysis of gendered migrations, livelihoods and entitlements are positioned differently in terms of welfare and migratory regimes. The typology of welfare regimes is largely drawn from the influential model proposed by Gosta Esping-Andersen (1990) but modified to take account of their recent trajectory in the 1990s (see section 2 Welfare, Livelihoods and Migration). Sweden has a social democratic welfare regime and has mainly received family reunion migrants and large numbers of asylum seekers since the stoppage of labour migration in 1972. Germany is a conservative corporatist welfare regime, which originally drew its migrants from the Mediterranean as guest workers based on an ethnic and exclusionary model of incorporation. Following the end of the bipolar world, its migrants have increasingly come from Eastern Europe while the numbers applying for asylum have on average been the highest in Europe. France, also a conservative corporatist welfare regime, has a long history of waves of immigration, both from neighbouring states and its colonies in North and West Africa and South East Asia. Spain could also be said to have become a conservative Southern rim welfare regime. Its immigration history is more recent and diversified than countries in Northern Europe. Colonial links too play a part in migratory patterns, though its proximity to North Africa and the opening up of Eastern Europe have shaped its recent migratory patterns. Lastly, the UK, a welfare regime in the vanguard of neo-liberal measures, which has been profoundly marked by its colonial ties in its migratory patterns and policies. As subjects, the population from its colonies were incorporated in the post-war period until 1981 as citizens. The implementation of neo-liberal policies in the 1980s contributed to the reduction of investment in professional training, eventually resulting in severe shortages, not just in information technology but also in many social and welfare occupations. Additionally, the UK sees itself positioned as a global player eager to compete in the market for skilled labour (speech by Barbara Roche, the Minister for Immigration on 11 September 2000). Its deregulated labour markets have also offered migrants employment unwanted by homestate labour.

⁵ These states have until recently followed the principle of *jus sanguinis* where citizenship follows kin lines and naturalization is lengthy and costly. In Germany since the 1990s there have been changes to naturalization and citizenship laws which have facilitated the take-up of German citizenship.

1. GENDER AND IMMIGRATION CATEGORIES

1.1 Patterns of Migration

Given the diversification of migratory categories, histories and policies of immigration and integration, there are inevitably major variations between countries in relation to different types of flows, participation in different sectors of the labour market, the size and citizenship of second and subsequent generations, and degrees of racial and sexual discrimination confronted by migrant women. Though Southern European states have also become societies of long-term settlement of migrants, substantial differences remain compared to Northern states in the composition of migrant populations and settlement policies.



Note: Countries are ranked by decreasing order of the percentage of workers in total inflows. Categories give the legal reason for entering the country. A worker who has benefited from the family reunification procedure is regrouped into this latter category even if he has a job in the host country while entering. Family members who join a refugee are counted among other refugees.

1. For Australia, Canada, the United States, Norway and Sweden, data concern acceptances for settlement. For Denmark, France, Portugal and Switzerland, entries correspond to residence permits usually delivered for a period longer than one year. For the United Kingdom, data are based on entry control at ports of certain categories of migrants (excluding EEA citizens). For Australia, "Workers" includes accompanying dependents who are included in the category "family reunification" for all other countries.
2. Data refer to fiscal year (July 2000 to June 2001). Category "Workers" includes accompanying dependents. Excluding citizens from New Zealand who do not need a visa to enter the country.
3. Passengers, excluding EEA citizens, admitted to the United Kingdom. Data only include certain categories of migrants: work permit holders, spouses and refugees.
4. Category "Workers" includes specialists and other permits that constitute grounds for permanent residence in Norway. Non-renewable permits are not included.
5. Entries of EU family members are estimated. Excluding visitors. Among those who benefited from the regularisation programme, only those who received a permit under the family reunification procedure are counted. The "family" category also includes spouses of French citizens and Scientists; parents of French children; and those with family relationships, who received the new permit "vie privée et familiale".
6. Data refer to fiscal year (October 2000 to September 2001). Excluding immigrants who obtained a permanent residence permit following the 1986 Immigration Reform and Control Act (IRCA).
7. Excluding Nordic and EEA citizens.

Sources: National Statistical Offices.

As the SOPEMI Report (2000) affirms “statistics on international migration by gender that makes it possible to identify the characteristics of migrants are scarce and hard to obtain”; they are also highly uneven. Data based on gender breakdowns at local and national levels may be available but are not considered worth analysing. Furthermore much of the available data refers to stocks rather than flows and therefore amalgamates recent and established migrants and generations.

Inevitably most surveys underestimate those entering illegally and the undocumented as well as the extent of transient circulation. The undervaluing of women’s labour e.g. domestic labour, restrictions on their right to work, and involvement in activities that are deemed to be a criminal offence or against public order i.e. prostitution means that a higher proportion of women are or become undocumented. Gender, however, should not be limited to statistics broken down by sex but also to those factors that influence women’s and men’s roles, access to resources, facilities and services (Muller 2003). An exception to the poor quality of statistical data is the comprehensive report, compiled by Statistics Norway (Hauge Byberg 2002), gives detailed information on migrants (first and second generation and refugees) in relation to demography, education, labour market participation and income. It is one of the few to break down refugees by gender and type of entry (resettlement, asylum).

Though countries have also developed longitudinal data, such as that based on micro censuses, few are specifically designed to trace migrant trajectories and change of status which would be required to ascertain whether individual female migrants had greater or lesser access to a bundle of entitlements and would be able to gain autonomy and extend their capabilities. An understanding of how bundles of entitlements are derived and deployed transnationally (Morokvasic 2003) and the connections between diverse spheres of their lives, would require in-depth studies (Erel 2003; Mozère 2002). Whilst there is an increasing awareness that women and men’s migrations differ, no European state, unlike Canada, has sought to develop a gender-based analysis to immigration legislation, professional integration and settlement resources (Kofman 2003; Tolley 2003).

Migrant women have entered the European Union under different immigration categories and for different purposes. Until the stoppage of mass labour migration in the mid-1970s (earlier in the UK), female migrants constituted a significant minority of labour migrants but often entered without children. In many instances, their participation rate in the labour market was higher than homestate women at a time when many of the latter did not work. For example in Germany, migrant women, including those from Turkey, were sought after to work in manufacturing (Erdem and Mattes 2003). Following the halt to mass labour, family reunion became the main route of legal entry into the European Union and was predominantly female. By the 1990s, refugee flows with variable gender balances began to increase. Quota refugees, such as the Bosnians, often had a more equitable gender balance (Kofman 2002). From the 1980s Southern European countries clearly shifted from being countries of emigration to countries of immigration, including a strong demand for female labour. Family reunification, initiated by female and male migrants, has also become more important. Since the 1990s, the opening up of Eastern Europe and its economic transformation resulted in loss of employment for women and

the search for new possibilities in European Union countries. In particular new forms of transient labour migration, often based on a rotational system, have enabled women to undertake domestic work, care, cleaning and trading whilst maintaining familial responsibilities in their home countries (Morokvasic 1996). Others have gone into prostitution, of whom a number having been trafficked.

Overall women predominate in migratory flows, including labour migrations, from Eastern Europe, Latin America and the Philippines. A very different gender composition with female minorities typifies migrations from the Middle East, Africa and China. At the same time, their presence in a nationality may differ significantly depending on the timing and type of flows. For example, in the early to mid-1990s, the proportion of Moroccan women in France, Belgium and the Netherlands, countries with a long history of family immigration, was around 45% compared to 11.5% in Italy and 26.0% in Germany (Ouali 2003). The rest of this section deals with the different forms of gendered immigrations.

1.2 Labour Migration

It is argued that new and alternative global gendered circuits of servicing (Sassen 2001) and care (Ehrenreich and Hochschild 2003) explain the transfer of female labour from poorer to richer countries. Men and women circulate differently in the new global economy. Men occupy an elite space of flows (Castells 1996) in a masculinised high-tech world of global finance, production and technology, the commanding heights of the knowledge economy, while women provide the services largely associated with a wife's traditional role – care of children and the elderly, homemaking and sex (Ehrenreich and Hochschild 2003). For Sassen (2001) migrant women fill the devalued, marginalized and flexible sectors of production and services in increasingly polarised global cities. On the other hand, Ehrenreich and Hochschild (2003) emphasise the production of care in its material and emotional dimensions, enabling economic expansion in the First World to take place under neo-liberal conditions of welfare restrictions and flexible labour. Globalisation has led to the marketization of various services, including care, which is now brought into global care chains. These are defined (Hochschild 2000: 131) 'as a series of personal links between people across the globe based on the paid or unpaid work of caring'. The chains may vary in their number and connective strength, combining internal and international caring links.

In the European context, the development of such chains of care has to be understood in relation to analyses of welfare state change (Williams 2003), models for dealing with a care deficit and the role of migrant women in providing care for the elderly, children, disabled and mental health problems in paid, unpaid, formal or informal capacity. Thus migrants are not just recipients of entitlements but providers of care in a variety of settings (Kofman et al. 2000, ch. 6). The development of care in the home is not just a function of changes in gender divisions of labour and family structures but also due to the shift from direct provision of services to a variety of forms of privatization and informalization of care (see section 2 Welfare, Livelihoods and Migration).

In general the level of participation in the labour market varies geographically (see table 2) and between nationalities. In Northern European states, the average rate of participation in the labour force of migrant women (excluding citizens of migrant origin) is lower than for national women but has increased substantially during the 1990s. Refugee women find it particularly difficult to enter the labour market as Norwegian data shows and fewer women participate in labour market schemes than men (Hauge Byberg 2002). In many countries asylum seekers are barred from employment, at least for an initial period. Being the non-principal asylum applicant for asylum can also make it more difficult to obtain the right to work (see footnote 13). In general, refugees confront enormous cultural and language barriers, racism, prejudice and lack of recognition of qualifications (Westin and Dingu-Kyrklund 2000), but women refugees have additional burdens of child care and gender stereotyping in terms of suitable jobs, as well as for some, opposition from men to their participation in the labour markets (ECRE 2001, Sargeant et al. 1999). Refugee women with childcare responsibilities find it almost impossible to work.

TABLE 2

**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

Note: 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.

Sources: Labour force surveys, figures supplied by Eurostat; 2001 Census, Australian Bureau of Statistics; 2001 Census, Statistics Canada; Current Population Survey March Supplement, US Census Bureau.

Within each country there are large variations between nationalities. For example in France (Borrel and Boeldieu 2001), women from Turkey and Algeria have much lower rates of participation (50% and 70% respectively between 20 and 26 years in 1999) and leave the labour market with age; those from Portugal and South East Asia have a higher or similar rate to French women and also have similar rates of part-time work. Vulnerability to unemployment also varies between nationalities in France and illustrates increasing diversity. While 24% of foreign women were unemployed, this ranged from

only 10% of Portuguese and 16% Italian to 35.8% of African, 39.3% Algerian and 42.5% Turkish.

Unemployment (see table 2) for migrant women is not just a matter of poverty but may also entail a potential loss of a residence permit and eventual deportation, and hence pressure to take whatever work is available. In Northern Europe, migrant women's unemployment rates are however substantially higher, in some cases over twice the national level of indigenous women as in Belgium, France, the Netherlands and Sweden. In the four Southern European countries, the participation rate is higher than for national labour due undoubtedly to the large number of independent women migrants. There is however no single pattern for unemployment which ranges from a substantially lower rate in Spain, slightly higher in Greece and Italy, and considerably higher in Portugal.

Most research on female migrant employment has concentrated on two sectors: the domestic sphere (cleaning and care), which has risen sharply in the 1990s, especially in Southern Europe but also in Northern countries (Cox 2000), and the globalisation of the sex industry where it is estimated that 80% of those trafficked are involved in sex work. All too often female migration is associated with these two sectors with little research being undertaken into their presence in other areas such as industrial cleaning, retailing, hotel and catering and tourism. Women too have used their skills to develop a niche in the community and inter-cultural sector in advocacy, mediation, translation and general community tasks. Some have sought autonomy and greater satisfaction through self-employment. Finally, a significant and growing number of migrant women from First and Third World countries are filling severe shortages in skilled sectors such as health, especially nursing, and education which can also be analysed in terms of social reproduction and global chains of care (Yeates 2004). Yet writing on gendered migrations allocates women lowly occupations "as exotic, subservient or victimised, or relegated to playing supporting roles" (Pratt and Yeoh 2003) as homemakers. Such a perspective precludes a more accurate analysis of the implications of diversification and gendered stratification (Kofman. 2002, 2004b) resulting from the differential conditions of immigration, employment and possibilities of settlement and citizenship. The variety of female livelihoods and entitlements will be illustrated through an examination of some these key sectors of female employment (see section 2 Welfare, Livelihoods and Migration).

1.3 Family-linked migration

The 'family' in the context of family migration into the European Union is defined by the state; migrants cannot determine for themselves the persons who constitute their family. It includes spouses and dependent children usually under the age of 18 years. Though ways of living together have altered radically in European states, migrants must still conform to traditional marriage patterns as the basis of entry into most European states. Only a few countries, for example in Scandinavia, the Netherlands, and more recently the UK (Home Office 2002), allow the entry of cohabiting or same-sex couples if they form 'relationships akin to a family' in the receiving society (Simmons 2004). The 'family of choice' is still some way off (Weeks *et al.* 2001). Parents are generally only permitted to join their families if they are dependent (Denmark, Spain and over 65 years in the UK),

for humanitarian reasons (Germany), or if they are in serious difficulties (Netherlands). Thus the generally limited conceptualisation of the family leaves little consideration for problems generated by caring at a distance (Ackers 1998; Baldassar and Baldock 2000), cultural differences in familial relationships, and the role of grandparents or other collateral relations in providing nurturing and support for different members of the family.

TABLE 3 Beneficiaries of family reunification in the European Union
Table 3 – Beneficiaries of Family Reunification in the European Union

COUNTRY	Spouse	Minor Children	Parents	Other Relatives
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: EC (2003) Migration and Social Integration of Migrants

Separated families are not a new phenomenon. In the earlier decades of post-war European immigrant, many couples, especially amongst the Portuguese, Spanish and Yugoslavs, left their children behind with kin in the country of origin (Charbit et Bertrand 1985). Today, the survival of the household in the country of origin increasingly depends on the livelihood of migrant women (Sassen 2000) who are creating a nexus between the formal and the informal sectors in circuits of counter-globalisation. In Italy, Filipinas, though only the fourth largest group in 2000, remitted by far the largest amount of money (Caritas di Roma 2002). Separated families, transnational mothering and parenting, and care at a distance, have once again become more important due to the nature of employment that is available for female migrants, often in personal services and initially without a residence permit. Women migrating from Eastern and Central Europe within a rotational system (Morokvasic 2002) and those moving independently, for

example from the Philippines, often leave their families behind for many years (Zontini 2002). At the same time family members, at least for the first few years are not permitted recourse to public expenditure ie. those who enter as family members cannot make claims against benefits that others take for granted.

In effect family migration encompasses a wide range of situations, each with a different gender composition. The classic family reunification of primary migrants is only one form; marriage migration of second and subsequent generations who bring in partners from their homeland, international marriages by citizens and non-citizens due to tourism, education and business and professional activities, and finally the movement of entire families, all add to the complexity. Family-linked migration remains the main source of permanent migration (estimated at about 65% of permanent immigration in the European Union), and has been particularly dominant in France and Sweden, which have low levels of labour migration (see Chart 1 and table 5). In France, adding together family reunification and the new private and family life visa entries introduced in 1998, two-thirds of first-time long-term residence permits (119,000) were for family reasons (Lebon 2002) and thus far higher than the 11% given for work reasons. In Sweden 60.4% of 37,400 immigrants in 1999 were in the family reunification category (SOPEMI 2001). In France, although 80% of family reunification by non-French citizens is female, only about 50% of family formation migration by citizens, many of whom are second generation, is. In Southern European states, family reunification immigration is on the increase. In Italy, for example, 26.4% or 366,122 of residence permits in 2000 were for family reunification (Caritas 2001).

TABLE 4 Inflows of Family Migration into Selected EU Countries (in thousands) and as a Proportion of Total Foreign Population Inflow (excluding asylum seekers)¹

Yet despite the significance of this form of migration in Europe (Lahav 1997), it receives virtually no attention. In part this is due to its association with female migration and dependency rather than work and autonomy. The assumption is that (female) family migrants do not enter the labour force or are not concerned about employment (Kofman et al. 2000); it is merely a secondary issue. Virtually nothing is known of the professional aspirations of female family migrants, whether they enter under family reunification regulations or as partners of skilled spouses. With the expansion in skilled migration (see section 2.2.2) and marriage migration (Ackers 1998; Riano 2003), there are an increasing number of educated women who are blocked in their career paths. Though immigration and employment regulations have been increasingly relaxed for spouses of skilled migrants (see section 3 Changing Immigration and Settlement Policies), women who became citizens through marriage, often still encountered immense difficulties in getting their qualifications recognised in regulated professions. This blockage is compounded in corporatist states with highly protectionist legislation circumscribing public sector employment (see section 2 Welfare, Livelihoods and Migration). A study of Latin American women, who had married Swiss men and were living in Switzerland (Riano 2003), revealed three situations: no professional integration where women who had worked in their home countries had become inactive; professional integration below their qualifications where two-thirds worked in occupations such as language teachers or work in areas where they have been trained but at a lower level eg. as an assistant; equivalent professional integration which was achieved by two women whose qualifications (PhD) had been obtained in North America and so were able to escape the de-qualification of many women from the Third World. The spouses of personnel in TNCs also face difficult conditions and have little control over their professional life as trailing spouses constantly on the move (Hardill and MacDonald 1998).

1.3 Asylum Seekers and Refugees

One knows even less about the gender breakdown of asylum seekers in the European Union (389,500 in 2000) than that of other categories. There is no reliable or comprehensive information on the gender balance of asylum seekers and refugees, for although the UNHCR has published statistics on Populations of Concern (women and children) since 1994 (Osaki 1997), it only covered two European states in 2000 (42% in France and 35% in Greece were women but no breakdown by age or marital status was available). However, Norwegian statistics (Hauge Byberg 2002) by type of entry show that the gender balance has become more equitable since 1990. In terms of principal applicants in 2000, women formed 34% of asylum seekers, 38% of resettlement refugees pre-selected from camps, and 50% of those from the war zones of former Yugoslavia.

One of the key subjects of debate is the extent to which women have access as asylum seekers to West European countries and are subsequently able to gain recognition either as Geneva Convention refugees, a secondary status or even less secure humanitarian protection. In relation to access it is clear that women are less able to reach European countries as principal applicants due to their lesser resources. In the UK, the vast majority of asylum applicants able to make claims were men (78%) in 2002, but the rates of recognition did not vary markedly between women and men. However, recognition as a refugee raises quite complex issues concerning whether their political activities and

specific forms of gender persecution, such as sexual violence or behaviour and dress in public, are recognised in the asylum determination process (Wetten et al. 2001). Some argue that women's political activities, which are often located in the private sphere or involve sustaining dissidents, do not conform to the prototypical male refugee (Crawley 2001); others contend that women do not fare worse in the determination process (Bhabha 2002). Although Dutch analysis of asylum determination process was not conclusive about gender bias, few of the asylum applications by women in the Netherlands were based on gender persecution grounds. Some European states (Denmark, Germany, Ireland, Norway, Sweden and the UK), have developed guidelines for gender persecution in their asylum determination process, along the lines implemented in Australia, Canada and the USA (Crawley 2001). Resettlement schemes to take the most vulnerable in the UK, as occurs in Norway and Sweden, may help women since they do not have to find the resources to travel, and selection criteria may include vulnerability rather than the narrower grounds of political persecution, interpreted in male terms.

Another set of problems relating to settlement and integration confront those granted some degree of protection. Though shared by other migrant women, refugee women face particularly severe problems in accessing entitlements to training, employment and language classes, especially those with children (Kofman, Lloyd and Sales 2002). Qualified refugees are beginning to receive greater support to retrain, as have those with health qualifications in the UK.

2. WELFARE REGIMES, LIVELIHOODS AND MIGRATION

As noted in the previous section, the livelihoods offered to female migrants in Europe are increasingly, though by no means exclusively, in sectors connected with care and more widely social reproduction. During the 1990s, Esping-Andersen's (1990) influential work on comparative welfare regimes generated a copious literature on its classification and conceptualisation. His model highlighted de-commodification, employment and stratification generated by the welfare state. The concept of decommodification commanded the most attention. It refers to 'the degree to which, individuals or families, can uphold a socially acceptable standard of living independently of market participation' (Esping-Andersen 1990: 37) which the transfer of social security and benefits (pensions, sickness, unemployment) enables. His classification into *social democratic* (Sweden), *liberal* (USA) and *corporatist* (Germany), was derived from the balance of class forces at key moments in the evolution of core states.

TABLE 5 TYPOLOGY OF WELFARE REGIMES, MIGRATION AND FEMALE EMPLOYMENT

COUNTRY	WELFARE REGIME	SERVICE PROVISION	HOMESTATE WOMEN EMPLOYMENT+	FEMALE MIGRANT EMPLOYMENT*
Sweden	Social Democratic	Abundant child and elderly High children	V.High employment, Medium p/t, High social	Insignificant domestic
Germany	Conservative Northern	Limited young Old	High employment High p/t Low child	Low domestic Low social
France	Conservative	Abundant child Limited old	High employment Medium p/t High children	Medium domestic Low social
Spain	Conservative Southern	Limited young and Old	All low rates	High domestic Low social
UK	Liberal with Social Dem	Poor young and Abundant Old	High employment High p/t Low children	Low domestic High social

+ The three indicators refer to rate of employment, part-time employment and full-time employment of women with children under 10 years.

* Domestic refers to employment in households and social to employment in education, health and other community services (see table 7).

MIGRATION REGIME

	POST-WAR	CURRENT**
Sweden	Regional and European labour	High family and asylum, low labour
Germany	Guestworker	High asylum and Labour, medium family
France	Colonial and European labour	High family, medium asylum, low labour
Spain	Emigration	High labour, low family, Low asylum
UK	Colonial	High labour, high asylum, Medium family

** See Chart 1 for Sweden, France and UK.

The social democratic regime is exemplified by Scandinavia where the benefit system is based on universalism and a high degree of de-commodification and socialization of family responsibilities with well-developed and publicly funded facilities. The conservative regime developed in corporatist states (Germany, France, Austria and Italy) with high levels of benefits and stratified earnings-related systems. Their conservative nature is expressed through the promotion of family values and a strict differentiation between men as breadwinners and women as wives and mothers. Care is provided by the family and the Church. The liberal regime, typified by the US has low levels of welfare provision, is strictly means-tested and only adequate to maintain very modest living standards. The middle classes thus rely heavily on the market to supplement basic state provision. It should be noted that whilst many others have classified the UK as liberal, Esping-Andersen did not. According to his criteria, and especially for the post-war period until the 1980s, it combined social democratic and liberal elements, though in the past 20 years the UK has moved into the vanguard of liberalising welfare states. A fourth category of the Latin or Southern Rim (Liebfried 1991) was applied to Mediterranean countries whose welfare states were weakly developed and relied heavily on the family for caring services. However with the transition to democracy and entry into the EU in the 1980s, Greece, Portugal and Spain have developed welfare regimes whose system of benefits are largely aligned to the conservative regime of stratified benefits, protected public sector employment and strong familism.

Feminists pointed out the inadequacy of his theorisation of familial relations and the conceptualisation of de-commodification in terms of income maintenance (pensions, sickness, unemployment) which enables the individual to be less dependent on market forces. Instead Lewis (1993) proposed an alternative male breadwinner typology (high, medium, low) based on the extent to which social policy maintains women's dependence on men. This model, like that of Esping-Andersen (1990), privileged public provision, underplaying the complexity of caring provision and relationships through the market, the state, community and family (Kofman and Sales 1996; Sainsbury 1999).

In the past decade a wide-ranging analysis (Daly and Lewis 2000; Sainsbury 1999; Koninklijke Nederlandse Akademie van Wetenschappen 2001) on care and shifting welfare regimes across gender and generations has taken place. Daly and Lewis (2000: 285) defined social care "as the activities and relations involved in meeting the physical and emotional requirements of dependent adults and children, and the normative, economic and social frameworks within which these are assigned and carried out. In analysing the changing context (demographic, economic, social) of care in different welfare states, they raise issues of the division and infrastructure (cash, services) of care between state, market, family and community and the trajectories of change between them. The boundaries between sectors of care and individuals and families have shifted as welfare states have experienced crises of care arising from decreasing supply and increasing demand. They point out that much existing work on care has concentrated on the complexity of the everyday and neglected its role in the dynamic political economy of the welfare state.

The discussion about gendered welfare states and the crisis of care seems to have almost entirely ignored migrant women, despite the crucial role they have played. Part of the reason is that the analysis of the globalisation of social reproduction (Anderson 2000; Hill Maher 2004) has been conducted separately from studies of comparative welfare states. Similarly the social reproduction literature tends to assume that transnationalism is primarily due to the combination of women's formal employment and relatively unchanging gender relations in the household. Within this framework, market forces bring First and Third World women together. Only a few authors (Kofman et al. 2000; Williams 2003) have considered in the context of welfare state analyses the extent to which migrant women have supplied the care underpinning welfare provision in the home, the community, the private sector and the state. Not only are migrant women "partial citizens" (Parrenas 2001), but through their labour they enable citizen women to access child and elderly care, both in and outside the home, to combine care and work, participate more fully in the labour force (Friese 1995), and have time for other activities. And in addition, migrant labour leaves undisturbed prevailing gender norms in the household (Williams 2003). Of course the dependence of particular welfare configurations on migrant women's employment varies substantially between states. It is a complex issue which will be explored in relation to a number of developments: homestate women's employment, the relationship between the state, market, community and family in the provision of services, and the economic incorporation of migrants in sectors, such as domestic labour, skilled, especially health and education, community and inter-cultural, self employment and the sex trade.

The increased *labour force participation* of homestate women in the past decade has characterised all EU countries except for Finland and Sweden where it has decreased and in Denmark a very slight increase (see table 6). Such a model has more and more replaced the breadwinner model with an adult worker model where both partners work. In Scandinavian countries and in France female participation is very high or high with medium to low levels of part-time work. What distinguishes this group is the high full-time participation rate of women with young children, reflecting the provision of services either through the public sector, as in Sweden, or a combination of public and household (registered child minders) services as in France. The market plays a much bigger role in the provision of care for the elderly. Intensified domestication of these caring services has led to the employment of migrant women in France, particularly of more recent arrivals such as African women⁶. In a second group, female employment, though substantially expanded in the past two decades, has occurred through women working part-time, often for a relatively short number of hours. In the absence of public or affordable market services a low percentage of women with young children are able to work full-time. This applies both to the continental corporate countries such as Germany as well as the more liberal system in the UK. The high percentage of part-time employment means that the use of migrant women for care remains low. The third grouping covers the southern rim, with the exception of Portugal, where the employment rate of women, including part-time, is low. So too is the proportion of women with young children working full-time. Thus in Southern countries the proportion of migrants employed in households to make

⁶ There is very little work done on this issue in France (Conversation with Jeanne Fagnani)

good the deficiencies of public, community or market services is high and represents the major source of employment for female migrants (see section 2.2.1 on domestic labour).

TABLE 6 FEMALE EMPLOYMENT RATES IN EUROPEAN STATES

State	1990 25-54 years	2001	Part-time 2001 (% of total employment)
Austria	68.9 (1994)	74.5	34.1
Belgium	54.2	65.5	36.8
Denmark	79.7	80.6	31.7
Finland	85.0	78.1	16.8
France	65.1	71.2	30.4
Germany	66.1 (1992)	71.8	39.2
Greece	46.5	52.7	7.1
Ireland	38.5	64.2	30.5
Italy	46.4 (1993)	52.8	16.6
Netherlands	52.2	72.5	71.3
Portugal	64.4	74.7	16.1
Spain	37.2	52.5	16.8
Sweden	88.9	81.3	36.4
UK	68.5	73.5	44.1
EU	60.5	66.8	33.4

Source: European Commission 2002

The second aspect which requires consideration is the *relationship between the state, the market and the family in the provision of care and the reconfiguration of welfare delivery*. This needs to take account of services for children, the elderly and the disabled. Whilst feminists addressed the patchwork quilt of caring, particularly of child care in the early 1990s, they devoted less attention to care for the elderly and those with special needs, where public intervention had been much more limited in most European states. Trends in child care across European Union states are more coherent than for the elderly and are moving towards the acceptance of public subsidization of private (parental) caring (Daly and Lewis 2000: 293). For the elderly, changes are particularly complex and shaped by different sources and forms of privatization (Trydegard 2003). Deinstitutionalization, application of management and market principles (separation of the purchaser and provider and the creation of internal markets) and more systematic targeting of recipients of care have all played their part in shaping a more privatized, managerialist and informalized economy of care.

Leira's typology (2001), based on provision of services for young children under three and the elderly (see table 5), is useful, but was developed before the implications of the reconfiguration of welfare services (Daly and Lewis 2000: 286) during the latter half of the 1990s had become apparent. Hence to apply it to the current provision of service one

has to include the shift from the direct provision by states as well as the application of market principles to public provision. We also have to consider the relationship between direct provision of services and cash benefits (Yeandle and Ungerson 2002), the latter expanding and becoming more common in many states. In the next section, I shall examine the level of care for young and the elderly in different welfare regimes and its implications for the use of female migrant labour.

i. Abundant services for both young and old (Denmark, Finland, Sweden)

Universal coverage for publicly funded municipal child care for all working parents and students remains an objective in these countries. Nonetheless, in Sweden 40% of municipalities withdraw places where at least one parent has lost their employment (Letablier 2003). Although Swedish policy for the elderly (publicly financed and supplied according to need and not ability to pay) seems to remain constant in general terms, it has undergone considerable change in practice. The impact of market principles on public policy has been particularly marked in Sweden. To meet the expansion of the elderly population and demand for services, municipalities have evaluated needs more strictly, prioritising medical and social above household (cleaning, washing, shopping). These services are largely provided by profit-making companies, for the most part large international ones. The four largest ones held 50% of the contracts. Employment of carers has increased by 13% in the second half of the 1990s, especially those employed by the private sector (Trydegard 2003). Much greater recourse to the market for household servicest has deepened social stratification such that the better educated buy the deficit from the market, while the lesser educated have turned to family and neighbours for care, which is usually undertaken by older married and single women.

ii. Abundant services for children but limited for the elderly (Belgium, France, Italy)

The state has not necessarily sought to reduce expenditure but to change the way in which services are provided i.e. privatised and in the home. In France, although there are a large number of publicly financed crèches, there has been a shift in the 1990s to private forms of care supported by the state such as allowances for registered childminders and tax deductions for families who hire an employee to take care of a small child (Tobio 2001)⁷. Unlike childcare, legislation to help the dependent elderly in France (1994, 1996) was slow to develop. About 6% of the population over 65 years in 1996 were living in institutions and the new policies were attuned to employment objectives encouraging the employment of home help or even unemployed relatives.

⁷ This system exists for those who are legally employed and registered which means they have rights like any other employee. Many do not use it because it involves employers and employees in high rates of social security payments.

3 Abundant services for elderly but poor public provision for young children (The Netherlands, Norway, UK)

Childcare is being expanded with the help of state subsidies to the private and associational sectors as part of a general strategy of shifting from welfare to workfare by increasing female participation in the labour force. In the UK, the National Childcare Strategy fits well into what some have called the social investment state where social expenditure is to provide an investment that sustains the nation's ability to compete in the global economy (Lister 2003). For the elderly, the restructuring of public services since 1980s can be seen clearly in the current dominance of the voluntary sector and private companies -64% of contact hours in 2002 compared to only 2% in 1992. At the same time, fewer households were eligible for care to help them function independently due to the threshold at which people become eligible for care (Deol 2004), thus forcing more of the population to purchase services from the market.

iv. Limited services for young and old (Germany, Greece, Ireland, Portugal, Spain).

The privatization of services means very different things in Germany compared to the Southern Rim countries. In Germany there is a relatively large voluntary, quasi-statutory sector funded by the state, which provides a range of services for children and the elderly (Daly and Lewis 2000). In the southern rim countries, the state contributes little to support family life with Spain spending the lowest percentage on childcare and the family in Europe (Tobio 2001). Thus working women with children call upon family members while 6% of those employed used paid domestic help (survey conducted in 1998). Making family and employment compatible has begun to appear on the political agenda (Law for the Reconciliation of Work and Family Life 1999) and some initiatives for public childcare have been taken at a regional level as in Catalunya. However, the norm for care of the dependent elderly remains a family issue; the proportion of the elderly living in institutions is low, 3% compared to the European average of 5%. What is also largely absent are complementary services, such as home help, meals on wheels, and day centres, which are just beginning to appear (Tobio 2001).

Whilst the employment of female migrants in states with low levels of subsidy for family and care may be clear and shows up statistically (see table 7), there are a whole series of changes which are likely to make the presence of migrant women in the household more significant as a result of the new mixed economy of care in other welfare regimes. In a highly labour intensive sector, this shift to a more diversified supply in effect produces an intensification of the domestic economy in which services are supplied by a plurality of providers: international and national companies, the voluntary sector (secular and religious), local authorities, national agencies, and individuals hired by households. The attempt by the state to balance demand and supply and by companies to work within low profit margins encourages the expansion of low paid, part-time and flexible employment⁸. In addition, the introduction of cash for care policies, as in elder care in a

⁸ In Sweden, these companies are forcing employees onto part-time contracts (conversation with Jane Lethbridge, Public Sector International).

number of countries, such as the Netherlands, Italy, France, UK and Austria, has commodified to varying degrees, previously informal and unpaid care arrangements with which households are able to employ domestic workers (migrant and a member of their own family) privately (Yeandle and Ungerson 2002).

The extent of domestification is not picked up statistically through the category of household services since those employed by companies will not be treated as employees of the private household. Hence in Sweden, the percentage of migrants employed in the household is insignificant. Yet at the same time, the number of migrants employed in the health sector (covering all skill levels) has increased dramatically and at 19.2% in 2001-2 is the highest after Norway. Furthermore, the focus on the domestic sector by many researchers misses out the substantial use of new and established migrant labour in social reproduction in other sites such as schools, hospitals, and residential homes.

It is only very recently that research on care has begun to take up the issue of employment as opposed to the gendered redistributive implications of welfare regimes (Cameron 2003; Yeandle and Ungerson 2002). However, this is not the only key dimension impacting on gendered welfare regimes that has been under-researched. The stratification generated by welfare regime is also of considerable relevance for understanding employment patterns. Conservative regimes have been defined in terms of their stratified rights, especially the secure tenure and generous benefits enjoyed by civil servants. This partly explains the exclusion of non-nationals from public employment, but which has since the mid-1990s been permitted for EU citizens. Furthermore, the boundaries of the civil service are drawn very broadly to include professions such as teachers. Liberal professions too operate in an exclusionary corporatist manner. Hence in France it has been estimated that a third of public employment and a wide range of liberal professions (doctors, lawyers, vets) are barred to non-EU citizens (CERC 1999). Non-EU citizens are more likely to be employed in these occupations as assistants on less secure and generous contracts. On the other hand, liberal/social democratic states tend to have much lower barriers to public employment, usually demanding legal residence as the prerequisite for employment in most areas. In addition, in these regimes the older regional and colonial links continue to influence the sources of skilled labour. In Sweden, three out of the four largest female nationalities in the labour market are from the Nordic region (Finland, Norway, Denmark), constituting in total 42% of the stock of foreign labour (SOPEMI 2004:370). In the UK, female Commonwealth citizens are prominent in professions of social reproduction, both as permanent and temporary labour. At the skilled end, employment is eased through the recognition of professional training as in medical diplomas (Raghuram and Kofman 2002).

Thus the Scandinavian countries and the UK have the highest percentages of migrant women employed in social and welfare sectors of education and health. In Sweden these two sectors accounted for 27.4% of migrant employment in 2001-2, in Finland 22.3% and in the UK 21.7%. In continental corporate regimes, especially those in Southern rim, the percentages are far lower (see table 7) - 8.3% in France, 9.7% in Germany 5.1% in Spain.

TABLE 7 Employment of foreigners by sectors, 2001-2002 average
Percentage of total foreign employment

	Agriculture and fishing	Mining, Manufa cturing and energy	Constr- uction	Wholesale and retail trade	Hotels and restaurants	Education	Health and other communit y services	House- holds	Admin. And ETO	Other services
Austria	1.1	24.5	13.5	15.2	11.3	2.1	6.3	0.6	1.2	24.2
Belgium	0.9	21.4	9.0	16.0	7.9	4.3	8.0	0.9	8.3	23.3
Czech Republic	3.5	31.5	11.0	19.5	7.2	3.1	4.9	-	-	18.2
Finland	-	15.3	7.8	14.5	11.0	10.8	11.5	-	-	27.2
France	3.2	17.2	17.5	11.3	7.3	3.2	5.1	6.7	2.7	25.8
Germany	1.2	32.6	8.1	12.9	11.3	2.7	7.0	0.6	2.3	21.4
Greece	3.2	17.9	27.6	11.2	10.2	1.6	1.6	17.2	-	9.2
Ireland	3.2	17.2	6.9	10.2	13.8	5.4	10.3	-	-	30.1
Luxembourg	0.8	10.4	16.4	14.1	8.2	2.3	6.1	3.1	8.7	29.8
Netherlands	3.7	21.4	4.7	15.4	8.0	4.1	11.7	-	3.5	27.6
Norway	-	16.1	6.1	12.5	7.3	9.5	21.3	-	-	23.1
Spain	8.6	11.2	15.8	10.9	16.5	3.2	1.9	14.8	0.5	16.8
Sweden	-	19.3	3.3	10.7	5.9	8.2	19.2	-	2.8	29.6
Switzerland	0.8	22.9	10.2	17.9	6.9	5.0	11.6	1.2	2.5	21.0
United Kingdom	-	12.0	4.4	12.0	11.0	7.7	14.0	1.3	4.1	33.1

Note: The numbers in bold indicate the sectors where foreigners are over-represented (i.e. the share of foreign employment in the sector is larger than the share of foreign employment in total employment). The sign “-“ indicates that the estimate is not statistically significant.

Sources: European countries: European Labour Force Survey, data provided by Eurostat.

SOPEMI 2004

Thus to summarise, employment opportunities have opened up well beyond the narrower preoccupation with social reproduction within the household. Reproduction encompasses the whole array of activities and relationships involved in maintaining people, whether it be undertaken by the market, the community, the state or the household or combination of them. It should also be noted that migrants do not only provide material and emotional care for homestate populations but also for other migrants. In the following section five key sectors of female migrant labour are examined. The selection reflects in part the availability of information, and unfortunately omitting several areas (hospitality, cleaning, less skilled care work in education, health and social services) where the absence of studies makes comparative research difficult.

2.2.1 Domestic Work

Traditionally domestic service was the major employer of women until after the Second World War and this historical process is partially being recreated (Friese 1995), especially in Southern Europe where it is the main source of employment for migrant women. Nevertheless throughout Europe there has been an increase in paid employment in paid households (Cancedda 2001). In Spain 70% of working migrant women are to be found in this sector (Escrivà 2000). In Italy in 1999, there were 88, 887 female domestic workers from non-EU countries (Caritas 2001: 311) and on average (1996) 46.3% of

domestic labour, rising to over 70% in the major cities, was performed by migrant women (Andall 2003). The participation of homestate women in the labour force is both dependent upon and creates demand for domestic work which is heavily supplied by women of migrant origin, though in some countries by established migrants and by homestate labour as in France and the UK (Anderson 2000). Amongst established migrant women, the importance of this sector varies substantially so for example in France only 10% of Turkish women compared to 23% of Moroccans and 40% of Portuguese were employed in it (Borrel and Boeldieu. 2001).

Though patterns of employment, especially the significance of live-in-domestics, are different between Southern and Northern countries, there are also common issues and problems relating to the nature of this work. The most widespread problems are the low pay and long working hours. Their inferior position and the highly personalised relationship with their employers make it difficult for domestic workers to receive their agreed pay or get time off. Employers regularly demand unpaid overtime. The health and safety situation in the home is not satisfactory, and if domestic workers are ill, they do not get paid and may even lose their jobs. Psychological, physical and sexual abuse are common.

Domestic work is naturalised as being particularly suited to women who are deemed to innately possess the requisite skills, transferred from one private space to another. At the same time it is work that is of low social esteem, and in many Northern European states, has been denied as valid work with the right to a work permit. Together with the racialization of migrant women, this reifies them in an inferior position which devalues their skills and portrays them as unskilled and only fit for domestic work. Yet so many studies of domestic work (Andall 2000; Friese 1995; Zontini 2001) highlight the severe degree of deskilling and disqualification that many migrant women with full high school education and even university degrees experience. This applies particularly to Filipinas, Latin Americans and Eastern Europeans. The previous closure of European labour markets to Third country migrants with professional qualifications (with a few exceptions mainly in the health sector) meant that for many women the only way of gaining access as a labour migrant was either in the domestic sector or other low level service jobs. Many entered as tourists, or in some cases as students, and became overstayers. Hence the boundaries between the legal and the illegal are often blurred.

There are of course differences between countries and nationalities. Southern European countries recognise the domestic sector as an area of employment. Spain, which recognised it as salaried work in 1985, establishes an annual quota. In Italy the recent legislation (2002) specifically allows for the regularisation of domestic workers, seen to be less threatening and of strategic importance for the Italian economy ((Fasano and Zucchini 2002). In some Northern countries, for example Germany, it has become possible since February 2002 for citizens of accession countries to work legally for up to three years in households that are taking care of a relative ie., elderly care and are receiving benefits from the statutory long-term care insurance system (European Industrial Relations Observatory 2002; Menz 2002). Though legally employed and paid at German rates, the state has in effect sanctioned deskilling in stipulating that these

carers cannot compete against German-trained nurses and home care employees and must be given a household assistant work permit so that 'untrained foreign workers' do not put those they care for at risk. This represents a somewhat different resolution of labour shortages compared to IT workers who are to be employed at the same grades as Germans. In the UK domestic workers quotas were phased out at the end of the 1970s and only admitted as a concession to foreign employers; workers did not have their own permit or the right to change employers. Over the years numerous cases of abuse and exploitation were reported, and after years of campaigning by Kalayaan, led to a change in immigration regulations in 1997 and the special right of regularisation for those who remained in the country undocumented (Anderson 2000).

Since the 1990s Eastern European women have joined the stock of domestic workers, especially in Austria and Germany. They have been predominantly pendular migrants (Morokvasic 1996), often rotating a job between several people. They have rights of residence for up to 3 months, while others from Latin America and South East Asia are likely to be undocumented. Au pairs from Eastern Europe too are a form of hidden domestic labour which enables them to build up contacts and overstay as undocumented domestic workers (Cox 2000; Hesse 2003).

Stratification by nationality, religion, race and language skills, leads to different conditions and pay. Filipinas are generally viewed as the most valuable domestic workers, being Christian, English-speaking and well educated. On the other hand, Albanians in Greece or Moroccans in Spain are considered less valuable and have less negotiating power with their employers, often doing less rewarding work and receiving lower wages (Anthias and Lazardis 2000). What seems to be also emerging is a differential valuation between tasks which can be seen in the way that the care of the elderly is more likely to result in work permits (Germany) and regularisation (Italy) than for childcare.

2.2.2. Skilled labour in feminized sectors

Whilst the majority of female migrants fill less skilled jobs upon entry, they are not absent from the ranks of the skilled. Skilled migration is heterogeneous (Iredale 2001) in its gender divisions, occupations and conditions of work. Men overwhelmingly form the mass of those moving within transnational corporations and in the Information Technology and Scientific sectors (HRST), upon which the notion of the highly skilled and the knowledge society has been constructed (Mahroum 2001; OECD 2002), and for whom movement was facilitated until the IT bubble burst. Within national workforces fewer women have been entering IT sectors but for migrant women, this is often compounded by the work demand for constant physical mobility and flexibility between different places amongst software specialists (Raghuram 2004). 88% of the Green card permits in Germany in 2000 were taken up by men (SOPEMI 2001). The vast majority of scientists from Eastern European in the early 1990s were men, reflecting an uneven gender distribution in Germany rather than an imbalance in the sending countries (Morokvasic 2002).

Women, in contrast, have tended to go into what can be broadly classified as the welfare and social professions (education, health, social work), the public face of the global chain of care (Yeates 2004) and social reproduction. Until recently these sectors have been largely closed (with the partial exception of the UK) to migrant labour (Kofman 2000) which, at best, was forced to accept subordinate and less secure employment. An analysis of UK work permit data for 2000 (Dobson et al. 2001) showed that sectors with high proportions of female staff constituted some of the fastest growing sectors of migrant employment. All professional health occupations and education are currently posted on the Work Permits UK website as priority areas, unlike IT which has been demoted.

Recourse to foreign nurses in response to the crisis in nursing has constituted a truly global labour market, especially in the UK and Ireland. Other countries have recruited primarily in neighbouring regions (Buchan et al. 2003; Kingma 2001). Above all, it is the Philippines which supplies the overwhelming number. Data from the UKCC Nursing and Midwifery Council on registrants and work permits (new and extended) reveal that 7235 registrations were granted to Filipinas in 2001/2, 2114 to South Africans, 1342 to Australians, and with Indians and Zimbabweans increasing. Ireland too had become heavily dependent on overseas nurses with Filipinas supplying the largest contingent (Yeates 2004). Though qualified nurses were recruited, a study of international nurse recruits in the UK, mainly from Europe, Australia, Africa and Philippines (Allan and Aggergaard Larsen 2003), found that many felt that their skills were not appreciated or respected and that they confronted racism and xenophobia. They also experienced a considerable degree of downgrading. Furthermore 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.

Whilst the most publicised, nurses are not the only area of shortages. Overseas doctors (non EEA qualified) form a large percentage of the UK medical labour market; in 2000 they constituted 26% of the hospital medical workforce. Most women had come to obtain further qualifications and training, and were, as with male doctors, in the lower and middle grades. In an increasingly feminised occupation, women form a significant proportion of migrant doctors with over half of those seeking registration with the General Medical Council in 1998 being female (Raghuram and Kofman 2002).

Even if many do not intend settling, skilled labour migrants have the possibility of renewing their contracts, of settling and eventually acquiring citizenship and bringing their families, entitlements that are not available to the lesser skilled (see section 3 Changing Immigration and Settlement Policies). So although fewer in numbers than the less skilled, the expansion of skilled opportunities for female migrants highlights the diversity of migratory circuits and potential entitlements.

2.2.2 Community and Inter-cultural

Encompassing a range of activities such as advocacy, mediation, interpreting and general community work, this is an area which has enabled migrant women to break out of manufacturing and low level service employment and deploy other skills. Mediation between individuals and families of migrant origin and public authorities and agencies,

especially welfare and legal services, have become common in European states (Kofman et al. 2000). Initially, migrant women did it on a voluntary basis and were not salaried. Nowadays, many women migrants and refugees, who are unable to work in the area of their qualification, have found employment in this sector, though this is not to say that voluntary work has disappeared. One of the demands has been the recognition of mediators and inter-cultural specialists as a career (Delacroix 1997) and accreditation of training. There is evidence of accreditation being applied to employment caring services in France (Ungerson cited in European Foundation for the Improvement of Living and Working Conditions 2003). This could also facilitate movement into the public and paid voluntary sectors and offer a stepping stone into relevant professions. Whilst this sector could potentially open up more rewarding employment, it might at the same time leave migrants trapped in services for migrants, as has been noted in social work and teaching in Germany and the Netherlands (Lutz 1993). The expansion of integration programmes in the future (see section Changing Immigration and Settlement Policies), may well only generate fixed-term and insecure employment dependent on funding for specific projects, as has happened in Sweden and the UK.

Home language instruction, which local authorities have had to provide since the 1970s, has also presented women with more professional opportunities and has, for example in Sweden, put teaching tenth on the list of jobs done by migrant women (Knocke 1999). Teaching languages, both privately and in language schools has been a major source of employment, especially for educated women. A survey⁹ by TOWER (Thessaloniki Organisation of Women's Employment and Resources) in Greece, largely representing repatriates and women from economically advantaged countries found that many had earned income from private English-language classes (Lukey-Coutsocostas cited in Rosewarne and Groutsis 2003). One of the major problems encountered by a number of women, many of whom had settled as a result of marriage or cohabitation, was the recognition of foreign credentials.

There has been interest in utilising the inter-cultural, defined as communication between cultures, as a resource that could be translated into professional competence in a range of fields such as trading, tourism, IT and media, and not exclusively in mediation and advocacy for migrant communities (Federal Institute for Vocational Training. 2000). As with mediation, it should be viewed as a professional qualification and not just a personal feature of female migrants or something they are predisposed to. There is also potential for employment in the creation and management of cultural diversity and tourism for women in professional and entrepreneurial positions, and interfacing with the growth of the knowledge economy, rather than the precarious and seasonal employment usually associated with leisure and tourism.

⁹ Of the 116 women surveyed, 61% had come from EU countries with 45% having a Greek spouse or life partner. 78% had a university degree of which a third were at a post-graduate level. About 10% were repatriates who had been born in Greece and had returned after a period of study or work abroad and had encountered problems in reintegrating.

2.2.3 Self-employment

For ethnic groups this has been seen as circumventing employment blockages, responding to unemployment and escaping from racialized work places: a way of using cultural resources, networks and skills and serving an ethnic clientele. It has been rapidly increasing in European states but in some states, as in Germany, the right to become an entrepreneur is dependent on a long-term residence permit. Men far more than women have started up ethnic businesses, although in some countries, such as the UK, minority women are more likely to be entrepreneurs than white women. Women too are jointly participating with their partners in businesses and not simply supplying an unrecognised and unremunerated familial labour force, though this also remains true for many women. Self-employment is far more common among certain groups such as Asians, Chinese and Turkish. Do women pursue different strategies in entrepreneurship and confront different obstacles? Several comparative European studies (Morokvasic 1991; Anthias 2000) have shown that women tend to enter into self-employment to achieve flexibility in combining work and familial responsibilities. In doing so, they have gained a degree of independence and greater control of their working environment (Hukum and Saout 2002), though often with little support from partners or families (Anthias 2000).

Migrant women reported that they were often confronted with indifference or discouragement in their attempt to cross boundaries of what was thought appropriate as female employment, for example in the attitudes of bank managers. In a study of five European countries (Morokvasic 1991), self-employment for the majority followed on from salaried employment. The business was not necessarily directed towards services within their own community (Hillmann 1999). An Italian study of independent work (businesses, self-employed and independent professional) in the province of Milan showed that just under a fifth of individual businesses were owned by women; the highest proportions were to be found in fashion production, marketing and socio-cultural services (Zanfrini 2002). The latter is related to increasing involvement in the community and inter-cultural sectors.

2.2.4 Sex trafficking and trade

Sex trafficking and trade are controversial issues, often generating highly polarised positions. However for the purpose of this paper I am primarily focussing on the development of sex trafficking and trade as part of a wider circulation of labour (El-Cherkeh et al. 2004). The increase of sex trafficking in the 1990s, especially from Eastern and South Eastern Europe, which has to a great extent replaced flows from Latin America and Asia, is related to the globalization of the sex trade. The commodification and trading of bodies, aggravated by the feminisation of poverty and inequalities, have created a form of female slavery (European Commission 2001). The sex trade has become a lucrative business (Salt 2001), fuelled by the growing demand in destination countries for foreign and exotic prostitutes (IOM 1996). Trafficking has become increasingly territorial and

sex markets controlled by organised crime. It is estimated that between 200,000 and 500,000 are working illegally as sex workers within the European Union, many of them having been trafficked.

Although there is increasing literature and concern about the subject of trafficking, there are still few systematic and reliable statistics available for comparison. Germany, however does collect data over time on the victims of trafficking discovered in the country but these only cover trafficked women involved in police investigations. In addition to official data, a number of NGOs and IOM have produced in-depth studies and statistics. On the basis of statistics (produced by NGOs) in Western European countries in 1999 and 2000, trafficked women largely originated from the Baltics and CIS (19.7%), Central Europe (5.8%), Balkans (20.8%), Africa (28%) and Other/Unknown (25.1%). Eastern European countries, especially Belarus, Lithuania, Russia, Ukraine and Moldova, have become sending, transit and destination countries. There is evidence of chain trafficking and privileged links between countries, such as Lithuanians in Germany or Nigerians in Italy

Three types of networks have been identified: the large scale based on structures of international contacts using a variety of recruiting methods and often passing through transit countries; medium scale which does not sell women to other groups but keeps women under its control; and the small scale operating with recruitment at an individual level and in contact with say a club owner in another country. In this case the sex worker may well have a close rapport with the recruiter. In Greece only about 20% knew they were going into sex work, many drifted into it or used it to supplement domestic work (Lazaridis 2001).

Most of the women trafficked had, as single mothers and divorcees, sought jobs in Western Europe to support their children (Ucarer 2001) or help parents without financial support. A general improvement in the economy and more opportunities for women, who have been hard hit by the marketization of economies, as well as greater awareness of the risks of trafficking, seem to have contributed to a decline of trafficking in Central Europe, as in the case of Poland. So too have numbers decreased from the accession countries as a result of greater ease of mobility in the EU (El-Cherkeh et al. 2004)

EU and international initiatives since 1996 have generally aimed to control trafficking and more recently to give some protection to victims who co-operate. Nevertheless, the repressive side of the UN Protocol has been more in evidence than the protection of migrant sex workers' human rights. Discourse on trafficking by recipient states has been couched in terms of migration control and organised crime, such that movements of migrant women have been restricted and deportations commonplace. In the Netherlands, sex workers alone have to carry identity cards (Doezema 2002). The victim protection model forces sex workers to testify in order to get a temporary visa, a scheme that was initiated by Belgium and the Netherlands. However, though a permanent residence permit in the Netherlands is possible on humanitarian grounds, it is defined so narrowly that it is virtually unattainable by sex workers. Only in Italy has there been an attempt to address victim's need for protection rather than their willingness to testify against the trafficker

(Pearson 2002). Though cautious, the UNHCR is beginning to advocate the use of refugee status, at least on a case-by-case basis on the grounds of gender persecution for sexually trafficked victims (Shearer Demir 2002); this would endow them with a higher and more permanent level of protection than a temporary visa.

And quitting prostitution often depends on friends or family and NGOs (Council of Europe 1998) providing assistance and support. At the same time, one has to take into account the fact that not all women have been forced into sex work by traffickers. Prostitution itself is regulated and covered by law in very different ways in European states (Femmigration. 2002). As Campani (2000) and Lazaridis (2001) show for migrant prostitutes in Italy and Greece, the conditions of work, degree of possible autonomy and exploitation vary according to the type of prostitution. In Italy those whose prostitution is masked by other activities such as dancer, strip tease, masseuse, hostess etc, and take place in private and spaces, are more likely to be from Eastern Europe and Latin America; they generally have more autonomy and are older than those practising in the street. The latter is largely undertaken by women who have been trafficked and controlled by organised criminal networks and applies especially to Albanian and Nigerian women.

3. CHANGING IMMIGRATION AND SETTLEMENT POLICIES AND STRATIFIED RIGHTS AND ENTITLEMENTS

3.1 The Development of a Managed Regime of Migration

To understand the increasingly complex system of stratified rights and conditionalities imposed on different categories of migrants, we need to consider the development of a regime of managed migration¹⁰, both nationally and at the European level from the end of the 1990s. On the one hand, problems posed by labour shortages and possible demographic shortfalls have generated a more rational and open approach to immigration. However, in moving towards this approach, a sharper distinction has been drawn between the skilled, who are increasingly welcomed, and the lesser skilled, whose numbers are to be controlled and entitlements limited. On the other hand, the Right and populist reactions in a number of states have called for restrictions to uncapped migrations. This has meant that all forms of migration, whether economic or those derived from human rights and normative principles, such as asylum and family reunification, would be brought under the same rational management regime (Crisp 2003). Asylum seekers have become the symbol of unwanted immigration whilst anti-immigrant sentiments also reflect a growing critique of multiculturalism and the fear of

¹⁰ The White Paper Secure Borders, Safe Haven – Integration with Diversity in Modern Britain envisages managed migration in the following terms:

If managed properly, migration can bring considerable benefits to the UK, including improvements in economic growth and productivity, as well as cultural enrichment and diversity. ‘Managing’ migration means having an orderly, organised and enforceable system of entry. It also means managing post-entry integration and inclusion in the economy and society; helping migrants to find their feet, and enabling members of the existing population to welcome them into their communities (Para 1.3).

unchecked diversity undermining prevailing values and practices. September 11 2001 served to reinforce suspicion of Muslim populations depicted as inimical to Western values, especially in their views of gender relations and oppressive treatment of women.

In many states of immigration¹¹, a succession of legislative changes and regularizations (see table 8) have refashioned migratory regimes and citizenship regulations. In countries where the Right, with or without a Far Right component, has gained power in recent elections, as in Denmark, France, Italy and the Netherlands, one of the first policy areas to be addressed was that of immigration control and the introduction or reinforcement of obligatory integration measures. In a number of European states, especially those with high proportions of family reunification migrants, compulsory integration programmes have also been implemented (Denmark, France, Germany). Failure to comply with compulsory integration schemes, which are directed not just at those applying for citizenship but also long-term residence permits, may have serious consequences. Within an increasingly assimilationist framework in France (Zappi 2003), failure in the programme can result in withdrawal of entitlements (Ahmad and Sheriff 1999), whilst success may be rewarded with a reduction in years required for naturalisation, as in Denmark (European Industrial Relations Observatory 2003).

Changes in migratory regimes do not only stem from major and wide-ranging pieces of legislation. Over time, an accretion of ministerial pronouncements, decrees and circulars can shift the treatment of different categories of migrants, offering some an improved status, but degrading others and consigning them to the margins of society. General regularisation programmes have also been significant in legalising large numbers of migrants in many European states, particularly in Southern Europe but also in Belgium and France (see table 8). Each round draws in larger numbers with the last one in Italy in 2002 receiving 700,000 of whom 350,000 were in domestic work (SOPEMI 20004). In Northern European states, amnesties have tended to be granted for small numbers on humanitarian grounds or to clear an asylum backlog, as in the UK in 1999/2000. Ever more restrictive measures have meant that a growing number of migrants in the European Union fall into the category of the undocumented. The European Union estimates that 500,000 migrants enter illegally every year whilst many more enter legally but become undocumented.

¹¹ New legislation was passed in 2002/3 in Denmark, France, Greece, Italy, Netherlands, Portugal and the UK. In France, after a major piece of legislation in 1997 and a regularisation programme in 1997/8, a new and highly repressive immigration law was passed in November 2003 by a right-wing government elected in 2002. It made family reunification more difficult, attacking in particular marriages and introduced te new concept paternity of convenience. GISTI, the leading French migrants rights organisation characterized the legislation as being about control, surveillance and punishment. The Berlusconi government too enacted a bill in 2001 restricting quotas for labour migration, linking more closely residence and work permits and tightening family reunification. The UK has for the fourth time in a decade in 2003 voted in an Immigration, Asylum and Nationality Bill that affects asylum rights, an tightens regulations on switching categories, especially for those attempting to gain settlement through marriage. The expansion of labour migration occurred outside of the Bill and has been initiated through a series of Home Office pronouncements on the benefits of economic migration and measures to speed up the granting of work permits (11 September 2000). In contrast in Germany, the attempt to push through a modern immigration policy that would include a settlement stream has been politically contested and was knocked back by the Constitutional Court in December 2002 (Oezcan 2003; SOPEMI 2003). A poitical consensus has not yet been reached.

TABLE 8

**MAIN REGULARISATION PROGRAMMES OF IMMIGRANTS IN AN
IRREGULAR SITUATION IN SELECTED OECD COUNTRIES, BY
NATIONALITY**

Thousands		
<i>COUNTRY</i>	YEAR	TOT- AL
<i>Belgium</i>	2000	52.0
France	1981- 1982	121.1
	1997- 1998	77.8
Greece	1997- 1998	371.0
	2001	351.0
Italy	1987- 1988	118.7
	1990	217.7
	1996	244.5
	1998	217.1
Portugal	1992- 1993	39.2
	1996	21.8
	2001	120.2
Spain	1985- 1986	43.8
	1991	110.1
	1996	21.3
	2000	163.9
	2001	216.4
Switzer- land	2000	15.2

Source: SOPEMI 2003

Since the Tampere conference in 1999, the EU has put forward a spate of directives with the aim of establishing a harmonised legislative framework covering the rights of resident third country nationals, discrimination, integration, family reunification, illegal migration and asylum (European Commission 2004). Whilst encouraging a more realistic and

managed system of immigration, the EU will nevertheless leave it to states to decide what level of immigration they deem appropriate. A key principle of access to entitlements is that the level of rights would be derived from length of residence with a recommendation that European civic citizenship would be attained at the end of five years legal residence and on condition that the migrant was willing to integrate. Civic citizenship constitutes the bundle of rights almost equivalent to national citizenship except for full political rights. The pattern that has generally emerged in European states is, on the one hand, an improvement of entitlements for the legally settled in exchange for the acceptance of obligations and responsibilities, and, on the other hand, the withdrawal of basic economic and social rights for the most precarious, that is asylum seekers and the undocumented, who more than ever risk deportation.

Furthermore, reinforcement of rights and anti-discrimination legislation tends to aid migrants with citizenship. Article 13 of the Amsterdam Treaty will cover discrimination measures based on sex, race, religion, sexuality age and disability but not nationality. The weakest aspect of the Revised European Charter which came into force in July 1999 is that it “includes foreigners only in so far as they are nationals of other Parties lawfully resident or working regularly within the territory of the Party concerned”. This provision deprives an important number of people from the protection of substantial rights provided for all in the Revised Charter.

3.2 Managed Migration, Stratification and Entitlements

It is not the purpose of this paper to construct a comprehensive map of a hierarchical system of stratifications derived from bundles of entitlements attached to particular statuses. What is important to determine are the key axes of differentiation and stratification. Some of the crucial axes demarcating the bundle of entitlements are those between the skilled and the lesser skilled, and the legal compared to the undocumented. The two are connected since the lesser skilled are far more likely to enter illegally and become undocumented. In turn a migrant’s position in relation to these axes influences access to the entitlement of family reunification, which though in principle stems from the right to family life, is in reality limited by a series of conditionalities. So too are asylum seekers graded in terms of their level of protection. Although policies governing the different categories are expressed in gender neutral terms, in reality, they affect women and men very differently due to gendered economic and social power and, as we have seen, the gender composition of particular migratory flows. The following sections examine the different axes of stratification for labour and family migrants and asylum seekers.

3.2.1 Skilled/Unskilled/ Undocumented

As noted in the section on skilled female migrants, skilled migrants are welcomed; they are represented as unproblematic, easily assimilated and, of course, beneficial to the economy. So in order to attract them, many countries have offered easier entry, the right to be accompanied by one’s family, family members right to work, permanent residence permit and acquire citizenship (Kofman 2002; Morris 2002). For example, the new

German Immigration Law will only grant permanent residence to skilled migrants. The new scheme will include a points system akin to that operating in countries of immigration such as Canada or the US. However for the present, the Green Card, operative until January 2004, has been designed to attract the very male IT professional. The UK eased entry for the skilled in September 2000. The Highly Skilled Migrants Programme (January 2002), based on points whose criteria of income, status in employment, educational level, are likely to favour men (Kofman 2003)¹².

A distinguishing characteristic of skilled migration is its possibility of settlement and family reunification. Nurses in the UK are able to decide whether they want to bring in family members or not (Allan and Aggergaard Larsen 2003). Many do not because work commitments preclude it. It may also be easier for the skilled to bring in family members other than spouses or dependent children eg. parents which is largely discretionary (see table 3). Furthermore, female spouses of the skilled migrants are allowed to work, though not in sectors reserved for nationals or EU-citizens.

The lesser skilled generally enter as contract labour, or a revived guestworker system, without the possibility of transition to a more secure settlement status or the right to bring in family members. Gender of course structures the entry of the lesser skilled for although, as we have seen in the section on labour migration, opportunities for female labour have expanded throughout Europe, it is in sectors that are socially devalued and often unrecognised for purposes of official work permits. Even where quotas for domestic labour have been agreed, they are insufficient to meet the demand and are forcing female migrants to reside as undocumented migrants.

Being undocumented not only leaves one without access to basic entitlements (education, health), a right of citizens incorporated in many constitutions, but renders eventual acquisition of citizenship difficult. Acquiring resident permits through regularization programmes, and hence being able to return to one's home country, become eligible for family reunification, and access welfare services and benefits, have often proved more difficult for women than men. Regularisation, as in France and the Southern European states, too may be more difficult for those in informal work and domestic labour who have to supply proof of employment (Anderson 2000). It is virtually impossible for those in the sex trade (Lazaridis 2001).

3.2.2 Family Reunification and Asylum

Without abrogating family reunification and asylum, these forms of entry could only be made orderly and numerically controlled with dissuasive measures and greater conditionality. Family migration, though underpinned by human rights conventions enshrining the right to family life, in reality has been closely regulated by a set of criteria

¹² Data obtained from Work Permits UK show that about 29% of applicants from 2002 to September 2004 were female. A large number of points in the UK system come from having a PhD or a high status position in an organisation. It is difficult as yet to make any comparisons since Canada only dispensed with an occupational grid in 2002, while Australia's retains a strong occupational element. Both UK and Canada have had to lower their level of points for entry, in the UK from 75 to 65 in November 2003.

based on resources (income, housing, ability to maintain members without recourse to public funds). The conditionality has applied not just to the right to live a family life in the receiving country but also the obligations that new members must comply with.

For those entering as family reunification migrants, a number of issues have been raised by feminist groups and NGOS. These concern the dependency and autonomy of spouses (Kofman et al. 2000), whose residence permits are linked to those of the primary migrant and the continuation of their marriage. Although some countries have reduced the probationary period, as in Germany where it was decreased from four to two years in 2001, others have lengthened it from one to two years in the UK, on grounds of the need to deter marriages of convenience. Women marrying men from third World countries are often viewed with suspicion (de Hart 1999). There have been some improvements in the interpretation of the probationary period in that domestic violence, if reported to public authorities, has increasingly been taken into account in deciding the residence status of the spouse. Success in applying for family reunification may be lower for migrant women due to their labour market position and greater difficulty in accumulating the necessary resources (income and access to housing). Their work as live-in domestics in Southern European countries presents an obstacle for female migrants to bring in male spouses and children. Being undocumented and working within the confines of the household makes it difficult to benefit from family reunification procedures. So what offers advantages for women in the beginning may present obstacles once they are more established.

Caring at a distance also imposes burdens on large numbers of migrant women, not just those in full-time employment. This is especially acute as ageing parents require more attention or at times when the migrant family needs additional assistance (Ackers 1998). It is, as previously noted, exacerbated in many European countries by regulations which interpret the family in very narrow terms and limit the family members who may join the migrant household (Kofman 2004a, SOPEMI 2000).

Some of the most severe disentanglements (employment, welfare, family reunification, security) occur amongst asylum seekers and refugees. Increasingly asylum seekers have been criminalized, withdrawn from mainstream society and entitlements and deprived of the right to work. Nor do they have the right to choose where they live for many states pursue policies of dispersal. Failed asylum seekers or those who have exhausted their ration of welfare, and do not officially have the right to work¹³, can be compared to the diminishing number of Geneva Convention refugees who have full rights. Only Convention refugees are able to bring their families in immediately without meeting the normal criteria of income and housing.

3.2.3. Entitlements and Obligations

¹³ France had already withdrawn the right to work in 1991 but in the UK it was permitted for the principal applicant after 6 months but discretionary for other members. Inevitably the outcome was unfavourable to women. However since July 2003 this right has been withdrawn for everyone in an attempt to further dissuade asylum seekers.

Discussion in the literature on citizenship has hitherto focused on rights and entitlements but as previously noted, attention has recently turned to the obligations that migrants should abide by. Entitlements are tied to obligations of linguistic knowledge, shared values and general good behaviour i.e. the deserving migrant. As with entitlements so too are obligations gendered as can be seen in the new 'integration contracts'. These have often been constructed as the basis of a gendered representation of problematic immigrant communities, composed of unruly young men and traditional females (generally Muslim), brought in from distant countries and unfamiliar with prevailing social and cultural values of the country in question. Hence the exhortation by Jack Straw, the British Home Office Minister, that marriages, if they be arranged, should be concluded with people close by rather than afar (Home office 2002). One of the beneficial aspect of integration contracts is the provision of resources for language classes. However, there is evidence that migrant women with familial responsibilities often find it difficult to attend (Kofman, Lloyd and Sales 2002). A French study of refusal rates for citizenship found that two-thirds of those rejected on grounds of insufficient linguistic knowledge were women (FASILD 2003).

3.2.4. Entitlements, Racism and Cultural Differences

An understanding of stratified rights needs to take account of more than the formal entitlements based on entry and residence and legal statuses. Actual access to rights and the exercise of them are deeply affected by processes of racialization and differential representation of groups. Some of these aspects have been raised in the examination of Welfare, Livelihoods and Migration. It is a major issue that cannot be explored more fully in this paper. However one aspect has become much more prominent in the past few years and that is discrimination against Muslims. The current targeting of Muslim women raises a number of human rights challenges. Anti-discrimination legislation will have to counter the heightened racism against Muslims since September 11th 2001, especially against those who visibly affirm their religious affiliation, as with veiled women in the workplace and in schools (Ahmad 2003). France, for example, has banned the wearing of religious symbols in state public spaces, especially in schools (February 2004). In Germany, several right-wing states have prohibited the employment of Muslim women wearing headscarves as teachers in schools. Thus the strengthening of Islamophobia (Runnymede Trust 1997) and emphasis on cultural practices (head scarf, arranged marriages, honour killings) associated with Islam focuses attention more than ever on Muslim women oppressed by patriarchal systems (Dietz and El-Shohoumi 2002). Even before the Gulf War, the link of Islam with terrorism and the oppression and expulsion of women from the public sphere in Afghanistan, the headscarf affair in France in 1989 had propelled Muslim girls into the limelight (Dayan-Herzbrun 2000). Apart from the veiling of Muslim women in public places, two extreme practices, that of forced marriages and honour killings, have captured much media attention which has often portrayed Muslim women as unrelentingly oppressed by dogma and without any religious autonomy.

3.2.5 Transnationalism, Social Mobilities and Entitlements

Studies of rights and entitlements are generally analysed in the context of citizenship and nation-states, though the previous discussion of European harmonization has also been

situated within a regional framework. Some scholars have argued that rights are increasingly influenced by post-national citizenship and international human rights regimes (Soysal 1994). And while human rights have become more influential for citizens, migrants enjoy very weak protection from international instruments. Improvements in this area are more likely to come from European directives. What is, however, evident is that migrants live between two or more countries and that this has to be taken into account in any examination of entitlement and capabilities. Amongst those positioned transnationally, whether they move for longer periods and distances or are engaged in regular shuttling between countries, their migratory projects are constructed transnationally. Their entitlements and resources too are deployed transnationally. The degree to which this happens will depend on whether they have relocated to the receiving country and/or retain family and kin, whom they support in various ways.

Several writers have explored the contradictory class position in which some labour migrants, and especially the more educated, such as the Filipinas or Eastern European women, find themselves. This results from their simultaneous experience of upward and downward mobility in migration (Parrenas 2001:150). Their sense of place and dislocated subjectivity in the global economy are partly shaped by their loss of status as domestics (two-thirds of Filipinas are employed in this sector) and their simultaneous retention or increase of class status in their home country. Emigration forms part of a project to acquire social promotion at home. It is not in most cases an issue of survival but of complementing income and making investments at home (Morokvasic 2003; Mozère 2001). Migration is sustained by the disparities in income earned in destination countries¹⁴ and the possibility of improving their economic situation at home. In a study of Filipinas in Paris, all the interviewees had long-term plans (construction of a house, purchase of land, small business, education of children) to enable them to weather the vicissitudes of domestic labour (Mozère 2002).

Women from Eastern Europe, who were the first to lose their jobs in the transition to capitalism, shuttle between countries, constantly bridging different spaces. Groups of women may constitute themselves in self-managed rotation as domestics and cleaners. At their countries of origin they in turn rely on networks of family members or paid caregivers in their transnational mothering. Obviously this regular crossing of borders is not open to Filipinas, whether because of expense or irregular status.

In both cases, the material and social resources required to pursue migratory projects and gain independence are generated and deployed transnationally. Money earned in the destination country may enable them to make up for the deficiency in entitlements in the home country. Some migrants make use of educational facilities in the receiving country to improve their linguistic ability and qualifications. Individuals also devise re-skilling and educational strategies whilst they are doing domestic labour, cleaning and hotel and

¹⁴ In Parrenas' study of Los Angeles and Rome, the average earnings of Filipina domestics in the Philippines (often teachers, nurses, clerical administrators) had been \$176 a month. It rose to \$700 in Rome, much higher than they would earn in Asian countries but less than in Los Angeles where it rose to \$1400.

catering jobs (Kleinman 2001). Class and education are major determinants of their ability to regain a lost status and occupation.

CONCLUSION

The proliferation and polarisation of statuses affects both men and women migrants and refugees but its impact on women is different to that of men due to the channels through which they enter and the gendered division of labour. One of the key divisions is that between the skilled and the lesser skilled. Fewer women are to be found in the more privileged groups (skilled migrants, Geneva Convention refugees). Amongst skilled migrants, whose entry, rights and access to citizenship is being facilitated the areas of shortage still operate in men's favour. Caring, healing and educating people are undertaken by highly regulated professions (doctors, nurses, teachers, social workers) unlike IT, a new and far less regulated occupation. A points-based system, even if it does not privilege certain occupations, operates on criteria favouring men, for example, high level salaries or positions. Only the UK has so far implemented such a points-based system, although it forms part of a future German legislation. And for skilled female spouses, the barriers to professional integration remain very strong due to problems of accreditation, lack of local experience and closure of public sector employment to non-citizens. The latter hits women hardest since the feminized professions in many European countries fall under the umbrella of civil service employment. National variations in the size of the civil service public sector are considerable eg. between the low levels of the UK and the high levels in France. Conservative welfare regimes are likely to present the most difficult barriers to entry. Thus many women, who have entered as family migrants, or who marry after entering as students or tourists, find their careers and professional aspirations blocked. The control over their environment and right to seek employment on an equal basis is thus severely compromised.

At the less skilled end of the employment spectrum, women face great difficulties in maintaining a legal status. Failure to acknowledge the economic and social value of women's work means that although their labour is in demand, it is not matched by official recognition in the form of work permits and proper employment contracts. Both women who enter as labour migrants and family members are thus more likely to be forced into the informal sector and undertake poorly paid and undervalued work with little social protection. Whilst domestic labour has captured much of the attention, numerous other sectors employ less skilled labour on flexible contracts or informally – industrial cleaning, hospitality and tourism, care outside the home.

Even more vulnerable, insecure and unprotected are migrant women who are employed in the sex trade, which has grown rapidly since the 1990s. The drive against trafficking and illegal migration has not led to the protection of the person being trafficked nor the pursuit of a human rights approach (UNICEF/UNHCR/OSCE 2003). At best the victim gains a temporary respite in return for information against the trafficker. Protection is complicated by the fact that the sex trade is in many European countries either a criminal or a public order offence.

The impoverishment of women's entitlements and the lack of protection within the workplace, especially within the confines of the home, limits a number of the key capabilities outlined by Martha Nussbaum (2003) – bodily integrity, control over one's environment, practical reason enabling one to plan one's life and affiliation.¹⁵ Inevitably these capabilities are far more difficult to achieve for some migrants than others. As has been highlighted throughout the paper, skill, nationality, legal status and channels of entry determine migrant women's rights, access to entitlements and capabilities. In seeking to overcome the difficulties of starting a new life, migrants depend on the material and social resources of networks (friends, family, institutions) in order to access entitlements and empower themselves (Boyd 1989). These networks enable women, probably more than men, to find employment, to leave degrading and exploitative work situations, help each other out in emergencies, find housing, and get information, amongst other things (Mozère 2002). They are especially important for those working in certain sectors, such as domestic work, as well as for the undocumented. Nevertheless, despite the relative lack of entitlements and social status in the receiving state many women deploy the resources they accumulate to maintain their own and their families social and class position in the country of origin.

¹⁵ These are four capabilities which seem to be particularly appropriate in charting degrees of autonomy and dependency experienced by migrant women:.

Bodily Integrity which refers to the ability to move freely from place to place; to be secure against violent assault and domestic violence; having opportunities for sexual satisfaction and choice in matters of reproduction;

Control over One's Environment which includes having the right to seek employment on an equal basis with others.; having the freedom from unwarranted search and seizure. In work, it means being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers;

Practical reason which involves being able to form a conception of the good life and to engage in critical reflection about the planning of one's life;

Affiliation has two elements. Firstly that of being able to live with and toward others and to engage in various forms of social interaction. Secondly, having the social bases of self-respect and to being treated as a dignified person whose worth is equal to others.

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