Migration: Policies and Laws

Western Europe

Contemporary migration to Western Europe and migrant-driven community building inside European cities has increasingly become feminized. Nevertheless, this development until now has not been adequately reflected either in national or in supranational migration policies and legal frameworks. Women from Muslim countries of origin have always been present in twentieth-century migrations toward Europe, mainly – as in the French, British, Dutch, and Spanish cases – reflecting colonial and postcolonial links and networks, but their presence has been silenced both in the host countries’ policies on migration and in the emerging migrant communities themselves (Kofman et al. 2000). Post-Second World War migration to Western Europe has been dominated by labor replacement policy approaches, through which Fordist, industrial models of production have openly favored the supposedly temporary immigration of a low-skilled, young, male work force. In varying degrees, in countries such as France, Britain, Germany, the Benelux countries, and Switzerland, diverse combinations of postcolonial immigration and “guest worker” temporary migration schemes were applied until the economic crisis of the early 1970s in order to ensure cheap labor supplies for domestic industries.

Nevertheless, this official invisibilization of migrant women represents a gendered bias. Well before family reunification programs were implemented in the 1970s, both single, independently migrating women and family members had started to settle down mainly in European cities and to enter the local labor markets above all through their service sectors. Since then, and rapidly increasing since the 1980s, migrant women have become key service providers in sectors such as domestic work, caring, nursing, and sex work. Apart from these economic activities directed toward the host society, migrant women have also developed decisive service provision tasks inside their communities, by actively engaging in so-called ethnic business, in educational, health, and religious activities, but increasingly also in association and political participation (Vertovec and Peach 1997, Dietz and El-Shohoumi 2004).

This range of different activities which have de facto been accomplished by migrant women throughout the last decades, and which have fostered and deepened a high degree of educational achievements and socioeconomic stratification among migrant women living in Europe, has been ignored by national and international migration policies. Western European migration regimes, which still oscillate between assimilationist and multiculturalist normative models, reflect two different kinds of bias which in their combination affect migrant women. In all cases, a general, male-dominated gender-bias coincides with the national legacy and tradition of dealing with diversity.

Thus, in the prototypical case of French republican assimilationism, the coincidence of privileging male industrial labor, on the one hand, and of negating any public presence and recognition of ethnic, cultural, religious, or gender-based diversity, on the other hand, results in a double invisibilization of migrant women. Their economic activities in the non-industrial sectors are neglected by reducing them to family reunification migrants and to housewife roles, while at the same time their migrant community development interests are limited by the official public–private divide to the family and kin realm of daily life in the migrant suburbs. This double discrimination is perceived particularly by second generation Algerian and Moroccan women who have tried to internalize the assimilationist strategy of succeeding throughout the French public educational system and integrating into the formal service sector labor market, but who then encounter the prevailing and persistent discrimination by the host society (Freedman 2003). An overlapping and mutual reinforcing of racist, nationalist, and sexist attitudes to above all Muslim women – or women perceived as Muslim by host society – thus often ends up limiting professional and social mobility (AlSayyad and Castells 2002). Reacting to this external discrimination, which openly contradicts the official promise of assimilation and ethnocultural neutrality, it is often upwardly oriented second and third generation women who rediscover and/or reinvent first national (Algerian or Moroccan), then ethnic (Arab or Tamazigh), and finally religious traits as sources of newly defined identities vis-à-vis the French nation-state and its majority society (Klein-Hessling, Nökel and Werner 1999).
Paradoxically, similar trends are also perceivable in the opposite case, the nowadays openly multiculturalist approach promoted in the United Kingdom. Again, migrant women are perceived rather late by Fordist, male-dominated migration policies. In contrast to France, however, local community development by postcolonial first generation migrants has been encouraged and frequently recognized. Early race-relations legislation, later broadened as ethnic community participation, has opened public spaces for migrant associations, ethnic councils, and charities. Although the resulting community network is still dominated by first generation male ethnic politicians, migrant women have successfully appropriated spaces and niches of economic and professional activities, first directed toward community services – health, education, religious instruction, and the like – but later expanding toward the local host society (Vertovec and Peach 1997, Blaschke 2004). A much richer associational life and higher professional opportunities in the United Kingdom, however, has not coincided with an overall decrease in discriminatory attitudes toward migrants and particularly migrant women. British multiculturalism has recognized diversity, but has often not empowered minority women to self-define the sources and kinds of diversity they identify with. Since the first phase of postcolonial race-relations and throughout its later diversification of the race dichotomy in ethno-national terms, until its latest inclusion of religious identifications, external racialization and ethnification have persistently shaped and limited the migrant women's own identities (Nielsen 1999).

The case of British multiculturalism illustrates that the empowerment of – often essentialized – migrant communities does not automatically empower migrant women. Individual and generational hybridity, which has opened up since the 1990s between the assimilationist pressure from society and the multiculturalist communal “identity proposals,” challenges both ethnocultural and gender-based stereotypes (Klein-Hessling, Nökel and Werner 1999).

Until recently, in Britain as well as in France, the postcolonial nature of immigration has restricted the excluding impact of two key factors which limit migrant women’s integration and/or participation in other Western European countries. But since the 1980s, citizenship and access to political rights, on the one hand, and access to the host society’s national language on the other, have become major issues. In countries such as Germany and Switzerland, migration policy has been based on the so-called guest worker status, which for decades has maintained the fiction of provisional, temporary residence and of expected return. Accordingly, specific integration measures directed at guest worker families have been weak, often developed inside the industrial job environment and implemented by male dominated trade unions. In the first generation, even language courses have been limited to teaching at the predominantly male workplace. Consequently, while their husbands gained some access to the host language through their working environment and their children learned the national language at school – often complementarily invited to attend after-school mother tongue or language of origin classes in order to maintain the second generation’s return options – migrant women did not gain systematic access to the host majority language (Klein-Hessling, Nökel and Werner 1999, Blaschke 2004).

Furthermore, the nationalization and naturalization laws prevailing in countries with guest worker policies have until very recently still been based not on the classical French territorial *ius solis* (access to citizenship through birth or long-term residence on French territory), but on ethnically defined *ius sanguinis* (access to citizenship through descent from ethnic German couples or through in-marriage). Both factors, access to citizenship and to the host language, have been the most important obstacles that persistently deter migrants in general, but migrant women in particular (Cornelius et al. 2004). In these countries, temporary, gradual, and highly conditional rights of residence and of social and political participation have always been linked to industrial labor provided by male heads of family; independently migrating women as well as women immigrating through family reunification policies have fewer opportunities of having access to stable residence status or even to citizenship and divorce from a guest worker resident could imply forced return.

In the 1980s, and particularly in the 1990s, the process of European Union (EU) harmonization of migration policies and legal frameworks – the Schengen Agreement of 1985 and the Amsterdam Treaty of 1997 – started to dilute some differences among nation-states in relation to border control and to access to citizenship (Van Krieken 2001, Cornelius et al. 2004). Other divergences, above all in immigrant integration policies implemented by multiculturalist or assimilationist regimes, persist. Nevertheless, in all EU countries postcolonial and guest worker immigration has been officially restricted or even legally abolished. As a direct consequence, migratory flows toward Europe – which are paradoxically ever more sought for by local
work, seasonal agricultural labor, seasonal jobs in the tourism and hospitality sector, and sex work – are often excluded from the official regularization campaigns (Dietz and El-Shohoumi 2004).

Consequently, since the 1990s migrant women have been actively involved in sans-papier movements in countries such as France, Spain, and Italy, claiming their recognition as legal subjects and as new social actors, who are now establishing or deepening contacts with host society women’s movements and organizations.

**Bibliography**


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