

International Migration and Gendered Axes of Stratification– Introduction

Nicola Piper

Major advances have been made over the last few decades in migration research resulting in an abundant theoretical and data rich literature on gendered aspects of cross-border movements. It is now well established that gender is a crucial factor in our understanding of the causes and consequences of international migrations and it has been amply shown that gender is relevant to most, if not all, aspects of migration (Carling 2005; Piper 2005a; Donato et al. 2006). Political change or policies may affect men and women differently, resulting in gendered patterns of migration; laws regarding both emigration and immigration often have gendered outcomes; and policies that affect the integration, or re-integration, of migrants into societies may also affect men and women differently. This has implications for male and female migrants' livelihoods, rights and entitlements. In turn, the ways in which migrants engage as civic and political actors in the process of migration are also often mediated by gendered norms, expectations, and opportunities for agency.

Gender intersects with other social relations, such as class and/or caste, migration status, ethnicity and/or race, generational cleavages, etc. Taken together, a complex map of stratification emerges with its own dynamics of exclusion/inclusion and power relations.

It is important to highlight these dynamics in both destination and origin countries to emphasize that migrants *leave and enter* gendered and stratified societies (with qualitative and quantitative differences depending on specific context). This book, in fact, examines the various axes of stratification and the implications on gender with regard to contemporary forms of international migration from a cross-regional comparative perspective.

From a broad perspective, the chapters in this volume are concerned with outlining recent trends and shifts in migration patterns and policies from a gender perspective. Furthermore, the discussions of these changes within gendered migrations also highlight the *regional* nature of some of these movements and the (policy, legal) responses to them (see Dodson, Piper and Yamanaka, Rojas and Angeles, Satterthwaite, all this volume). "Regional", here, refers to flows within, for instance, Asia or Africa. From an empirical viewpoint, these constitute vast areas, and in fact most of the individual chapters which are based on qualitative data discuss sub-regional flows (such as East and South East Asia, Southern Africa, Latin America). Such regional outlook allows for a cross-regional comparison, a rare aspect that is missing from many existing volumes on gendered migration which have tended to focus on one region only (such as Kofman et al. 2000; Andall 2003; Tastsoglou & Dobrowolsky 2006).

It is a fairly common phenomenon for scholars on women in migration to focus on one specific type of migrant worker or type of employment/sector. Domestic work in particular has been given much attention (e.g. Huang et al. 2005; Ehrenreich &

Hochschild 2002) to the neglect of other types of work or mode of entry. The contributions by Boyd & Pikkov, Kofman, and Khoo et al. (this volume) investigate migrant women's labour market position vis-à-vis home-state women, and most chapters discuss the socio-economic and legal differences between various types of migrant women, as well as migrant women in relation to migrant men.¹ In this sense, a gender analysis and a focus on women go hand in hand and this is what the notion of 'gendered axes of stratification' is trying to capture.

SHIFTS IN GLOBAL MIGRATION FLOWS AND POLICY

Globally, the landscape of international migration has become increasingly diversified as a result of broader changes in the global economy and geo-politics in addition to policy shifts in recent years. An increasing propensity for people to move between countries during and after working life can be witnessed in all regions of this world. International migration has become a global phenomenon leaving few countries unaffected by international flows (UN 2004). It has, thus, become an established feature of contemporary social and economic life globally, indicative of the continuing salience of migration in its two major manifestations: economic migration (work) and forced migration owing to persecuting (asylum). It is not surprising that cross-border mobility has, in general, attracted a great deal of international policy attention in recent years (ILO 2004; GCIM 2005; UNFPA 2006). Academic studies on contemporary flows of migration have since the 1980s increasingly acknowledged and highlighted a wide range of issues related to one of the key features of contemporary migration flows today: its

¹ The chapters do not discuss men-to-men relations.

feminisation. This specific aspect has also been highlighted by United Nation (UN) agencies and the policy-making community (UNFPA 2006; UNRISD 2005; UN 2004; ILO 2004). The feminisation of migration is connected to at least four phenomena: 1. improved statistical visibility, partly related to a changed perception of women-dominated migration as 'work migration' in its own right (see Rojas Wiesner & Angeles this volume); 2. the increasing participation of women in most, if not all, migration streams; 3. the increasing inability of men to find full-time employment in the origin countries; and 4. the growing demand for feminized jobs in destination countries.

Global estimates by sex confirm that for more than 40 years since 1960, female migrants reached almost the same numbers as male migrants. By 1960, female migrants accounted for nearly 47 out of every 100 migrants living outside their countries of birth. Since then, the share of female emigrants among all international migrants has been rising steadily, to reach 48 percent in 1990 and nearly 49 per cent in 2000. By 2000, female migrants constituted nearly 51 per cent of all migrants in the developed world and about 46 per cent of all migrants in the developing countries (ILO 2003: 9). Just as women's economic contribution to their families and communities has become increasingly significant, so too has women's presence in migration flows. This is reflected in the increasing percentages of women in migration flows to all world regions.

In 2002, the proportion of legal migrants to the United States (US) was 54%. In Southeast and East Asian countries that admit migrants exclusively for temporary labour purposes, the share of independent women in the labour migration flows has been

increasing sharply since the late 1970s (ILO 2003: 9), and in some cases, women clearly dominate over their male counterparts. The Philippines have now surpassed Mexico as the world's largest labour exporting country. South Asia is mainly a labour exporting sub-region where women's (official) mobility is subject to serious restrictions (with the notable exception of Sri Lanka). Hence, countries such as Bangladesh and Nepal predominantly send male migrants, with the fewer numbers of women migrating being largely confined to the skilled categories or to the use of unofficial channels (Siddiqui 2001; Dannecker 2005).

Research on gendered migration from a regional perspective is still in its infancy in much of Africa and South America which is partly related to the unavailability, or patchy nature, of statistical data (Dodson this volume; Rojas Wiesner & Angeles this volume). Feminisation is particularly evident in flows from both Central and South America to Southern Europe. In Africa, high levels of poverty, disease and male unemployment explain the steady increase in female migrants at a rate that is faster than the global average (UNFPA 2006: 23). With regard to intra-regional migration, in both Africa and Latin America, women seem to dominate short-range migration streams involving immediate border crossings for trading or service-sector related jobs, rather than longer-range migration to destinations far afield. Women's participation in the latter has been on the increase but it appears that men still dominate this stream (see also Kofman, this volume, who points to women constituting a minority among migratory streams from Africa to Europe). Sub-Saharan African women are highly represented among migrating health workers, especially nurses, many of whom migrate across regions (Dovlo 2006;

Buchan & Calman 2004). Out-migration of health workers is a well studied phenomenon and a controversial component of the debate on the migration-development nexus.

These global trends indicate new developments in terms of the scale of international migration and entry of women into migration streams that used to be dominated by men (i.e. women as independent economic migrants and main income earners) (UN General Assembly 2004). The demand in feminised sectors has become so strong that there is some evidence of male migrants attempting to enter feminised streams (especially nursing) because of the legal channels and breadth of destinations 'on offer'.² More research, however, is required on this issue.

On the whole, statistics on international migration by gender that make it possible to identify the characteristics of migrants is still uneven across countries (see e.g. Rojas Wiesner & Angeles; Dodson, this volume). Moreover, much of the available data refers to stocks rather than flows. Inevitably, most surveys also underestimate those entering in an irregular manner and the undocumented as well as the extent of transient circulation (Morokvasic 2003; Asis 2005). The high presence of women in informal and unregulated types of jobs, restrictions on their right to work, and involvement in activities that are deemed to be criminal offences or against public order (e.g. prostitution) mean that a higher proportion of women are statistically invisible. Gender analysis, however, should not be limited to statistics broken down by sex alone. Rather, it ought to raise awareness

² There is some evidence of men taking up feminised professions in order to migrate (Manalansan IV, 2006). In the Philippines, for instance, cases of medical doctors have emerged who retrain as nurses in order to access the international labour market (personal communication, Dr. Maruja M.B. Asis, Scalabrini Migration Center, Manila).

about broader social factors that influence women's and men's roles, and their access to resources, facilities, and services. The analysis of the role of gender in migration should, therefore, be mainstreamed into social policy agendas by governments in the destination as well as origin countries (UNRISD 2005).

On the national level, international migration has also attracted a great deal of policy attention. The reasons stem in part from xenophobic political considerations in destination countries, but also from the process of ageing under way in most industrialized countries posing new challenges to the care economy. There are also concerns about brain and skills drain from the perspective of developing countries. Countries of origin have also begun to show increasing interest in their nationals residing overseas³ and the benefits of their remittances or investments. Within and beyond these considerations, there are gendered ramifications of migratory processes.

With regard to patterns and nature of today's migration flows, major policy concerns relating to international migration that have been highlighted in the existing literature or policy documents can be summarized as follows: (1) rising numbers of irregular/undocumented migration; (2) increasing shift toward temporary and circular migration as opposed to permanent settlement (involving the skilled and less skilled); (3) related increasing 'bifurcation' between skilled and less skilled migration in the ease of migration between countries; (4) increased deterioration of human security and human

³ In the literature, these are often referred to as "diasporas" or "transnational communities" which are two contested concepts in terms of their usage within social sciences (as opposed to history).

displacement; and (5) the impact of migration on economic and social development. All of these issue areas have gender implications.

One of the main aspects this book deals with is the trend toward increasing diversification and polarization, resulting in highly stratified migratory movements. The notion of ‘polarization’ highlights the differences between skilled and less skilled. ‘Diversification’ refers to intra-group differences (e.g. as demonstrated by Rojas Wiesner & Angeles, this volume; Mexicans in the US today are more diverse in terms of skill, place of origin, modes of entry etc.; ‘Asians’ in Australia constitute a highly diverse group, see Khoo et al., this volume) as well as inter-group differences (more nationalities have appeared on the migration ‘scene’ than before; the number of destination countries has increased with more countries having shifted from being a purely ‘sending’ to becoming simultaneously destination countries; there is also more diversity with regard to the temporal component: migrants of a specific nationality might migrate either on a long-term or short-term basis to the same destination). Hence a statement such as “49% of Filipino migrants are male and 52% female” actually says very little.

As demonstrated in the chapters by Khoo et al. and Boyd & Pikkov (this volume), diversification has also become part of the traditional ‘settler’ countries’ experience. There are more temporary migrants today than before, and in addition, there is also more out-migration of ‘native’ citizens from ‘settler’ countries, as recent work on the Australian diaspora, for instance, has shown (Hugo et al. 2003). This raises the issue of replacement migration (which to date is probably best studied in the context of health

worker migration). All of this renders the separation of countries into categories of ‘senders’ and ‘receivers’ meaningless.

Last but not least, ‘stratification’ emphasizes the combined effects of gender, ethnicity, legal status, skill level, and mode of entry or exit. This is also played out geographically: migrants with high socio-economic status tend to go to higher income and more developed countries (i.e. the US, Canada, Europe, Hong Kong, Singapore) as the fees charged and the skills demanded are higher. Religion, and social norms associated with it, also plays a certain role with some Muslim countries giving preference, and being preferred, by migrants of the same faith (e.g. Indonesian domestic workers going in larger numbers to West Asia than elsewhere). Asian women migrating within Asia tend to be less qualified and belong to no higher than lower-middle class, hence many of them migrate to closer destinations within the region (Oishi 2005: 111). The gendered and geographic stratification of migration has implications on labour market experience, entitlements and rights.

THE ROLE OF GENDER IN STRATIFIED AND POLARIZED MODES OF ENTRY

Migrants leave and enter already gender segregated labour markets in the origin and destination countries. This is related to gendered social norms as reflected, among others, in gendered access to education in their country of origin and different access to skill training at the destination which results in gendered human capital accumulation. Migrants are subject to gendered dimensions of state regulation ‘at home’ and ‘abroad’.

The feminisation of migration from certain countries is often an indicator for rising male un- or under-employment (Sassen 2003). In addition, it is also a signifier of the social acceptance of women's presence in the workforce, due to certain historical processes such as women's pull into plantation work under colonialism or as part of specific economic development processes, such as export-led industrialization and/or focus on investment in the tourism industry (Oishi 2005; Piper 2002).

Increasing female migration is not always a signifier of their increased freedom of movement or increased independence (Erel et al. 2003). As temporary contract workers on legal work permits, both male and female migrants are often tied to one specific employer in one specific line of work – and when this is a job classified as 'unskilled' and is linked to the informal sector of the economy, this results in limited wage earning power and has thus implications for sustaining family members back home – i.e. for the livelihood of migrants. This is compounded by the emergence of a complex 'migration industry' with the involvement of brokers and recruiters who charge various types of fees, often exceeding 'legal' ceilings (Verité 2005). Furthermore, labour laws are often not enforced, the freedom of association is widely violated, and undocumented migration is tacitly approved and legal status denied by many receiving states. While two of the male-dominated sectors are classified as the most dangerous types of work – construction and agriculture – domestic work has also been recognized as one of the most vulnerable types of employment with high levels of isolation and widespread occurrence of abusive practices (ILO 2004). As women in lower skilled jobs often end up in (certain)

reproductive spheres of the labour market (as domestic workers, sex workers), they work in jobs that are socio-legally not recognized as 'proper' work.

At the same time, more women today are among the professional and skilled category of migrants but often within feminised sectors such as health and education (Khoo et al., Boyd & Pikkov, Kofman, all this volume). It is, in fact, the increasing significance of employment in health which has been subject to a number of global studies (e.g. Kingma 2005, Buchan & Calman 2004) as well as in relation to gendered welfare states and the crisis of care (Kofman this volume). As welfare and social professionals, migrant women are often compelled to accept subordinate and less secure employment. They are often not provided with the same quality of benefits that other white-collar workers might expect when working abroad such as housing, transportation and family relocation (Van Eyck 2004). Although classified as skilled workers, this does not necessarily come with a permanent residence permit. Many jobs in the health and education sectors are contracted and highly dependent on the labour market situation, as exemplified in the recent changes in the United Kingdom (UK)'s hiring procedure. This makes, among others, family reunification a difficult, if not impossible, decision.

What this indicates is that the migration landscape is constantly changing with increasing levels of complexity - and so are the gender issues involved. A complex system of inequalities has emerged not only between countries located in the North and South, but also within the South itself (Oishi 2005; Dodson this volume; Piper & Yamanaka this volume) as well as within the North as exemplified by migration from EU Accession

countries to the more established European Union (EU) member states (Morokvasic et al. 2003; Kofman this volume). Hence, migration has to be placed in a broader context – analytically and empirically – than often done to capture the complex picture of gendered axes of stratification.

In the chapters by Khoo et al, Boyd & Pikkov, Kofman, and Piper & Yamanaka (this volume), the category of ‘female migrant’ is broken down to show the differences between skilled migrant women and the lesser skilled, refugee or trafficked women and migrating wives. As a result, in each category, migrant women tend to face more obstacles and sources of discrimination than the average male migrant based on modes of entry open to them and the types of jobs they perform. This has implications for their access to citizenship, rights and entitlements.

National policies toward regulation and practices governing the entry and residence of migrants have changed to some extent in recent years. Industrialized countries in Europe, North America and Oceania still admit permanent residents on the basis of three long-established principles: family reunification, economic considerations and humanitarian concerns. However, there has been an increasing move towards a dilution of ‘settlement’ principles in ways that favour the needs of the labor market. Policy makers are increasingly urged to tailor migration selection to meet these demographic and economic needs. As a result, ‘guest worker’ type of regimes are re-emerging (ILO, 2004). Although present in all types of migrant categories, the majority of migrant women still enter via family reunification schemes in the ‘North’ (Kofman this volume; Boyd & Pikkov this

volume; Khoo et al. this volume), most women migrate as independent contract workers or as irregular workers in much of the 'South' (Piper & Yamanaka this volume; Dodson, this volume).

The increasing shift toward temporary and circular migration as opposed to permanent settlement in the highly developed destination countries is differently experienced by migrants according to skill, gender, and ethnicity. The increasing bifurcation between skilled and less skilled migration in the ease of cross-border movement between countries is accompanied by a clear gender bias, with most highly skilled migrants being male (intra-company transfers, Information Technology [IT] workers, etc.) (Kofman, this volume; Boyd & Pikkov this volume). With women dominating certain sectors (household, sex/entertainment, sweatshop), they are also prominent in this category of migrants. Official policy, however, largely neglects this group of migrants and, as a result, the numbers of undocumented migrants are high.

It has to be noted that the categorisation into skilled and less skilled type of workers requires closer examination through a gender lens. Ironically, many skilled women become less skilled migrant workers purely because of the lack of demand in the jobs they are qualified for – a phenomenon referred to as 'de-skilling' (Kofman, this volume). This has in particular been noticed in regard to two highly feminised jobs: nursing and domestic work. Despite their classification (by immigration policies) as skilled migrants, de-skilling has been highlighted by existing studies as a common phenomenon experienced by foreign nurses. With domestic work constituting the major legal channel

available to women in most regions of this world, including West and Southeast Asia⁴, it is not rare to find fairly well educated women taking on this type of job categorised as ‘unskilled’. At the same time, there are less skilled women who are turned into skilled migrant workers because of the otherwise controversial nature of their jobs or of their physical mobility. For instance, in the Philippines, the government classifies women departing to Japan, Korea and Taiwan on the entertainer visa as ‘professional overseas performing artists’. A recent study by the International Organisation for Migration (IOM) (2003:65) describes the classification of entertainers as professional or skilled as an “anachronism” because most of the women are rarely trained as professional entertainers or performing artists. At the same time this raises a feminist concern about ‘reproductive’ or ‘care work’ often not being considered as requiring skills. In a similar vein, Dodson (this volume) highlights the narrow interpretation of skills in South Africa’s new Immigration Act characterized by “hard-nosed economic imperatives” which clearly favour men. Another example is provided by the case of Bangladesh: as the out-migration of less skilled Bangladeshi women is banned by the government, female factory workers in Malaysia are classified as skilled to allow them to migrate legally⁵. Thus, the official categories of ‘skilled’ and ‘unskilled’ need deconstructing to expose their social embeddedness, as argued by Dodson (this volume). Commonly used classifications do not always reflect or recognize the actual level of skill or professionalism but are rooted in the economic and gender disparities that exist between origin and destination countries as well as within societies.

⁴ Domestic work is the single most important job category in the Gulf States mostly taken up by Indonesians, Sri Lankans and Filipinas. There are 250,000 Foreign Domestic Workers (FDWs) in Hong Kong, and of 500,000 foreign workers in total, 150,000 in Singapore are FDWs.

⁵ Personal e-mail communication with Dr. Petra Dannecker, November 10, 2005.

One of the key subjects of debate in Europe as well as North America and Australia regarding refugee women, is the extent to which women have access as asylum seekers and are subsequently able to gain recognition either as Geneva Convention refugees, a secondary status or even less secure humanitarian protection. It is clear that women are less able to reach western countries as principle applicants due to their lesser resources. The potential and actual under-representation of women in various humanitarian-based modes of entry reflects the gendered nature of the definition of a refugee associated with the UN 1951 Convention (Boyd 1998; Boyd & Pikkov, Kofman, Khoo et al., all this volume). National policies have rarely addressed these gender issues with the notable exception of Canada and Australia (Boyd & Pikkov; Khoo et al., this volume).

LIVELIHOODS, ENTITLEMENTS, AND RIGHTS

Migrants leave and enter societies via a variety of channels or migration schemes. What we can increasingly observe globally is a tendency toward ‘bifurcation’ between skilled and less skilled migration in the ease of migration between countries, with the skilled typically being offered ‘better deals’ with regard to entitlements and rights. The supply and demand structures of specific types of migrants follow gender stereotypes and roles, and the rights and entitlements that are attached to, or the result of, specific modes of entry are, therefore, also gendered. When a gender dimension is incorporated into the analysis, it brings to the fore the *social* dimensions of the issues under investigation. In the specific context of migration, this is to remind us of the daily reality of migration and

the actual situation of migrants who are in need of employment, health care, housing, security and education. Access to entitlements is determined by formal and informal sets of rules and regulations defined by law, social norms and conventions. An analysis of differentiated access to systems of rights or entitlements and the issue of how access in turn impacts on welfare, well-being and agency of individual migrants could shed light on social inequality based on gender (cf. Truong 1997).

The concept of ‘entitlements’ has been adopted by First World writers and needs to be distinguished from ‘rights’. ‘Entitlements’ refer to “actually existing (rather than only moral and legal) claims that people can make on a range of resources in order to meet culturally defined standards of a good life”.⁶ Following Sen’s definition, Lister (2006) argues that entitlements are not just a matter of legal rights but also of social rules and norms. She also notes that the distinction between rights and entitlements is not always clear. In some respects, the issue of what constitutes rights and entitlements corresponds to the distinction between de facto and substantive rights in the migration literature which is derived from the context of migration of the highly developed North (Kofman 2006; Piper, 1998). The relevance of this Northern debate on entitlements for migrants in high income countries in the developing world is a matter for further discussion. The chapters by Boyd & Pikkov and Kofman (this volume) place the discussion of entitlements not only within the framework of gendered migration but also in the context of the overall erosion of entitlements. In this sense, the notions of entitlements and rights might move even closer together (see below).

⁶ This refers to the definition given by UNRISD in an unpublished background paper.

The concept of livelihoods is used in this book to refer to capabilities, assets and strategies that people use to make a living⁷. Although conventionally used by development scholars to refer to means and strategies for maintaining and sustaining life in the context of underdevelopment, livelihoods is used here more broadly as a synonym for jobs or incomes in the context of constrained circumstances or ‘tenuousness of existence’⁸ (as exemplified in the chapters by Boyd & Pikkov, and Kofman, this volume). In the context of gender, the term originally emerged from writings about women in the Third World, but it is argued here that ‘livelihoods’ can be appropriately applied to the situation of migrants in the developed destination countries where we can observe a wide range of different migrant configurations. The point, thus, made is that it is misleading to divide the world of work conceptually in a way that suggests that mixtures of formal and informal work do not exist in rich countries. As shown above, migrants, and more so migrant women, are predominantly not in full-time secure employment but over-represented in care services, home-based informal service provisioning and small- or medium-sized businesses of various kinds. By discussing migrant women in their multiple and stratified roles or categories, the notion of ‘livelihoods’ allows us to go beyond employment and incorporate different forms of living and acquiring incomes and resources, e.g. paid and unpaid caring, social transfers etc.⁹

From the perspective of origin countries – many of which fall under the category of lesser or low developed countries - access to, and the ability to remain in, paid overseas work

⁷ See also Oxfam (www.oxfam.org.uk/what_we_do/issues/livelihoods/introduction.htm; downloaded on 07/18/2006).

⁸ I owe this last expression to Parvati Raghuram, email communication, 20 June 2006.

⁹ I owe this point to Eleonore Kofman, personal communication from 11/09/2006.

constitutes an ever more important means to secure livelihoods (Briones 2006). Existing studies have shown that it is in particular single and married women who increasingly carry the burden of their households' survival (Olwig & Nyberg-Sørensen 2002; Oishi 2005; Sassen 2003). Emigration is thereby an important strategy used by women to do so.

The increasing presence of women in migration streams are largely the result of men's inability to find employment on the one hand, and employers' needs and market demands in feminised sectors on the other. In addition, as noted by Dodson (this volume), women's securing of livelihoods can also be connected to the urge of wanting to escape patriarchal control and gender-based discrimination or abuse.

In a highly political environment of restrictive immigration controls which constrain migration as a livelihood strategy for many, coupled with oppressive development policies which have obliterated livelihood access in countries of origin, seriously undermine the beneficial outcomes of migration (Briones 2006). By focusing on the issues of livelihoods, entitlements and rights, this book's central objective is to unravel the complexities of gendered migrations with the aim to bridge the social, political and economic spheres of migration and migrants' lives from the perspective of the destination and origin countries.

The Rights of Migrants

Much of the debate on the rights of migrants has focused on the legalistic aspects revolving around the existing international law framework for the protection of migrants (Cholewinski 1997; Aleinikoff & Chetail 2003; Satterthwaite 2005) or on more specific rights, such as political rights (Layton-Henry 1990), and this has typically occurred in the context of liberal states' role as countries of immigration (Joppke 1998). Another angle taken by existing scholarship is (formal) citizenship, with the starting point being again the perspective of 'proper' immigration, where settlement and family reunification is an option. This does not, however, reflect the situation of increasing numbers of temporary migrant workers or the undocumented (Piper 2006). It has also been argued that demanding citizenship rights could actually be detrimental for migrant women's ability to access work abroad in a non-western, non-liberal context (Bell & Piper 2005).

As shown above, emerging policies by destination governments result in increasingly stratified rights and entitlements. Citizenship is becoming less important for the skilled who obtain most rights via permanent residency status. At the same time, changing citizenship is becoming easier for the privileged and the toleration of dual citizenship is increasing (Dauvergne, forthcoming). For the lesser skilled, citizenship is of less immediate importance than accessing overseas employment in general (Briones 2006). International migration of both, the skilled and lesser skilled, is set up increasingly as circulatory and, therefore, not closely in tune with citizenship. The skilled, however, enjoy overall a greater range of benefits and choices to do with unequal access to the permanent residency (PR) status and the opportunity to settle (as in the US, Canada, Australia and New Zealand in particular) which is largely denied to the lesser skilled,

although it has been noted that even the permanence of PR is being affected by pressures of globalization (Dauvergne, forthcoming).

Rights as a concept easily conjure up the image of a legalistic approach focusing “on what the law says” by downplaying the dynamic aspects of the political processes at play (VeneKlasen et al. 2004). Piper and Satterthwaite (this volume) address the limitations of traditional rights approaches that place the content of international law at the core of rights work instead of noting the importance of starting with an understanding of rights as a political process and the notion of “rights as a work in progress” (VeneKlasen et al. 2004). When rights exist on paper, the challenge lies in guaranteeing their implementation and institutional avenues for claiming them. When rights are not recognized by governments, efforts to advance and expand rights not yet enshrined in law are highly important (Piper 2006; VeneKlasen et al. 2004).

By introducing a social movement or activist perspective into the academic debate on the human rights of migrants, Piper (this volume) follows Johnston (2001) by taking a social scientific perspective on rights. This means that rights first appear not when governments recognize them, but when people begin demanding and exercising them.¹⁰ It is through meaningful organisations that such an enabling environment can be created leading to the empowerment of workers through education, knowledge provision and collective action. But political organizing of migrants is also gendered. “The gendered nature of organisational structures involved in the political struggle for the recognition of migrants’

¹⁰ Johnston relates this to his discussion of citizenship and I extend this here to a broader human rights discussion.

rights does not only reflect gender segregated labour markets but also the gendered nature of law” (Piper, this volume, page X; see also Satterthwaite, this volume).

The subject of migrants’ rights thus clearly emerges as an issue broader than national citizenship¹¹ and typically relates to debates on international human rights. What we can broadly observe regarding the legal situation of migrants is that there are serious protection gaps largely to do with changing migration patterns and the dominance of certain types of migrants who have emerged as particularly vulnerable, especially migrant women (Piper & Satterthwaite, forthcoming). It is in particular foreign workers’ rights which have been described as among, if not *the*, least clear and enforced group of human rights targeting marginalized groups such as refugees, women, and children¹². The lack of recognition of migrants’ rights in practice means migrants have little real access to rights which is largely related to political and cultural bias against foreign workers (Gosh 2003). Migrants’ rights are in fact a highly contested subject as is also reflected in the low ratification rate of migrant specific human rights instruments. Another major reason, however, is the absence of a social movement capable of supporting the rights of all migrants, legal and undocumented, and the lack of advocacy in the field of migration policy (Thouez 2005). There are, however, interesting developments in this regard in several parts of this world (Piper 2005b).

¹¹ Citizenship as a concept is, however, not irrelevant but it takes on a different meaning in the context of transnational political activism (see Ball and Piper 2002 and Rodriguez 2002).

¹² As in the 1951 Geneva Refugee Convention, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

Reflecting the increasing participation of women in economic migration streams, gender perspectives have more recently been introduced into the debate on the human rights of migrants. It has been argued that the protective capacity of existing human rights law is inadequate in the case of certain jobs that are predominantly carried out by women (Piper & Satterthwaite, forthcoming). Also, the intersecting forms of discrimination based upon multiple identities of women rather than race or migrant status alone has led to legal scholars arguing for a comprehensive approach to the otherwise scattered nature of international legal instruments which typically address just one such identity at a time (Satterthwaite, 2005 and this volume). The 1990 UN Convention on the Rights of All Migrant Workers and their Families (CRMW) might in fact not be the most suitable international human rights document for advocating and ensuring migrants and migrant women's rights. This is similar with regard to the International Labour Organization (ILO) migrant specific instruments and the ILO's principles of equality and non-discrimination. Ensuring equity with native workers under the ILO conventions and the UN Convention may not be sufficient, particularly for women working in sectors where there is no protection for native workers either. In this context, creative advocacy is crucial in bridging the fragmented nature of international human rights instruments, as argued by Satterthwaite (this volume).

Moreover, it is in fact on the regional level that we can observe promising developments with regard to acknowledgement and promotion of migrant workers' rights (Satterthwaite, this volume). Regional human rights bodies play an important role in

consolidating a rights-based approach to migration. The most progressive example here is the Inter-American Human Rights System and the creation of its own Rapporteurship on migrant workers. It could, therefore, be argued that it is at the regional rather than global level where substantial progress can be made with regard to migrants' rights. Multilateral binding instruments are often perceived by states as open-ended undertakings which compromise their sovereignty in the migration area. Therefore, regional agreements could be seen as less threatening.

A further angle which complicates the discussion of the human rights of migrants is provided by Rojas Wiesner and Angeles (this volume) by highlighting the role of Mexico not only as migrant origin but also as a transit and destination country. The rights of incoming migrants have not been as much politicized as the rights of Mexicans in the United States (US). For cases such as Mexico, which are State Parties to the CRMW and which have shifted from being a sole migrant origin to becoming also a destination country, this raises a number of important issues with regard to human rights obligations. The post-apartheid challenges faced by South Africa which is eagerly attempting to remove race- and gender-based forms of discrimination for its citizens can easily result in the producing of a new non-South African 'other with lesser rights (Dodson, this volume).

SITUATING THIS BOOK CONCEPTUALLY AND EMPIRICALLY –
CONCLUDING REMARKS

This book's main objective is to analyze the diversification and stratification of gendered migratory streams to highlight the key axes of differentiation among male and female migrants with regard to skill level, legal status, country of origin, and mode of entry. In turn a migrant's position in relation to these axes influences access to entitlements and rights and the securing of livelihoods in the country of origin and destination alike. Unlike previous works, the global outlook of this book highlights the significance of intra-regional migration and allows for comparison across regions.

Furthermore, the global perspective provided by the chapters in this volume shows that on the macro level, migration policies show a certain degree of convergence with regard to two major trends: 1. the intensified hunt for the highly skilled; and 2. the crack-down on irregular or undocumented migrants, many of whom are represented in lower or unskilled types of jobs. The two broad streams of the skilled and less skilled (regardless of legal status) are both comprised of male and female migrants but with qualitative and quantitative differences between and among them, some of which more subtle than others. The concern with "skill" (in a narrow definition) and "economic competitiveness" on the part of destination countries might exacerbate the already existing hierarchy of rights and entitlements. Further questioning of the social construction of 'skill' is required to address the female deficit among existing populations of skilled migrant workers. This would also be of relevance to the current debate on the developmental impact of migration on origin countries (UN 2006).

Apart from macro level convergences, the chapters in this book also demonstrate the existence of a 'multiple unevenness' with regard to gendered migrations – uneven in terms of research/data on gender (less on Africa and Latin America than on North America, Europe and Asia; uneven in that certain types of migrants are better researched than others); uneven in terms of rights and entitlements across the various groups of migrants with women highly represented among the worst off; and uneven political activism by and on behalf of migrants.

References

Aleinikoff, T.A. and V. Chetail (eds) (2003), *Migration and International Legal Norms*, The Hague: T.M.C. Asser Press.

Andall, J (ed.) (2003) *Gender and Ethnicity in Contemporary Europe*, Oxford: Berg.

Asis, M.M.B (2005) 'Recent Trends in International migration in Asia and the Pacific', in: *Asia-Pacific Population Journal*, vol. 20(3): 15-38.

Ball, R.E. and N. Piper (2002) 'Globalisation and Regulation of Citizenship - Filipino Migrant Workers in Japan', in *Political Geography* (special issue), vol. 21(8): 1013-1034.

Bell, D. and N. Piper (2005) 'Justice for Migrant Workers? The Case of Foreign Domestic Workers in East Asia', in: Will Kymlicka and Baogang Ye (eds), *Asian Minorities and Western Liberalism*, Oxford University Press, 2005, pp. 196-222.

Boyd, M. (1998) 'Gender, Refugee Status and Permanent Settlement', *Gender Issues* Vol. 16 (4), pp. 5-21.

Briones, L. (2006) 'Beyond agency and rights: capability, migration and livelihood in Filipina experiences of domestic work in Paris and Hong Kong', *Unpublished PhD Thesis*, Centre for Development Studies, Flinders University of South Australia.

Buchan, J, and L. Calman (2004) *The Global Shortage of Registered Nurses: An Overview of Issues and Actions*, Geneva: International Council of Nurses.

Carling, J. (2005) 'Gender dimensions of international migration', *Global Migration Perspectives* No. 35, Geneva: GCIM.
(<http://www.gcim.org/mm/File/GMP%20No%2035.pdf>)

Cholewinski, R. (1997) *Migrant Workers in International Human Rights Law – Their Protection in Countries of Employment*. Oxford; Clarendon Press.

Dannecker, P. (2005) 'Transnational Migration and the Transformation of Gender Relations: the Case of Bangladeshi Labour Migrants', in: *Current Sociology*, vol. 53(4): 655-674.

Dauvergne, C. (forthcoming) 'Migration Law-Citizenship Law Dichotomy', in: Seyla Benhabib and Judith Resnick (eds), *Citizenship, Gender and Borders*, New York: NYU Press.

Donato, K., D. Gabaccia, J. Holdaway, M. Manalansan IV, Patricia Pessar (2006) 'A Glass Half Full? Gender in Migration Studies', *International Migration Review*.

Dovlo, D. (2006) 'Ghanaian Health Worker on the Causes and Consequences of Migration', in: K. Tamas and J. Palme (eds), *Globalizing Migration Regimes*, Aldershot: Ashgate, pp. 118-130.

Ehrenreich, B. and A. H. Russell (eds) (2002) *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. New York: Metropolitan Books.

Erel, U., M. Morokvasic, K. Shinozaki (2003) 'Introduction. Bringing gender into migration', in: M. Morokvasic-Mueller, Umut Erel and Kyoko Shinozaki (eds), *Crossing Borders and Shifting Boundaries, Vol. I: Gender on the Move*, Opladen: Leske + Bude, pp. 9-22.

Global Commission on International Migration (2005) *Migration in an interconnected world: New directions for action*, Geneva: GCIM.

Gosh, B. (2003) 'A Road Strewn with Stones: Migrants' Access to Human Rights', *Paper prepared for the International Meeting on Access to Human Rights*, Guadalajara, January 17-18, 2003, Geneva: International Council on Human Rights Policy

Huang, S., B.S.A. Yeoh and N. Abdul Rahman (eds) (2005) *Asian Women as Transnational Domestic Workers*, Singapore: Marshall Cavendish.

Hugo, G., D. Rudd and K. Harris (2003) *Australia's Diaspora: Its Size, Nature and Policy Implications*. CEDA Information Paper No 80. Melbourne: Committee for the Economic Development of Australia.

ILO (2003) *Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers: An Information Guide – Booklet 1: Why the Focus on Women International Migrant Workers*. Geneva: ILO.

ILO (2004) *Towards a fair deal for Migrant Workers in the Global Economy*. Geneva: ILO.

ILO Socio-Economic Security Programme (2004) *Economic Security for a Better World*, Geneva: ILO

International Organisation for Migration (IOM) (2003) *World Migration Report*, IOM: Geneva

Johnston, P. (2001) 'Organize for What? The Resurgence of Labor as Citizenship Movement', in H. Katz and L. Turner (eds), *Rekindling the Movement: Labor's Quest for Relevance in the 20th Century*, Ithaca: Cornell University Press

Joppke, C. (1998) 'Why Liberal States Accept Unwanted Migration', *World Politics*, vol. 50(2): 266-93.

Kingma, M. (2005) *Nurses on the Move – Migration and the Global Health Care Economy*, Ithaca: Cornell University Press.

Kofman, E. (2006) 'Migration, Ethnicity and Entitlements in European Welfare Regimes', in: A. Guichon, C. van den Anker and I. Novikova (eds), *Women's Social Rights and Entitlements*, Basingstoke: Palgrave, pp. 130-54..

Kofman, E., A. Phizacklea, P. Raghuram and R. Sales (2000) *Gender and International Migration in Europe*, Routledge, London.

Lister, R. (2006) 'Gendered Social Entitlements: Building blocks of women's citizenship', in: A. Guichon, C. van den Anker and I. Novikova (eds), *Women's Social Rights and Entitlements*, Basingstoke: Palgrave, pp. 8-18.

Manalansan IV, M. F. (2006) 'Queer Intersections: Sexuality and Gender in Migration Studies', in: *International Migration Review*, vol. 40(1): 224-249.

Morokvasic, M. (2003) 'Transnational mobility and gender: a view from post-wall Europe', in: M. Morokvasic-Mueller, Umut Erel and Kyoko Shinozaki (eds), *Crossing Borders and Shifting Boudnaries, Vol. I: Gender on the Move*, Opladen: Leske + Bude, pp. 101-136.

Morokvasic-Mueller, M., U. Erel and K. Shinozaki (eds) *Crossing Borders and Shifting Boudnaries, Vol. I: Gender on the Move*, Opladen: Leske + Bude.

Oishi, N. (2005) *Women in Motion – Globalization, State Policies, and Labor Migration in Asia*, Stanford: Stanford University Press.

Olwig, K.F. and N. Nyberg-Sørensen (eds) (2002) *Work and Migration: Life and Livelihoods in a Globalizing World*, London: Routledge.

Piper, N. (2006) 'Economic Migration and the Transnationalisation of the Rights of Foreign Workers – A Concept Note', *ARI Working Paper Series No. 58*, February 2006, ARI: Singapore (www.nus.ari.edu.sg/pub/wps.htm)

Piper, N. (2005a) 'Gender and Migration', commissioned background paper for the Global Commission on International Migration', Geneva: GCIM (available on-line: www.gcim.org/en/ir_experts.html)

Piper, N. (2005b) 'Rights of Foreign Domestic Workers – Emerging of Transnational and Transregional solidarity?', in: *Asian and Pacific Migration Journal*, vol. 14(1-2): 97-120.

Piper, N. (2002) 'Global labour markets and national responses: legal regimes governing female migrant workers in Japan', in: Gills, D.-S. & Piper, N. (eds.), *Women and Work in Globalising Asia*, London: Routledge, pp. 188-208.

Piper, N. (1998) *Racism, Nationalism and Citizenship: the Situation of Ethnic Minorities in Germany and Britain*, Aldershot: Ashgate.

Piper, N. and M. Satterthwaite (forthcoming) 'Migrant Women', in: R. Cholewinski, R. Perruchoud and E. Macdonald (eds), *International Migration Law: Developing Paradigms and Key Challenges*, The Hague: T.M.C. Asser Press, forthcoming 2007.

Rodriguez, R. M. (2002) Migrant Heroes: Nationalism, Citizenship and the Politics of Filipino Migrant Labor," *Citizenship Studies*, 6(3):341-356.

Sassen, S. (2003) 'The feminization of survival: alternative global circuits', in: M. Morokvasic-Mueller, Umut Erel and Kyoko Shinozaki (eds), *Crossing Borders and Shifting Boundaries, Vol. I: Gender on the Move*, Opladen: Leske + Bude, pp.59-78.

Satterthwaite, M. (2005) 'Crossing Borders, Claiming Rights: Using Human Rights Law to Empower Women Migrant Workers', *Yale Human Rights and Development Law Journal*, no. 8, pp. 1-66. (also on: <http://papers.ssrn.com/abstract=680181>)

Siddiqui, T. (2001) *Transcending Boundaries: Labour Migration of Women from Bangladesh*, Dhaka, The University Press.

Tastsoglou, E. and A. Dobrowolsky (eds) (2006) *Women, Migration and Citizenship: Making Local, National and Transnational Connections*, Avebury: Ashgate

Thouez, C. (2005) 'Convergence and divergence in migration policy: the role of regional consultative processes', *Global Migration Perspectives No. 20*, Geneva: GCIM (www.gcim.org)

Truong, T.-D. (1996) 'Gender, international migration, and social reproduction: Implications for theory, policy, research and networking', in: *Asian and Pacific Migration Journal*, vol. 5(1): 27-52.

UNFPA (2006) *A Passage to Hope – Women and International Migration*, New York: UNFPA.

United Nations (2006) *International Migration and Development – Report of the Secretary General*, New York: United Nations.

United Nations (2004) *Women and International Migration, World Survey on the role of women in development – Report of the Secretary-General*, New York: United Nations.

UNRISD (2005) *Gender Equality – Striving for Justice in an Unequal World*. Geneva: UNRISD.

Van Eyck, K. (2004) *Women and International Migration in the Health Sector*, Ferney-Voltaire Cedex: Public Services International.

VeneKlasen, L., V. Miller, C. Clark and M. Reilly (2004) 'Rights-based approaches and beyond: challenges of linking rights and participation', *IDS Working Paper no. 235*, Brighton: Institute of Development Studies.

Verité (2005) 'Protecting Overseas Workers – Research Findings and Strategic Perspectives on Labor Protections for Foreign Contract Workers in Asia and the Middle East', *Research Paper*, December 2005, Amherst, MA: Verité.

Yamanaka, K. and N. Piper (2006) 'Feminised Migration in East and Southeast Asia: Policies, Actions and Empowerment', *UNRISD Occasional Paper no. 11*, Geneva: UNRISD.

