

WOMEN MIGRATING TO MEXICO FOR
ECONOMIC OPPORTUNITIES: THE NEED FOR
IMPROVED PROTECTIONS AND RIGHTS

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FEMALE AGENCY, MOBILITY AND SOCIO-CULTURAL CHANGE

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This research programme focuses on the feminization of migration as one of the most significant social patterns to have emerged in the course of the last century. Too often, female migrants occupy vulnerable positions in their host societies, engaging in domestic work, sex work and other unregulated sectors. Despite being so vulnerable and despite established patterns of exploitation, the numbers of women who choose to migrate is rising. This research programme focuses on this phenomenon, in order to better understand why and how migration may offer routes to empowerment to women. A specific area of focus will be the extent to which migration allows women from the global south new sociocultural horizons as they cross over and settle in the global north.

Women Migrating to Mexico for Economic Opportunities: The Need for Improved Protections and Rights

Anjali Fleury¹

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Summary

As Mexico puts into place new policies and programs to address increased migration from the Northern Triangle countries, El Salvador, Guatemala, and Honduras, it is critical that policymakers take into account the rights and needs of migrant women working in Mexico. Women represent approximately half of the migrant population in Mexico, yet are often unable to acquire proper documentation or resources. Mexico's recent migration law facilitates work visas and protects migrant and women's rights, yet effective implementation falls short. This report examines the challenges faced by migrant women in three sectors – agriculture, domestic work, and sex work. The report concludes with recommendations for Mexico. This report is the first part of a two-part report series examining the migration of women from the Northern Triangle to Mexico

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Introduction

The international community has shown growing interest in the migrant flows to the United States from the Northern Triangle countries, El Salvador, Honduras, and Guatemala, but often overlooks the significant flows to Mexico. Mexico is increasingly considered a destination for migrants. Women migrating to Mexico represent approximately half of the migrant flow, yet are often unable to acquire proper documentation or resources (UN DESA 2013). As Mexico puts into place new policies to address increased migration from the Northern Triangle, it is critical that policymakers take into account the rights and needs of migrant women traveling to and working in Mexico.

Migration to Mexico

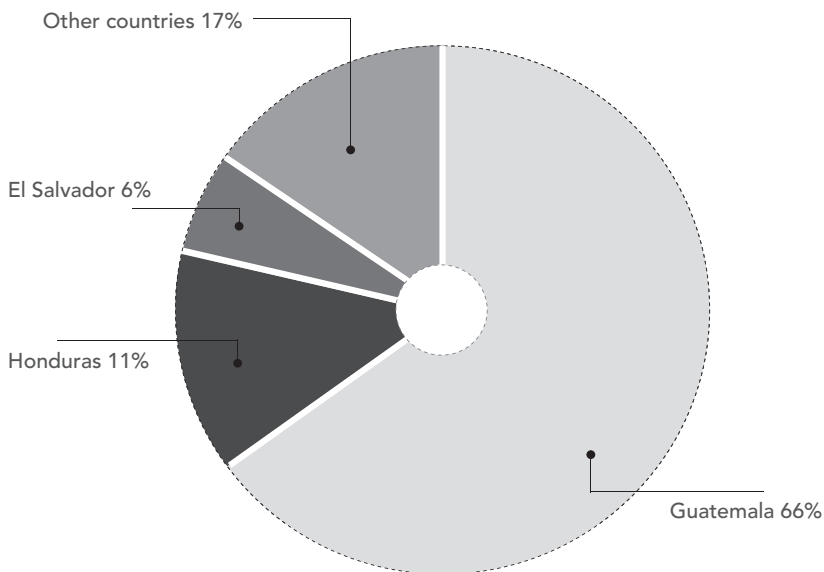
Migrants traveling to Mexico from the Northern Triangle countries come through the southern border of Mexico, often settling in the Soconusco region in the state of Chiapas, Mexico's poorest state (Carte 2014; Carrie 2011). Historically, Chiapas has been a high-receiving destination for migrants due to natural disasters, such as Hurricane Mitch in 1998 and Hurricane Stan in 2005, as well as conflicts in Guatemala (Fernandez Casanueva 2009).

Guatemalans represent the largest migrant flow to Chiapas. As early as the late 1800s, Mexico largely relied on Guatemalans for agricultural assistance in southern Mexico (Rojas Wiesner et al. 2008). As smaller agricultural farms unsuccessfully competed with larger producers, many low-income workers began migrating to urban centers or across borders to work in agriculture or other sectors (Fernandez Casanueva 2009). In 2007, in Ciudad Hidalgo, Chiapas alone, thousands of migrants cultivated coffee, papaya, banana, and other crops. Guatemalan migrant laborers have significantly contributed to the economic development of this region, while concurrently providing for their own families (Rojas Wiesner et al. 2008).

Labor migration continues to offer important opportunities for many low-income, indigenous communities in Guatemala (Rojas Wiesner et al. 2008, Fernandez Casanueva 2009). Findings show Guatemalan migrants come to Mexico because of increased pay (64%), the accessibility of work (38%), and the availability of food (11%) (Ángeles Cruz and Rojas Wiesner 2002, as cited by Rojas Wiesner et al. 2008).

While Guatemalans represent 66% of foreign-born persons in Chiapas, Hondurans and Salvadorans represent 11% and 6%, respectively (INEGI 2010, as cited by UN Women and COLMEX 2015).

Figure 1: Percentage of Foreign-Born Persons in Chiapas, Mexico by Country of Birth, 2010



Source: INEGI 2010, as cited by UN Women and COLMEX 2015.

Of these migrants, women compose a significant share of the flows into Mexico. In 2010, migrant women accounted for 49.3% of the foreign-born population in Mexico (UN DESA 2013), and in Chiapas specifically, women accounted for 55% of the foreign-born population. In 2010 in Chiapas, women represented 55.6% of Guatemalan migrants, 61.3% of Honduran migrants, 57.3% of Salvadoran migrants, and 47.8% of migrants from other countries. Yet, women represent a much smaller percentage of documented migrant workers, only 17.4% in 2010, 17.8% in 2011, and 16.4% in 2012 (UN Women and COLMEX 2015). Most migrant women often work without legal documents or work permits.

Generally, employment is gendered. For instance, migrant men dominate in agriculture and construction. Employment for migrant women is often domestic work or sex work (Fernandez Casanueva 2009). Social networks, which enable migrants to access employment, perpetuate gendered labor. For instance, agricultural work largely relies on male-dominant networks, whereas female networks are connected to domestic work opportunities. In some ways, wom-

en are more empowered in domestic work networks compared with agricultural networks, where women must rely on men for positions that are often subordinate and pay less. Even though some women work in agriculture, the network continues to strongly rely on male influence. For instance, once working in agriculture, women are not able to fully negotiate with male contractors (Rojas Wiesner et al. 2008).

Table 1: Percentage of Migrant Women in Mexico Aged 14 and Older by Country and Profession, 2010

| | Guatemala | Honduras | El Salvador |
|---|-----------|----------|-------------|
| Domestic workers | 48.9 | 37.1 | 64.9 |
| Vendors (in stores) | 12.4 | 42.2 | 15.2 |
| Industrial workers | 3.6 | 3.8 | 8.2 |
| Agricultural workers | 14.5 | 0.9 | 7.4 |
| Workers in various services | 7.3 | 12.4 | 2.6 |
| Street vendors | 9.4 | 2.5 | 1.7 |
| Construction workers | 0.9 | 0.8 | 0.0 |
| Professionals, technical and administrative workers | 3.0 | 0.0 | 0.0 |

Source: INEGI, 2010 as cited by UN Women and COLMEX 2015.

Migrant Women in Agriculture

Migrant women working in agriculture often migrate with their husbands and male relatives. The intermediaries coordinating with employers may add women and children as agricultural “helpers” of male migrants, allowing employers to pay less for more labor. Thus, even though the work itself is often the same, migrant women are not counted independently and are consistently paid less than migrant men. This may be in part due to the social assumption that men are the primary earners in families, and that women’s economic contributions are supplementary (Fernandez Casanueva 2009). There are now some cases where women have separate and independent employment contracts that are not tied to male migrant workers. It was only in the 1990s that migrant women working in agriculture

began receiving legal documentation as independent employees, rather than accompanying male relatives (Rojas Wiesner et al. 2008). While the vast majority of agricultural migrants continue to be men, the numbers of women are increasing as migrant women are becoming more independently documented and registered.

Even with employer registration, both migrant men and women report retention of pay and documents, lower wages, and noncompliance with contracts in agricultural work (Rojas Wiesner 2002, as cited by Rojas Wiesner and Ángeles Cruz 2008, Rojas Wiesner et al. 2008). Migrant women have even less power and status, particularly when without legal documentation. Women also tend to have less decision-making power regarding when and where to work if they are accompanying male relatives.

Migrant Women in Domestic Work

More so than agriculture, a significant percentage of migrant women from Central America work as domestic workers in Chiapas. The Latin America and Caribbean region hosts 19.6 million domestic workers, of which 18 million are women, though not all are migrants (Alpizar-Duran 2013).

Domestic workers often have low salaries and tend to work very long hours and without benefits. The most vulnerable to abuses are domestic workers that live within the home of their employer, which can result in longer work hours, increased isolation, less agency and rights, and more abuses (UN Women and COLMEX 2015). Domestic workers may be subject to physical, verbal, and sexual abuse, racial discrimination, insufficient food, retention or non-payment of wages, and wrongful termination (Rojas Wiesner et al. 2008). Research on domestic workers in Tapachula, Chiapas reveals that 65% experienced abuse from employers (Ángeles Cruz et al. 2004, and CDH-FMC n.d., as cited by UN Women and COLMEX 2015).

It is also reported that domestic workers with less experience are more susceptible to abusive working conditions. With increased experience, migrant women gain more knowledge of the market and are better able to negotiate. Thus, through experience, migrant women may gain increased decision-making power. Furthermore, with increased knowledge, migrant women are better able to provide information and a network for other women seeking to migrate and work as domestic workers (Rojas Wiesner et al. 2008).

Even with more agency and negotiating power, domestic workers tend to have limited labor protections, thereby increasing the risks of labor exploitation and abuse. The International Labour Organization (ILO) estimates that 45% of global domestic workers do not have basic protections, like weekly rest, and over a third do not have maternity protection (ILO 2013, as cited by Alpizar-Duran 2013). Unlike other countries, in Mexico domestic work is covered by the *Ley Federal del Trabajo* (Federal Labor Law). However, in contrast to other occupations with an 8-hour workday, domestic workers can legally work up to 12 hours daily with no overtime payment. Employers are not required to pay social security for a domestic worker, which also limits access to other protections, such as benefits, vacation, maternity leave, child care assistance, or a pension (EU et al. 2014). In addition, the ability to acquire legal residence or a formal work permit is reliant on the employer's support, and often employers do not bother with legal registration. Thus, many domestic workers remain undocumented, resulting in less rights and increased vulnerabilities. This, in conjunction with the low-income, illiterate, and indigenous background of many migrant women, makes it even more difficult to access full rights and integration into the community (Fernandez Casanueva 2009).

Migrant Women in Sex Work

Another form of gendered work for migrant women is sex work. Given the discreet nature of sex work, there lack accurate statistics on migrant sex workers. One survey of the region identified 32% of sex workers as Mexican, and of the remaining 69%, 39% were Honduran, 38% Guatemalan, 16% Salvadoran, 5% Nicaraguan, and 1% Panamanian. The report also found 70% of sex workers to be undocumented (Quintino et al. 2011, as cited by UN Women and COLMEX 2015).

Here, too, migrants are vulnerable to abuse. Sex workers have higher risks of sexual violence and gender-based abuse (UN Women and COLMEX 2015). These vulnerabilities tend to be worse for female migrants, and one study found that of women experiencing forced sex, 73% were migrants (Quintino et al. 2011, as cited by UN Women and COLMEX 2015).

Unfortunately, almost half of the sex workers in Chiapas reported originally migrating to escape violence in their own homes. Some women reported being offered jobs in other sectors, only to discover the job was instead in the sex sector. However, one advantage of employment in sex work is the consistent high demand, unlike male-

oriented jobs, like agriculture, which is seasonal and has less consistent demand (Fernandez Casanueva 2009).

Sex work is not covered under the Federal Labor Law even though the industry is not criminalized. Indeed, occupations associated as “feminine”, like domestic work and sex work, are precisely the occupations with labor protection gaps (EU et al. 2014). Like domestic workers, sex workers are often not registered with employers nor legally documented. As sex workers, being undocumented and without legal protection can lead to additional abuses from their work, the community, and officials. Without documentation, sex workers may also struggle to access proper healthcare, and given the nature of their work, may be exposed to high health risks (Carrie 2011).

Mexico's Policies and Programs

In 2011, Mexico implemented the *Ley de Migración* (Migration Law), supporting cross-border migration through temporary visas and 72-hour permits. To enable labor migration from neighboring countries, Mexico instituted the *Tarjeta de Visitante Trabajador Fronterizo* (TVTF), which aims to expedite the visa process for Guatemalan and Belizean workers, primarily agricultural workers (Carte 2014, UN Women and COLMEX 2015). The permit allows temporary work for up to one year. A 72-hour permit, the *Forma Migratoria de Visitante Local* (FMVL), is also available to migrants, but does not allow migrants to work (UN Women and COLMEX 2015).

In cases of both daily commuters and migrants that stay in Mexico beyond a day, very few women use the TVTF visa. The majority of working migrant women use the FMVL, even though it prohibits employment. This is in part due to the lengthy and troublesome registration process. For instance, to receive proper documentation for domestic work, the employer must first register with Mexico's *Instituto Nacional de Migración* (National Institute of Migration (INM)) and then provide full information on the employee. After registration, the INM and consular office may conduct interviews. Then the migrant worker may begin the bureaucratic and costly procedure to receive documentation (UN Women and IMUMI 2015). The migrant worker must provide a valid passport, even though many do not possess one nor do the country consulates always have the ability to provide passports to their citizens (Carte 2014). The initial burden for the employer coupled with difficulty in the bureaucratic process results in fewer migrant women receiving proper registration. Moreover, for some employers it is preferable to keep migrants unregistered as a means to manipulate and exploit the worker.

Table 2: Percentage of Guatemalan Migrants Working in Mexico by Sex, Documentation, and Length of Migration Time, 2012

| | Female | | Male | |
|----------------------------|----------------|-----------------|----------------|-----------------|
| | Up to 24 hours | More than 1 day | Up to 24 hours | More than 1 day |
| No document or permit used | 2.9 | 7.9 | 3.7 | 17.3 |
| FMVL* | 91.0 | 69.9 | 77.8 | 28.8 |
| TVTF* | 6.0 | 22.2 | 18.3 | 53.8 |
| Other | 0.0 | 0.0 | 0.1 | 0.2 |

Source: INEGI 2010, as cited by UN Women and COLMEX 2015.

* Similar visas preceding the FMVL and TVTF may have been incorporated into the findings.

In addition to visas and permits for migrants, Mexico’s Migration Law aims to protect migrants’ rights to freedom of movement, health, and equality and non-discrimination, as well as access to education, identity, family unity, justice, and immigration documents. For example, migrants are provided the right to medical attention regardless of their legal status and migrant workers and their children have the right to education (EU et al. 2014). Furthermore, children of migrants born in Mexico are granted *jus soli* citizenship, regardless of the parents’ documentation status (Carte 2014).

Despite Mexico’s policies and programs, migrants still face obstacles in accessing services and their rights. Migrants struggle with understanding the process, completing the required paperwork, paying the fees, and navigating the lack of consistent information on work permits and services (Carte 2014). They may be denied resources, such as healthcare, legal protection, and education, to which they are entitled. For instance, hospitals have refused service to pregnant women due to lack of identification papers. The same issues persist with children’s access to education. Migrants also report officials denying services based on arbitrary rules. Denial or complications with services often result from lack of information or discriminatory practices by low-level or mid-level officials in charge of providing resources and protections to migrants. Repeated denial of services or convoluted and arbitrary rules may result in migrants less willing to attempt accessing services. Others don’t access services fearing risk of deportation, or prefer invisibility to protect themselves from feeling “othered” by locals (Carte 2014; Rojas-Wiesner and DeVargas 2014).

The lack of legal documentation, the need for healthcare, such as prenatal health or healthcare for high-risk sex work, as well as the burden of children's citizenship or access to education affects migrant women more than men. While the policies and programs are progressive and aim to assist migrants, the implementation is not entirely effective.

Conclusion and Recommendations

Considering the implementation issues of current policies and programs, it is critical that the new policies Mexico is establishing, such as *Programa Frontera Sur* (Southern Border Program), properly protect the rights and needs of migrants in Mexico, particularly those with the least access to documentation and resources, like migrant women.

One area in which countries are developing increased rights for migrant women is in domestic work. Some Latin American countries have promoted laudable advances for the rights of domestic workers. Three Latin American countries – Bolivia, Nicaragua, and Uruguay – ratified Convention 189 on Decent Work for Domestic Workers (C189). Brazil and Argentina established laws for the rights of domestic workers, though neither ratified C189. In Brazil, domestic workers were previously classified in a labor category that offered them few rights. Then in 2013, after lobbying from unions and domestic workers' federations, Brazil's Senate passed the Constitutional Amendment Bill (PEC) 478/10 to provide additional rights, including unemployment benefits, limitations on total workday and workweek hours, and overtime pay. Argentina passed a decree, N0 326/56, in 2013 as well, which requires maternity leave, paid holidays, and restrictions on daily and weekly working hours (Alpizar-Duran 2013). Mexico can learn from its fellow Latin American countries in promoting the legal rights of domestic workers.

Considering that migrant women tend to be undocumented, access to the same rights, federations, and unions that offer protection to domestic workers in Latin American countries may be less accessible. Thus, more effort is needed on migrant rights as well. Very few countries have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). Mexico has ratified ICRMW, but has yet to provide immigration laws that reflect the components of ICRMW. In addition, Mexico has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which in its General Recommendation 26 focuses on migrant women workers. However, as shown, there are implementation gaps in providing migrant women proper protection and rights.

Mexico is strongly recommended to increase registration and documentation of gendered positions, specifically domestic workers and sex workers, by providing increased access to work authorization, including improving the ability for women to gain permits with work authorization that do not rely on one's relatives or spouse or on one employer. This will enable increased documentation, improved access to resources, and less reliance on abusive employers.

It is also recommended that Mexico properly provide these permits, resources, and services, requiring enhanced institutional frameworks, training, and sensitization of low- and mid-level officials. To ensure proper implementation, Mexico should conduct assessments on access to permits and services to guarantee migrant women are able to access decent work, healthcare, education, justice, and other resources.

As migration from the Northern Triangle increases, and as Mexico establishes new policies and protections in response, these recommendations will allow Mexico to better protect and realize the benefits of migrant women working in and contributing to the country.

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