

Immigrant women: U.S., Israel and Australia

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Worldwide, there are now over 100 million international immigrants, mostly from developing countries in Asia, South and Central America, and, the Former Soviet Union to the United States, Australia, Canada, Germany, England, Israel and other Westernized industrialized countries (Hernandez & Charney, 1998). Women represent about half of the international migrant population and the majority of the world's 30 million refugees and displaced persons (Ferris, 1993). While a hundred years ago immigrant women were heavily outnumbered by male immigrants in the workforce, currently female immigrant workers outnumber males and are frequently the principal contributors to family incomes (Foner, 1999, 2000). They often work off the books for less than the minimum wage and their rights are seriously compromised and threatened. They work in domestic work such as child and elder care as well as cleaning jobs and agricultural labor, sweatshops of the garment, textile and footwear industries as well as other low-wage jobs. As David Shipler documented and demonstrated in his recent book about the working poor in the US, there is an invisible layer of the society under the one in which most of us live – a significant part of that “underground America” is comprised of immigrant women. The same is true for other immigration societies. Consequently, these women have no benefits and are unprotected and “an easy prey” to exploitive employers.

Traditionally immigrants were treated as a homogenous entity and only recently we start to witness efforts to look at gendered migration. While

immigrant women demonstrate resilience and considerable ability for posttraumatic growth (Berger, 2004), they also are a population group at high risk. In addition to facing the same issues that affect all immigrants, women are susceptible to additional gender specific risk factors that seriously effect their health and wellbeing. Women face forms of persecution which are unique to them such as rape, sexual violence, forced sterilization, genital mutilation and domestic violence, from which they are unable to get state protection. Immigrant women are among the most vulnerable to exploitation, abuse, and human rights violations (National Network on Immigrant and Refugee Rights, 2000). Because they are caught in an intersection of being immigrants, women and often of minority status, immigrant women are vulnerable to triple discrimination caused by racism, sexism and class inequality.

This is true relative to gendered pre-migration policy in the culture of origin that affects the ability of women to autonomously decide to migrate and to access the resources necessary to do so and post migration policy that determined their status and possibilities in the culture of relocation. For example, the United Nations Convention relating to the Status of Refugees, which defines who is a refugee favors the recognition of forms of persecution experienced by men while those experiences by women in private settings are less likely to be recognized as grounds for persecution (Boyd and Greico, 2003).

After the migration, while their legal and social security is better protected in some countries (e.g. Australia) than in others (e.g. France and Germany), female immigrants are typically concentrated in low status employment and suffer

significant social disadvantage with hardly any policy to repair it. And this is more or less true around the globe. In Australia, it has been documented that immigrant women have less English proficiency, less economic means and more constraints stemming from traditional family background (Babacan and Gopalkrishnan, 2004). "Positioned at the intersection of class-, ethnic-, and gender-based relations of power, immigrant women from less developed countries living in Western industrial countries like Australia have tended to constitute the most vulnerable and hence exploitable of social groups, after the indigenous population" (Alcorso, 1995)".

Between the years 1995-2000 it has been documented that conditions for immigrant women in the world have seriously deteriorated. Undocumented immigrant women are the most vulnerable and at the highest risk (Walsh, 2001; National Network on Immigrant and Refugee Rights, 2000).

For women who come from traditional cultures, which are the vast majority, their inferior status at work is aggravated by their subordinate status and double roles in the family (Remennick, 1999) as well as their added roles as mediators with the receiving society, carriers of the culture of origin, and, buffers and containers for their family members' frustrations.

Immigration policy further exacerbates these difficulties. A report published in 2000 by the National Network on Immigrant and Refugee Rights concluded that in spite of the Platform for Action set at the 1995 Beijing conference, in which principles for promoting international standards for women's rights were established, challenges facing migrant women continue to be ignored.

This female face of immigration presents challenges to policymakers and service organizations. These challenges can be viewed in the context of two aspects:

1. **Immigration control policies or immigration regulation** -- i.e. rules, procedures and principles governing the selection and admission of who is allowed to enter in various immigrant societies.
2. **immigrant policies** i.e. conditions provided to this population group once they are in the country, e.g. legal status, eligibility for benefits and services, housing, employment, health and educational opportunities

Numerous factors shape immigration policies such as historical experiences, cultural idioms, social conflicts, domestic economic and social factors (Meyers, 2000). In this presentation, however, I will focus on trying to illuminate some issues as they relate to both of the aforementioned challenges based on three immigration societies –Israel, US& Australia, without necessarily analyze the sources of these policies.

Immigration policy

In the decision of who may enter, researchers from around the world report that albeit supposedly men and women's eligibility for migration is judged on an equal basis, women faced more discrimination and scrutinizing than men did because they were believed to be less capable than men to support themselves. As Boyd (1995) puts it "Systematic discrimination can result when migration

regulations reinforce gender inequality by accepting stereotypical images of men and women” (p.84). Even when there are no spelled out specific policies regarding women or when the gender specific policies are meant to protect women, there are immigration rules that affect women negatively. Some issues such as sexual assault, domestic violence and reproductive health affect women much more than men.

Gender-blindness may lead to gender discrimination. One clear example is the types of visas allocated to legal immigrants. For example, admission criteria that are based on level of education and type of vocational and professional background discriminate against women who come from countries that bar females from acquiring education and training; thus a seemingly equal policy is discriminatory because women have less chances of being admitted by their own merits.

In the US, where 11% of the population is foreign born and another 10% have at least one foreign born parent, a significant number of women migrate as “secondary’ migrants” following or joining other family members, their husbands (United Nations, 1995). They often have minimal say in the decision to migrate. They migrate not because of their will or decision but because of their husbands’ desire to do so. In addition the majority of international immigrant women are admitted under the principle of family reunification.

Under the Immigration and Nationality Act, U.S. citizens and permanent residents can file relative visa petitions so their spouses can obtain legal permanent residency through the marriage and legally reside in the U.S. Citizen

and resident spouses choose when and whether to file visa petitions, and they can revoke those petitions at any time prior to the issuance of permanent residency to their spouse. The power to keep a spouse in permanent risk of deportation provides batterers who are citizens and legal permanent residents with a coercive tool to keep abused immigrant women in violent relationships. Many immigrant women live in extremely dangerous situations in fear for their lives because their abusive partners threaten them and their children with deportation if they seek assistance from the police or report their abusive behavior. For example, if a woman tries to run away to a domestic violence shelter, the abusive partner may go to the immigrant authorities to withdraw his petition for her documentation and have her deported instead. In this way, he also escapes being prosecuted for criminal offenses related to the physical abuse of his wife. There has been an effort to address this situation by two measures. First, since 2000 victims of crime such as domestic violence and sexual exploitation who are undocumented immigrants were given the possibility to apply for a U type visa that gives them temporary permission to stay lawfully and protects them from deportation for three years. In addition, the Violence Against Women Act (VAWA) passed by Congress in 1994, which allows the spouses and children of United States citizens or lawful permanent residents (LPR) to self-petition to file for immigration relief without the abuser's assistance or knowledge, in order to seek safety and independence from the abuser. Albeit acting on these rules by the Board of Immigration Appeals has been inconsistent, denying the claims of some women (Goldberg and Passade Cissé, 2000), this is

one example of many more acts that need to take place to correct gender specific discriminations in immigration and immigrant policy. However, to make this effective and usable so it will not remain as a chapter in the books, eligibility needs to be made known to potential users. This means publication in multiple languages in accessible locations where there is an opportunity for women to become aware of their rights because we have to remember that the freedom to leave the house, drive and socialize of many immigrant women who live among us is more limited than that of the typical American and western woman. This is especially true for abused women because of the typical tactic of abusers to isolate their victims.

In Australia, where one in four of the 20 million people who live there is foreign born, the shifting immigration policies, which increasingly favor admitting high-skilled workers while retaining a focus on family reunification, are leading to greater inflows of women (Inglis, 2003). However, exploitation of migrant women exists under the protection of the law. A clear example the Philippine mail-ordered brides “imported” by prospective husbands.

Australia’s immigration policy remains very much loyal to the “White Australia” legacy. Two separately managed programs exist under which people may migrate to Australia and under certain circumstances secure permanent residence: The Migration Program for skilled and family migrants and the Humanitarian Program. In the Migration Program that brings in annually approximately 80,000 people there has been traditionally a preference for family migration because of its assumed inherent geographical and social stability,

which is important for the country's reliance on immigration for economic development and population growth. The Humanitarian Program, that has a quota of 12,000 annually, is designed to help refugees and people whose rights have been violated in their culture of origin and displaced people with close links to Australia. One of the programs under the Humanitarian umbrella is a "women at risk" program, which is limited to about 500 women a year and grants entry to female refugees "at risk". Although criteria for "at risk" are not specified, it generally includes women who are vulnerable to physical harm, older women and female headed families (Babacan & Gopalkrishnan, 2004).

The shifts in Australia's immigration selection since the 1980s from favoring men who could supply the labor market's need for manual labor forcing women to come as the men's dependents to give greater prominence to skilled, well-educated manpower made it easier for professional women to migrate based on their own attributes, rather than those of their husband or father. However, the situation for women with limited education and professional training – most women from traditional cultures, remained pretty much the same. Consequently, women outnumber men in those immigrating under the family reunification program (61.7% of 23,344 arrivals) men outnumber women in all the other entry categories and mostly so in the "independents" category.

Admitting women on the basis of their relationship to men (husband, father) rather than by their own status creates a situation of dependency for these women. Their conditions of immigration affect the level of gender hierarchy and post-immigration power structure in immigrant families. When women gain full

immigration status they are better able to negotiate relatively egalitarian family relations whereas an immigration status that is conditional or temporary and depends on the husbands' status weakens their position in the marital and familial relationships and exacerbates patriarchal relations (Hondagneu-Sotelo, 1994).

Furthermore, such dependency sends a discriminatory message of inequality and carries with it a danger of abuse. Indeed, the danger of domestic violence has been documented in immigrant women in both countries as major issue for immigrant women and as much higher than for their non immigrant counterparts, even when culture of origin is taken into consideration. The proportion of Philippine women to men in Australia is 186:100 and these women are almost six times over-represented as victims of homicide than other women. Ignorance of their rights, lack of familiarity with the culture and fear of the legal system, even when it can offer protection keep women in "prison like" situation.

The subordinate position of women is not limited to the family. Caroline Alcorso, in her report about Women, Work and Cultural Diversity in the 1990s, reports about exploitation of immigrant women in sweatshop industries and lack of protective policy quite similar to the US. Furthermore, she demonstrates how women who were initially positioned low within the economic and social structure because of their background, e.g. limited schooling and lack of English competence, were kept there by the nature of Australian society and its immigrants policy of limiting their access to social resources and relegating them to a subordinate social position.

In Israel, the situation is somewhat different. The main reason for being admitted into the country is the Law of Return (1950) which is intended to make the State of Israel a safe haven for all Jews. This law grants admission and automatic citizen to every Jew who expressed their wish to become an Israeli as well as to any person having at least one Jewish grandparent (as amended in 1970 to broaden its definition). Thus, theoretically, women do not depend on men for their immigration status. However, two major issues regarding immigrant women that have developed in recent years pertain to labor migrants and sex workers.

Migrant workers started to come into Israel to work in domestic services. The number of Philippine women who took care of Israel's babies and elderly and cleaned homes was so large that the concept "my Philippine" became in well to do neighborhoods a synonym to "the cleaning lady" or "my child or elderly parent care taker". Between 1996 – 2000 there was a constant raise in the percentage of women among labor migrants from 11% to about one third of the estimated quarter of a million labor workers. In 2001 their proportion started to decline in comparison as Chinese, Romanian and Thai men fluxed in to fill the places vacated by Palestinians who because of the Intifada that started in 2000 could or would no longer come to work in Israel as day workers. This somewhat changed the gender composition. However, currently it is estimated by Kav Laoved, an advocacy organization for labor workers that about 55%-60% of the migrant workers in Israel are women because migrant workers are working in Israel mostly in 3 sectors construction, agriculture, and home-care, and the quota

for permits in the construction sector decreased leading to a decrease in the number of men workers in this sector while in home-care there is no quota, so the number of women workers constantly increased (personal communication, 9/15/2004).

Raijman, Schammah-Gesser and Kemp (2003) identified three major dilemmas embedded in women's labor migration in Israel:

(1) These women must take jobs that they would have never taken in their countries of origin; (2) the search for economic betterment leads them to risk living and working illegally in the host country, forcing them to remain on the margins of society; (3) to secure a better future for their children, mothers are often forced to leave them behind. The situation of these women is not dissimilar to the domestic work migrant women from the Caribbean to the US following the 1965 change in the immigration law. Many of them left behind families and children, who depend on the sending of remittance for their livelihood.

Sex workers have been "imported" and sold to Israeli pimps under extremely exploitive conditions either with false documents or smuggled via the land boarder with Egypt. There are no official numbers regarding the extent of the traffic of women into Israel, but there is a general consensus that it is becoming more prevalent. (CEDAW Report, 8 April 1997)

The current policy toward labor migrants is that of a "revolving door". The conditions for many legal migrant workers are "slavery-like". As a result, many migrants go 'illegal', seeking better conditions. They are then hunted down, arrested, and deported, while new 'legal' migrants are imported. The attitude

toward trafficked women is quite cavalier --, foreign women involved in prostitution are arrested for illegal stays in Israel, detained and deported to their home-countries, while those exploiting them often go unpunished.

Immigrant policy

In spite of the existence of numerous international conventions to which most countries that receive immigrants are signatory, that protect immigrants and refugees against discrimination, significant gaps exist between declared legal standards and actual practices and the receivership is often characterized by ambivalence, “schizophrenic” attitudes, racism and skepticism.

This issue is complicated because while immigration policy typically resides with the central government (e.g. federal level in the US), immigrants’ policy exist on different levels such as state in the US and Australia and local -- municipal and organization levels in most countries and states. Policies differ even within the same state/city/ organization between different departments/branches. These policies are reflected in written laws and regulations as well as implied by the way business are conducted, such as provision of medical, educational and social services in immigrants’ mother tongue and messages that reflect expectation for fast assimilation or respect for immigrants’ culture of origin and its continuing existence.

Historically, the nature of the receivership (i.e. immigrants) policy changes across the globe from emphasizing assimilation to embracing multi-culturalism. While there is a lot to be said for cultural diversity, in some instances it may work against women. Many of the immigrant women come from traditional societies,

which are typically patriarchal and women are considered property of men -- fathers, husbands, sons, and are subject to oppressive control including in extreme cases actions that violate their human rights, such as female circumcision. An immigrants' policy of pluralism that adopts cultural diversity, respects, accepts and cherishes cultures of origin may lead to preservation of patriarchal customs and laws that are exploitive of women. Examples may include cultures where physical, emotional financial and sexual abuse of women is normative.

Additional immigrant policies that hurt women are inadequate labor protection for domestic workers, which is also mostly a female issue given the high percentage of females among domestic workers and sexual exploitation such as of Philippine women "imported" to Australia, women trafficked from the former Soviet Union to Israel and from South East Asia and South America to the U.S. to become sex workers.

What needs to be done?

- One major policy change that needs to be lobbied for is the adoption of more egalitarian policies, which allow women to be examined and admitted by their own merits to gain full immigration status.
- Affirmative-action like policies are necessary. As Boyd (1995) articulates it: "Immigration regulations need not be overtly discriminatory to produce sex specific outcomes" (p. 84).
- Include immigrant women in bodies that address their issues to secure acting on a full understanding of the issue under consideration and its

implications. This applies to the federal level that controls immigration policy and to state level that is in charge of immigrants' policy.

- Build alliances to promote immigrant women's interests. Not less important than language and vocational and professional training is training women to advocate for themselves and their fellow immigrants. Gaining access to political resources that will enable them to develop ability to advocate for themselves is empowering. Mostly since the mid-eighties, organizations have been developed and are operating to promote the rights and conditions of immigrant women.

Develop protective policies and outreach programs to facilitate actualizing rights that are in the books and allow women realistic access to economic and social resources that will allow them to progress.

- Advocate for changing the patriarchal structures of the labor market.

- Alcorso, C. (1995). Women, Work and Cultural Diversity in the 1990s. 1995
Global Cultural Diversity Conference Proceedings. Retrieved on 9/4/2004
from [www.immi.gov.au/multicultural/ inc/publications/confer/13/](http://www.immi.gov.au/multicultural/inc/publications/confer/13/)
- Babacan, H. & Gopalkrishnan, N. (2004). Posttraumatic experiences of refugee women. In C. L. Rabin, Ed. *Understanding Gender and Culture in the Helping Process* (149-165). NY: Thomson.
- Berger, R. (2004). *Immigrant Women Tell Their Stories*. NY: Haworth.
- Boyd, M. and Greico, E. (2003). *Women and Migration: Incorporating Gender into International Migration Theory*. Retrieved from
<http://www.migrationinformation.org/> on 9/4/2004
- Eavas, E. (1998). Israel not the promised land for Russian sex slaves.
Reuters, 23 August. Retrieved from
<http://www.uri.edu/artsci/wms/hughes/israel.htm> 9/14/04
- Goldberg, P. and Passade Cissé, B. (2000). Gender issues in asylum law after matter of R-A-, *Immigration Briefings* 00-2
- Inglis, C. (2003). *Mothers, Wives, and Workers: Australia's Migrant Women* .
retrieved from <http://www.migrationinformation.org/> on 9/4/2004
- Meyers, E. (2000). Theories of international immigration policy - a comparative analysis. *International Migration Review*; 34, 4(132): 1245-1282.
- Ogletree, C.J. (2000). America's schizophrenic immigration policy: Race, class and reason. *Cincinnati Law*, 21: 1-18

Raijman R., Schammah-Gesser S. and Kemp A. (2003). International Migration, Domestic Work, and Care Work: Undocumented Latina Migrants in Israel. *Gender and Society*, 17(5): 727-749.