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Doctoral (PhD) Dissertation

**The integration of Vietnamese women migrants in the EU - The need for
a better legal framework of the EU and Vietnam**

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List of Abbreviations

BCD	Directive (EU) 2021/1883 of 20 October 2021
CBPs	Common Basic Principles for Immigrant Integration Policy
CEAS	Directives of the Common European Asylum System
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CJEU	Court of Justice of the European Union
DOLAB	Vietnam Department of Overseas Labour
DOLISA	Departments of Labor, Invalids, and Social Affairs
EVFTA	European Union-Vietnam Free Trade Agreement
FRA	European Union Agency for Fundamental Rights
FRD	Council Directive 2003/86/EC of 22 September 2003
GDP	Gross Domestic Product
ICTD	Directive 2014/66/EU of 15 May 2014
ILO	International Labour Organization
IOM	International Organization for Migration
KNOMAD	Global Knowledge Partnership on Migration and Development
LTRD	Council Directive 2003/109/EC of 25 November 2003
MIPEX	Migrant Integration Policy Index
MOU	Memorandums Of Understanding
MOLISA	Vietnam Ministry of Labour Invalids and Social Affairs
NGOs	Non-governmental organizations
OECD	Organisation for Economic Co-operation and Development
PCA	Vietnam-EU Partnership and Cooperation Agreement
QDA	Qualitative Document Analysis
S&RD	Directive 2016/801 of 11 May 2016
SPD	Directive 2011/98/EU of 13 December 2011
SWD	Directive 2014/36/EU of 26 February 2014
TCN	Third-country nationals
TFEU	The Treaty on the Functioning of the European Union

UN	United Nations
UNDESA	United Nations, Department of Economic and Social Affairs
WB	World Bank

CHAPTER I: INTRODUCTION

1. Background of the research

Migrant women are more vulnerable than migrant men.¹ They often have different migration patterns, experiences, and face distinct challenges and opportunities.² Numerous global studies have consistently demonstrated that women possess certain attributes that render them more vulnerable during the process of migration compared to men. These characteristics encompass gender-based violence, specific working conditions, caregiving responsibilities, legal status, and immigration policies, all of which contribute to the heightened vulnerability of women during migration.³ As the percentage of female migrants increases, it becomes increasingly important to acknowledge and address gender differences in migration. Migration models and studies that solely focus on male migration or fail to differentiate between men and women may produce biased findings and unreliable policy prescriptions.⁴ To address this limitation, it is crucial to incorporate a gender perspective into migration research, policy development, and program implementation. This involves collecting gender-disaggregated data, conducting gender-focused analyses, and developing policies that address the specific needs and challenges of women and men in migration.⁵

¹ Kavar, M. (2004). Gender and migration: Why are women more vulnerable. *Femmes et mouvement: Genre, migrations et nouvelle division internationale du travail*. Graduate Institute Publications, L'Harmattan, pp. 71–87.

² Internationalis Caritas (2012). The female face of migration. Advocacy and best practices for women who migrate and the families they leave behind. Vatican City State Caritas Int, p. 4. <https://reliefweb.int/attachments/aba727f0-f62c-3849-8638-805513ab582c/FFMCaritasPolicyDoc.pdf> (Accessed on 12 May 2023).

³ See more in Palumbo, L. & Sciurba, A. (2018) The Vulnerability to Exploitation of Women Migrant Workers in Agriculture in the EU: The Need for a Human Rights and Gender Based Approach, Study for the FEMM committee PE 604.966- May 2018. Bruxelles: Directorate General for Internal Policies of the Union; Cox, D. (1997). The vulnerability of Asian women migrant workers to a lack of protection and to violence. *Asian and Pacific Migration Journal*, 6(1), pp. 59-75.; Kavar, M. (2004). Gender and migration: Why are women more vulnerable. *Femmes et mouvement: Genre, migrations et nouvelle division internationale du travail*. Graduate Institute Publications, L'Harmattan, pp. 71–87.; Gu, C. J. (2012). Women's status in the context of international migration. *Sociology Compass*, 6(6), pp. 458-471; Maher, J., & Segrave, M. (2018). Family violence risk, migration status and 'vulnerability': Hearing the voices of immigrant women. *Journal of gender-based violence*, 2(3), pp. 503-518.

⁴ Pfeiffer, L., Richter, S., Fletcher, P., & Taylor, J. E. (2007). Gender in economic research on international migration and its impacts: a critical review. *The international migration of women*. pp. 11-51.

⁵ Fleury, A. (2016). Understanding women and migration: A literature review. KNOMAD Working Paper 8, Washington, DC, p. vii.

Third-country nationals (TCNs)⁶ constitute a crucial component of the European Union (EU)'s workforce, and according to Eurostat, the statistical data shows that the number of TCNs residing in EU Member States had reached 23.7 million in 2022, accounting for 5.3% of the EU's total population.⁷ Over the past two decades, the EU has prioritized the integration of migrant workers into labour markets and society,⁸ recognizing its significance in ensuring long-term prosperity, economic stability, and social cohesion within European societies.⁹ Particularly, the successful integration of women migrant workers holds great importance as they possess the potential to contribute significantly to socioeconomic development in both EU destination countries and their countries of origin, given they receive appropriate support through governmental programs and policies.¹⁰ However, the latest data from 2022 still indicates a gap in the integration of female migrant workers, with the employment rate of female non-EU citizens being 21.2% lower than that of female nationals, while the difference for male counterparts is only 5.6%.¹¹ There have been studies showing the gap in labour market integration between male and female TCNs, between migrants and natives and asserting that integration efforts must more clearly take the gender dimension into account, as well as further investigate the determinants of the gender gap in integration.¹² Because of the continued disadvantages faced by women migrant workers, and they are still considered

⁶ The term "third-country national" is used as defined by the European Commission and refers to a person who is not a citizen of the European Union and is not entitled to free movement, available at: https://ec.europa.eu/home-affairs/pages/glossary/third-country-national_en.

⁷ Eurostat (2022), Non-EU citizens make up 5.3% of the EU population. Retrieved from <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20220330-2> (Accessed on 12 May 2023).

⁸ Van Wolleghem, P. G. (2019). Where is the EU's Migrant Integration Policy Heading?. A Neofunctionalist Take on Three Multiannual Financial Frameworks. *International Review of Public Policy*, 1(1: 2), pp. 218-237.

⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action plan on Integration and Inclusion 2021–2027, Brussels, 24.11.2020, COM(2020) 758 final.

¹⁰ Bachan, A. (2018). An exploration of the gender-migration-development nexus. *Consilience*, 20(20), pp. 1-22.

¹¹ Eurostat (2022). Migrant integration statistics – labour market indicators. Retrieved from https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migrant_integration_statistics_%E2%80%93_labour_market_indicators (Accessed on 11 March 2023).

¹² See Barslund, M., Di Bartolomeo, A., & Ludolph, L. (2017). Gender inequality and integration of non-EU migrants in the EU. *CEPS Policy Insights*, CEPS, Brussels; Grubanov-Boskovic, S., Tintori, G. and Biagi, F. (2020). Gaps in the EU Labour Market Participation Rates: an intersectional assessment of the role of gender and migrant status, EUR 30406 EN, Publications Office of the European Union, Luxembourg, 2020, ISBN 978-92-76-23422-7, doi:10.2760/391659, JRC121425.; Rubin, J et al. (2008). Migrant women in the European labour force. Current situation and future prospects. RAND Europe, Cambridge, Brussels.; Ballarino, G., & Panichella, N. (2018). The occupational integration of migrant women in Western European labour markets. *Acta Sociologica*, 61(2), pp. 126-142.

among the most vulnerable groups of migrants, policies need to be sensitive to gender and consider the diverse needs of migrants.¹³

The 2011 Agenda for the Integration of Third-Country Nationals, launched by the European Commission, recognized the multifaceted nature of integrating migrants, involving not only the immigrant and the destination country, but also the country of origin.¹⁴ Numerous nations globally are striving to augment their relationship with their migrant populations by extending diverse forms of support and aid, such as streamlining the return of migrants to their home country, offering consular assistance to expatriate nationals, and incentivizing migrants to engage in remote economic and political endeavours.¹⁵ Migrants often encounter two policy systems: the integration policy of the host country and the migration policy of the country of origin.¹⁶

At the national level of member states, various studies have highlighted the inadequacies and disparities in integration policies for migrant women. A 2021 study by the European Migration Network revealed that in the majority of Member States, the integration of migrant women is not a policy priority, as reflected in their integration policies. Moreover, the extent to which Member States implement integration policies specifically tailored to migrant women varies significantly.¹⁷ The European Court of Auditors, in its 2018 Report, pointed out the absence of policies specifically designed to tackle the unique integration challenges faced by migrant women.¹⁸ Furthermore, a 2017 study conducted by the European Union Agency for Fundamental Rights (FRA) revealed limited evidence of a gender-focused approach in national action plans and integration strategies. The lack of

¹³ Radowicz, J. A. (2021). Searching for the Best Way of Integration. *Studia Europejskie*, 25(3), pp. 39-57.

¹⁴ European Commission (2011). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. European agenda for the integration of third-country nationals, Brussels, 20.07.2011, COM (2011) 455 final.

¹⁵ Østergaard-Nielsen, E. (2016). "Sending country policies". In *Integration Processes and Policies in Europe: Contexts, Levels and Actors*, edited by Alessandra B. and Giovanna Z., pp. 147-165.

¹⁶ Unterreiner, A., & Weinar, A. (2017). "Introduction: Integration as a three-way process." In *Migrant Integration Between Homeland and Host Society Volume 1*, Springer, Cham, pp. 1-19.

¹⁷ European Migration Network (2021). Integration of Migrant Women in the EU: Policies and Measures-EMN Inform. Brussels: European Migration Network. Retrieved from https://migrant-integration.ec.europa.eu/library-document/integration-migrant-women-eu-policies-and-measures_en (Accessed on 11 March 2023).

¹⁸ European Court of Auditors (2018). Briefing paper: The integration of migrants from outside the EU. p. 23. Retrieved from <https://reliefweb.int/report/world/briefing-paper-integration-migrants-outside-eu> (Accessed on 17 March 2023).

gender-specific considerations in these plans and strategies can further hinder the effective integration of migrant women into the labour market.¹⁹

2. Motivation and Objective for the Research

Vietnam, a developing country in Southeast Asia, has made labour export an integral component of its socioeconomic development strategy. Since 2006, over 1 million Vietnamese workers have sought employment abroad,²⁰ with approximately 150,000 Vietnamese workers annually traveling abroad generating an impressive revenue of approximately 2.5 billion USD that is remitted back to Vietnam.²¹ Notably, the Vietnam-EU Partnership and Cooperation Agreement (PCA) and the European Union-Vietnam Free Trade Agreement (EVFTA) have opened up further opportunities for Vietnamese workers to pursue economic advancement in Europe.²² The number of Vietnamese workers working in EU countries has been increasing recently, especially female migrant workers. In 2017, among the top 10 countries receiving Vietnamese workers, only Romania, an EU member state, was included, ranking 10th with 469 workers, including 65 female workers.²³ By 2022, this list expanded to include three EU countries: Hungary, hosting 775 workers (including 325 women); Romania, employing 721 workers (with 155 women); and Poland, with 494 workers (including 86 women).²⁴ In 2023, the number of Vietnamese migrant workers to EU countries continued to increase significantly. Notably, the number of Vietnamese women migrant workers in Hungary and Poland doubled compared to 2022, reaching 735 compared to 325 and 155 compared to 86,

¹⁹ The EU Agency for Fundamental Rights (2017). Together in the EU - Promoting the participation of migrants and their descendants. Luxembourg: Publications Office of the European Union, p. 7. Retrieved from https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-together-in-the-eu_en.pdf (Accessed on 17 December 2023).

²⁰ MOLISA (2019). Improve the quality of export labor (in Vietnamese: Nâng cao chất lượng xuất khẩu lao động). Available at <http://www.molisa.gov.vn/Pages/tintuc/chitiet.aspx?tintucID=219367> (Accessed on 12 September 2022).

²¹ Dang Cong San Newspaper (2019). Where is Vietnam's guest worker compared to other countries? (in Vietnamese: Lao động xuất khẩu của Việt Nam đang ở đâu so với các nước?). Available at <https://dangcongsan.vn/xa-hoi/lao-dong-xuat-khau-cua-viet-nam-dang-o-dau-so-voi-cac-nuoc-538257.html> (Accessed on 12 September 2022).

²² Giang Nam (2021). Going to Europe, which market is best in the new year? (in Vietnamese: Sang châu Âu, thị trường nào tốt nhất trong năm mới?). *Ngươi Lao Dong Newspaper*. Available at <https://nld.com.vn/cong-doan/sang-chau-au-thi-truong-nao-tot-nhat-trong-nam-moi-2021021523582439.htm> (Accessed on 12 September 2022).

²³ DOLAB (2018). 134,751 workers went to work abroad in 2017 (in Vietnamese: 134.751 lao động đi làm việc ở nước ngoài trong năm 2017). Available at <http://www.dolab.gov.vn/New/View2.aspx?Key=3521> (Accessed on 15 September 2022).

²⁴ DOLAB (2023). Review conference of the year 2022 (in Vietnamese: Hội nghị Tổng kết công tác năm 2022). Available at <http://www.dolab.gov.vn/New/View2.aspx?Key=7781> (Accessed on 15 September 2022).

respectively.²⁵ However, although working in Europe offers significant advantages such as higher wages and better working conditions, integration challenges, such as cultural and linguistic differences, as well as strict immigration policies and regulations, may be different from those experienced in more traditional destinations for migrant workers, such as Taiwan, Korea, and Japan.²⁶

As outlined above, most studies on integration focus on the national level of EU member states, highlighting the deficiencies and disparities in integration policies for female migrant workers. Additionally, there have been numerous studies on integration policies in specific countries.²⁷ However, the role of the EU in this field has not been thoroughly examined. Article 47 of the Treaty on European Union clearly recognizes the legal personality of the European Union, making it an independent entity in its own right.²⁸ With this status, EU law has both direct and indirect effects on the laws of its Member States and becomes an integral part of the legal system of each Member State.²⁹ In the field of migration, Article 79(4) of The Treaty on the Functioning of the European Union (TFEU) grants the EU the authority to establish common immigration policies to ensure, at all stages, effective management of migration flows and fair treatment of TCNs legally residing in the Member States.³⁰ Therefore, it can be observed that the EU plays a significant role in shaping migration and integration policies. In addition to the EU's role in shaping migration and integration policies, it is also essential to consider the role of Vietnam, the country of origin of migrants. From the perspective of a researcher who has

²⁵ DOLAB (2024). Review conference of the year 2023 (in Vietnamese: Hội nghị Tổng kết công tác năm 2023). Available at <http://www.dolab.gov.vn/New/View2.aspx?Key=8541> (Accessed on 15 September 2022).

²⁶ DOLAB (2023). *Op.cit.*

²⁷ See Kirk, K. M., & Suvarierol, S. (2014). Emancipating migrant women? Gendered civic integration in The Netherlands. *Social Politics*, 21(2), pp. 241-260; Ballarino, G., & Panichella, N. (2018). The occupational integration of migrant women in Western European labour markets. *Acta Sociologica*, 61(2), pp. 126-142; Yeasmin, N., & Kirchner, S. (2020). Migrant integration in Finland: Learning processes of immigrant women. In *Immigration in the Circumpolar North*, Routledge, pp. 74-93.; Vancea, M., & Boso, Á. (2015). Migrant women and labour integration in Catalonia: The impact of new information and communication technologies. *Revista de Estudios Sociales*, (53), pp. 138-149; Glas, S. (2022). Exclusionary contexts frustrate cultural integration: migrant acculturation into support for gender equality in the labor market in Western Europe. *International Migration Review*, 56(3), pp. 941-975; Trimikliniotis, N., & Souroulla, M. (2010). New female migration and integration related policies in Cyprus. *The new female migrants in European societies—A state of the Art*, pp. 233-259; Osburg, M., Petry, R., & Nienaber, B. (Ed.). (2021). Integration of migrant women in Luxembourg: policies and measures. Luxembourg: EMN Luxembourg. Available at <https://orbi.lu.uni.lu/handle/10993/48978> (Accessed on 19 October 2022).

²⁸ TEU, Article 47.

²⁹ European Parliament (n.d). "Sources and scope of European Union law". Retrieved from <https://www.europarl.europa.eu/factsheets/en/sheet/6/sources-and-scope-of-european-union-law> (Accessed on 11 October 2022).

³⁰ TFEU, Article 79(4).

been pursuing research in this field for many years, starting from my undergraduate thesis on the topic “The law on the relationship between Vietnamese migrant workers and enterprises providing services of sending workers to work abroad under contracts” to my master's thesis on 'Law and Reality regarding the protection of the rights of Vietnamese female guest workers under contract”, I have observed that Vietnamese women migrant workers still face many disadvantages when working abroad, and Vietnamese law has not yet fully demonstrated its role in supporting workers.

In my opinion, Vietnam's migration policies and legal framework can play a crucial role in shaping the migration and integration process of Vietnamese individuals into new cultures and societies. Vietnam may enact regulations concerning licensing, monitoring, and supporting migrants, as well as creating favorable conditions for them to seize opportunities and face challenges during the integration process. Furthermore, Vietnam can enter into more international agreements in the area of migration with the EU to protect the rights and interests of Vietnamese migrant workers that they are treated fairly and provided with the best possible conditions for integration. International agreements signed by the EU may have direct binding effects and may prevail over national laws and constitutions. This capacity of the EU is reflected in Articles 3(2) and 216(1) of the TFEU.³¹ Therefore, with the main motivation being to establish the best legal framework to support the integration process of Vietnamese women migrant workers in the EU, the research objective of this dissertation is:

To analyze and evaluate the current EU’s policies and legal framework on migration and integration, particularly those concerning female labour migrants.

To analyze Vietnam's policies and legal framework regarding migration and evaluate the extent to which these policies and legal framework can support Vietnamese women migrant workers in the process of integration in the EU.

To propose improvements and adjustments to both the EU and Vietnam's legal frameworks to create an optimal supportive environment for the integration process of Vietnamese women migrant workers in the EU.

³¹ TFEU, Article 3(2) & Article 216(1).

As no similar study has been conducted on this specific topic in Vietnam until now, this research has the potential to contribute valuable insights that can inform policymaking and guide the implementation of more effective measures to support and protect Vietnamese women migrant workers during their migration and integration journeys.

3. Scope of the research

In delineating the scope of this study, I intentionally focus attention on a specific demographic group³² - Vietnamese women workers migrating through labour export, as regulated by The Law on Vietnamese Guest Workers 2020. According to this Law, female migrant workers working abroad must fall into the following categories³³:

1. Contracts signed with service providers for implementation of international agreements.
2. Contracts or written agreements signed with any of following enterprises, organizations and individuals: a) Vietnamese enterprises providing guest worker service; b) Vietnamese enterprises awarded with contracts for foreign constructions and/or projects; c) Vietnamese enterprises bringing Vietnamese workers abroad for training, improvement and enhancement; d) Vietnamese organizations and individuals making outward investment.
3. Employment contracts between Vietnamese workers and foreign employers.³⁴

Therefore, in this dissertation, the term "Vietnamese women migrant workers" or "Vietnamese female migrant workers" will refer exclusively to a single group of migrant workers as outlined above.

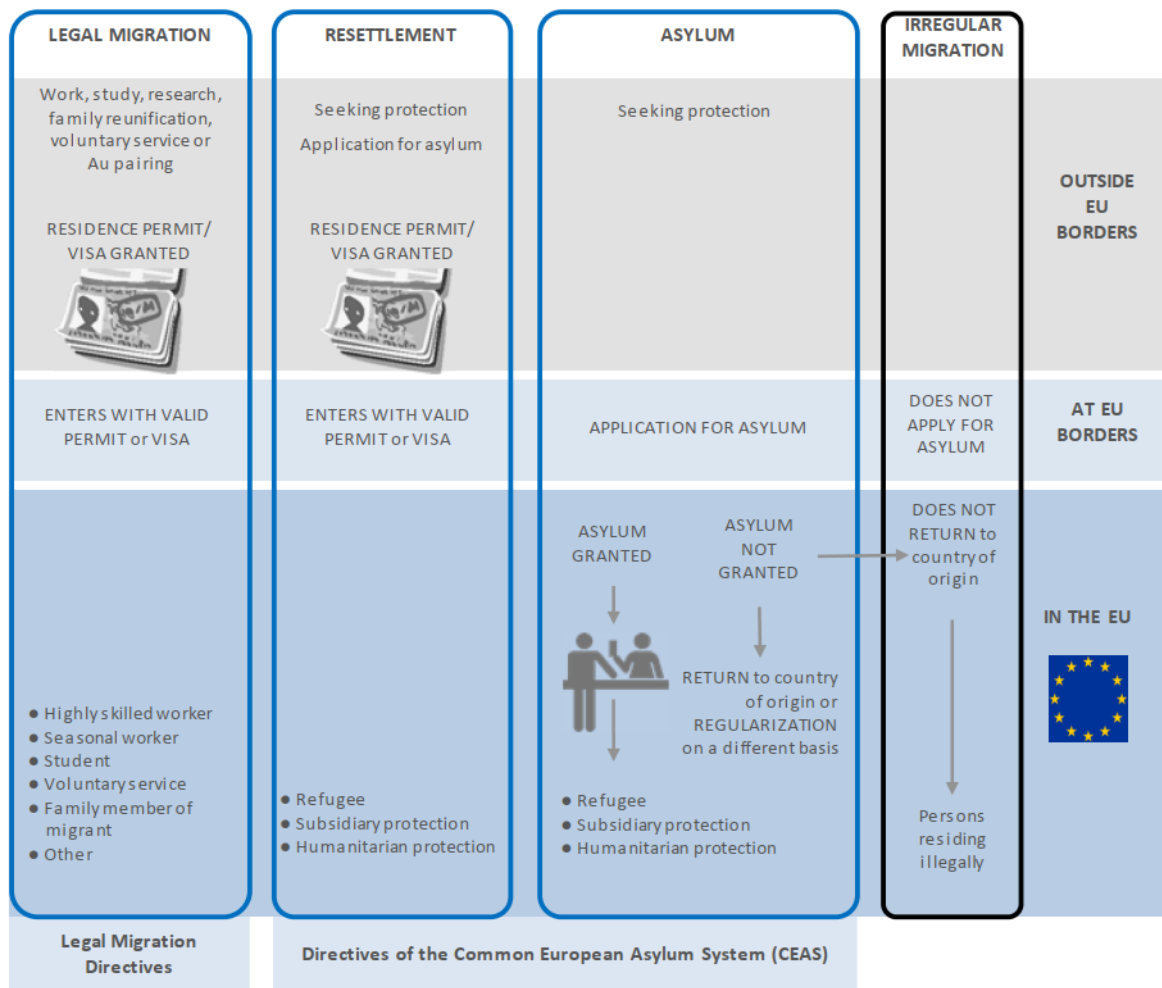
³² Demographic is a term used in social research; it refers to the characteristics of a population that have been categorized by distinct criteria—such as age, sex, income level, race, employment, location, homeownership, and level of education. In this study, the selected demographic group is Vietnamese female migrant workers, with the criteria identified.

³³ The section above is a near-verbatim citation of the law, with the sole purpose of providing information that Vietnamese law only recognizes three cases as legal migration. While it may cause confusion and perplexity for the reader, the creators of this law are the lawmakers of Vietnam—who often create confusion and inconsistencies. I do not intend to focus on analyzing this, as it seems off-topic. Simply put, the classification below is based on the three different paths for labor migration: 1. With the assistance of service providers related to the government. 2. With the assistance of enterprises or organizations not related to the government. 3. Without any assistance, signing a contract directly with the foreign employer.

³⁴ Law on Vietnamese Guest Workers 2020, Article 5.

The decision to narrow the research scope to this specific demographic group is rooted in several reasons. Firstly, migration is a complex and multifaceted phenomenon that encompasses various groups and fields, including legal migrant workers, illegal migrants, refugees, asylum seekers, and their families. Recognizing this breadth, this research meticulously defines its scope to focus on a specific subset - legal women migrant workers. The primary emphasis on legal women migrant workers stems from the significant challenges in gathering pertinent data on illegal immigrants. The legal framework surrounding migrant workers provides a more accessible avenue for data collection, enabling a comprehensive and nuanced examination of this specific group's integration experiences. The decision to exclude refugees and asylum seekers from the primary focus is based on the distinct characteristics these groups hold in comparison to legal migrant workers. Variations in migration purposes, employment opportunities, and duration of stay necessitate a separate and dedicated examination, which falls outside the scope of this research. The complexity and differences of migration channels to reside in the EU are depicted in the table below.

Table 1: Different migration channels to reside in the EU



Source: European Court of Auditors (2018). Briefing paper: The integration of migrants from outside the EU, p. 24. Retrieved from <https://reliefweb.int/report/world/briefing-paper-integration-migrants-outside-eu> (Accessed on 17 March 2023).

It can be observed from the table above that there are many channels for migration to the EU, with various purposes such as studying, working, or seeking asylum, including irregular migration. Each form of migration falls under the management of different EU Directives. While legal migration is governed by the Legal Migration Directives, the other forms are regulated by the Directives of the Common European Asylum System. Therefore, by concentrating on legal women migrant workers, this research ensures precision and depth in the analysis of integration challenges.

Secondly, due to the differences in migration purposes, this dissertation will not study women migrants who relocate for family reunification purposes. Instead, it will only address those women who intend to participate in the labour market. Additionally, stemming from the acknowledgment of the distinct challenges faced by Vietnamese

female workers engaged in labour export, this study intentionally excludes the investigation of Vietnamese women migrants who may possess certain advantages in integration, such as high qualifications or strong financial potential. However, concentrating on the specified demographic group does not imply the complete exclusion of other groups from consideration. Migration patterns exhibit a notable degree of interconnectedness, with individuals frequently undergoing two-step or three-step migration sequences.³⁵ For instance, individuals might embark on the journey of studying abroad and subsequently decide to remain in the host country to pursue employment opportunities. Alternatively, individuals may engage in concurrent processes, such as migrating to seek employment while also aiming to reunite with their families.

Although acknowledging that integration takes place at the member state level and each country has its own integration policies, the focus of this dissertation is on EU-level policies for the simple reason that studying policies across 27 member states would require more time and resources than a doctoral dissertation. Additionally, Vietnamese women migrant workers can work in any EU country, so selecting a few countries for case studies may not provide significant value.

In summary, this dissertation will concentrate on studying EU policy documents and laws related to the integration of Vietnamese female labour migrants in the EU. To understand the formation and development of the EU's perspectives on the role of the country of origin in integration and the necessity to focus on female migrant workers, policy documents from the 20-year period from 1999 to 2019 will be examined. This timeframe spans from the establishment of the EU's common integration framework to the beginning of this dissertation. Subsequently, this dissertation will examine current EU policies and secondary legislation, specifically directives related to the selected demographic group.

In addition, the current policy and legal framework of Vietnam are also examined. However, since integration for Vietnamese migrant worker in other countries is still a relatively new concept and Vietnamese law is considered as gender neutral, or gender blind, that means the law applies equally to women and men migrant workers in the most

³⁵ Nguyen, C. H. (2022). An Overview of International Migration Data from Vietnam. *Universitätspark Bülten*, 11(2), pp. 7-27.

basic sense,³⁶ provisions conducive to the integration of Vietnamese female labour migrants may be scattered across various legal documents. Therefore, not only migration laws but also a range of related policy documents and laws are sought and considered.

4. Research questions

Question 1: What potential challenges may Vietnamese women migrant workers encounter during the integration process in the EU?

The integration process for Vietnamese female migrant workers in the EU is likely to be impeded by a variety of challenges across different domains. Factors such as cultural differences, economic disparities, and legal complexities may present significant obstacles to their successful integration. As the number of Vietnamese women migrating to the EU has only recently increased, data and research are still limited. However, studies on the barriers faced by female migrant workers in general in the EU can be utilized and combined with the specific characteristics of Vietnamese female workers to identify potential challenges in their integration process. Findings from this research question can help pinpoint potential challenges more specifically in the integration process. This is an important aspect in determining the direction for research and proposing specific policy measures to address these issues.

Question 2: At the EU level, to what extent can the legal framework and integration policies support Vietnamese women migrant workers in addressing the challenges they may encounter?

After identifying the challenges that Vietnamese women migrant workers face, it's crucial to first assess the current EU legal framework and integration policies regarding migrant women. As a collective entity representing 27 member states and possessing legal competence in the field of migration and integration, EU's common policies in this area have a certain impact on the integration process of female labour migrants. This involves scrutinizing relevant directives, regulations, and policies enacted by the EU, particularly those aimed at promoting gender equality, combating discrimination, and facilitating the integration of migrants. Findings from this research question can help determine the

³⁶ ILO (2019). More choices, more power: Opportunities for women's empowerment in labour migration from Viet Nam. ILO Publications, Geneva.

extent to which EU policies can support Vietnamese women migrant workers as well as identify legal gaps that need to be addressed.

Question 3: To what extent can Vietnam's legal framework and policies support Vietnamese women migrant workers in addressing the challenges they may encounter in the integration process in the EU?

As the country of origin, the extent to which Vietnam's laws can influence the integration process of Vietnamese female labour migrants in the EU also needs to be examined and analyzed. This involves examining laws, regulations, and government policies governing various aspects of migration, such as recruitment, employment, social protection, and integration support measures. Firstly, it's essential to assess the nature and scope of Vietnam's migration policies, focusing on whether they prioritize the facilitation of migrant workers' integration abroad. This entails examining whether Vietnam's policies include provisions for pre-departure orientation, language and cultural training, access to social services, and support networks for migrant workers intending to work in the EU. Moreover, analyzing the enforcement mechanisms and implementation of migration-related laws and policies in Vietnam is crucial. This includes evaluating the effectiveness of regulatory bodies and government agencies responsible for overseeing migration processes and ensuring compliance with labour standards and migrant rights. Findings from this research question can help raise awareness of the effectiveness of Vietnam's legal framework and policies in supporting the integration of migrant workers, particularly Vietnamese women, into EU societies. By critically examining existing policies and implementation mechanisms, this analysis can contribute to identifying gaps and opportunities for enhancing support for migrant workers' integration in the EU.

5. Methodology

This dissertation presents a policy and legal approach to enhance the integration of Vietnamese women migrant workers in the EU. The utilization of qualitative research is highlighted as a significant milestone in the evolution of migration studies in recent decades.³⁷ It examines the intricate, multifaceted aspects of migration dynamics and seeks

³⁷ Yalaz, E., & Zapata-Barrero, R. (2018). Mapping the qualitative migration research in Europe: An exploratory analysis. In R. Zapata-Barrero & E. Yalaz (Eds.), *Qualitative research in European migration studies* (IMISCOE Research Series), Springer International Publishing.

to grasp the perspectives of various social actors and immigrant communities, particularly those marginalized from mainstream societal and political participation and representation.³⁸ Although not all migrants are vulnerable, qualitative research plays a crucial role in uncovering the lived experiences of marginalized migrant populations, informing policymakers and stakeholders about the causes and consequences of their vulnerabilities, and advocating for action to effect change.³⁹ Therefore, this empirical study is designed to utilize qualitative methods for data collection, interpretation, and drawing conclusions.

Based on the research questions and hypotheses, this dissertation will employ the Qualitative Document Analysis (QDA) method as the main method. QDA is a research approach used for rigorously and systematically analyzing the contents of written documents. In political science research, this method facilitates impartial and consistent analysis of written policies.⁴⁰ A series of EU-level policy documents and Vietnam's legal policies related to the integration of female migrant workers will be selected and analyzed. These documents serve as primary sources and are chosen based on the scope of the dissertation as previously defined. All of these documents are available online and accessible to the public. Furthermore, they are available in English as well as multiple other languages.

For the first research question about integration challenges for Vietnamese women migrant workers in the EU, the Secondary Data Analysis method will be used. Instead of collecting new data, I will analyze existing datasets, surveys, and reports that include information relevant to the research question. It is important to affirm that this study will not employ field research methods such as observation, interviews, or surveys, as I believed that they may not provide sufficient in-depth insights into the research questions. The population studied for this dissertation comprises Vietnamese women migrating to work in the EU, regulated by The Law on Vietnamese Guest Workers 2020. While

³⁸ Zapata-Barrero, R., & Yalaz, E. (2018). Introduction: Preparing the Way for Qualitative Research in Migration Studies. In R. Zapata-Barrero, E. Yalaz (eds.), *Qualitative Research in European Migration Studies* (IMISCOE Research Series), Springer International Publishing, pp. 2-3.

³⁹ Zapata-Barrero, R., & Yalaz, E. (2022). Qualitative Methods in Migration Research. In Scholten, P. (eds) *Introduction to Migration Studies* (IMISCOE Research Series) Springer, Cham. p. 420.

⁴⁰ Wach, E., & Ward, R. (2013). Learning about qualitative document analysis. Retrieved from <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/2989> (Accessed on 11 May 2022).

conducting methods such as surveys with migrants is crucial in migration research,⁴¹ practical constraints such as time, resources, access, and the reliability of responses necessitate an alternative approach. In qualitative research, data are typically gathered through three primary methods, either used individually or in combination: direct observation, in-depth interviews, and analysis of documents.⁴² However, in this dissertation, only the method of document analysis is employed for data collection. Document analysis is often integrated with other qualitative research methods as a form of triangulation, which involves the use of multiple methodologies to study the same phenomenon.⁴³ Qualitative researchers are expected to draw upon various sources of evidence, seeking convergence and support through the utilization of different data sources and methods.⁴⁴ By triangulating data, researchers aim to create a cohesive body of evidence that enhances the credibility of their findings.⁴⁵ By examining information gathered from different methods, researchers can validate findings across multiple data sets, thereby mitigating the potential biases inherent in any single study. Triangulation provides researchers with a defense against the claim that a study's conclusions are solely a result of one method, one source, or one researcher's perspective.⁴⁶ Therefore, to ensure validity through triangulation of data sources, a variety of secondary sources will be collected for use, including reports, statistical data, policy documents, opinions, commentary from reputable organizations, peer-reviewed journals and statistical databases from government agencies and organizations. This approach ensures the reliability, comprehensiveness, and accessibility of the required data.

The collected data will need to be analyzed to assess the perspectives and levels of support from both the EU and Vietnam regarding the integration of female migrant workers. Therefore, among the various analytical methods, the Content Analysis method will be chosen to systematically analyze the legal and policy documents of the EU and Vietnam. Content analysis is a document analysis strategy used to identify specific words or concepts within texts or sets of texts. Researchers quantify and analyze the presence,

⁴¹ Fawcett, J. T., & Arnold, F. (1987). The Role of Surveys in the Study of International Migration: An Appraisal. *The International Migration Review*, 21(4), pp. 1523–1540.

⁴² Webley, Lisa. (2010). Qualitative Approaches to Empirical Legal Research. In Cane, P. & M. Kritzer, H. (eds), *The Oxford Handbook of Empirical Legal Research*, Oxford University Press, pp.927-950.

⁴³ Denzin, N. K. (2017). *The Research Act: A Theoretical Introduction to Sociological Methods*. New York: Aldine.

⁴⁴ Patton, M. Q. (1990). *Qualitative Evaluation and Research Methods* (2nd Ed.). Newbury Park, CA: Sage.

⁴⁵ Rapley, T. (2007). *Doing Conversation, Discourse and Document Analysis*. London: Sage.

⁴⁶ Armstrong, C. (2021). Key methods used in qualitative document analysis. OSF Preprints, 1(9).

meanings, and relationships of these words and concepts, allowing them to make inferences about the messages within the texts, the writer(s), the audience, and even the culture and time period to which they belong.⁴⁷ The documents will be analyzed in the context of the integration of Vietnamese female migrant workers in the EU, and then assessed as having "Limited Support," "Partial Support," or "Comprehensive Support." The rating assigned to each document will depend on the extent to which they address or support the resolution of challenges faced by Vietnamese women migrant workers in integrating into the EU.

In addition, to elucidate the theoretical framework regarding migrant women and justify the focus on this demographic, this study adopts a multifaceted approach. It incorporates intersectional feminist theory to comprehend how various factors such as gender, ethnicity, class, and migration status intersect and influence the experiences of migrant women. Furthermore, it integrates human rights frameworks to emphasize the specific vulnerabilities and violations of rights encountered by migrant women. By amalgamating these perspectives, the study aims to offer a comprehensive understanding of the distinct challenges and requirements of migrant women, advocating for more inclusive and gender-sensitive policies and interventions. Moreover, a historical approach is employed to elucidate the evolution of perspectives regarding the role of the country of origin in integration. The historical approach to legal research aids in unraveling legal issues rooted in the past, offering insights into the development and evolution of legal frameworks over time.⁴⁸

6. The limitations of the dissertation

There is a significant gap in Vietnam's international migration statistics,⁴⁹ which can pose challenges in data collection and analysis. Firstly, this difficulty arises because the statistical reports from the Vietnam Ministry of Labor, Invalids and Social Affairs (the government ministry which performs state management function on Vietnamese migrant worker) are not publicly accessible on a specific database system. Secondly, the data collected from these reports often include migration figures under contracts or planned

⁴⁷ *Ibid.*

⁴⁸ Pathak, R. K. (2019). Historical approach to legal research. In *Legal Research and Methodology Perspectives, Process and Practice*. Satyam Law International.

⁴⁹ ILO and Genenal Statistics Office (2022), Data gaps in international labour migration statistics in Viet Nam, ILO Publications, Viet Nam.

migrations, excluding individuals in this group. Thirdly, international migration statistics are collected by various government departments, leading to disjointed and inconsistent data. For example, the entry-exit database falls under the responsibility of the Ministry of Public Security, information collection and reporting on Vietnamese labour working abroad is under the Ministry of Labor, Invalids and Social Affairs, while international migration statistics fall under the responsibility of the Ministry of Foreign Affairs. There exist differences in data sources, concepts, definitions, data collection methods, and reference periods among these agencies. Until now, there has been no unified body or organization responsible for harmonizing these diverse sources of international migration statistics. Additionally, the data gap has resulted in a lack of international research on Vietnamese migration, especially regarding women migrant workers in the EU.

7. Structure of the dissertation

The dissertation is divided into 7 chapters. The opening chapter includes: Background of the research; Motivation and Objective for the research; Scope of the research; Research questions and Hypotheses; Methodology; The limitations of the dissertation and Structure of the research.

Chapter II of the dissertation will attempt to clarify certain issues regarding integration theory. It will emphasize the dimensions of integration and the theory of the role of the sending country in the integration process.

Chapter III will address theories regarding women in migration to highlight the differences between men and women in migration. Specifically, it will emphasize the vulnerability of female migrants to answer why this dissertation focuses on female migrant labour.

Chapter IV will examine the context of Vietnamese female migrant labour and the context in the EU. It will examine the common challenges that female migrant labour faces in the EU market and explore the unique characteristics of Vietnamese female migrant labour. The primary objective of this chapter is to identify potential underlying challenges that may hinder Vietnamese female labour in the integration process in the EU.

Chapter V consists of analyses of EU policies and legal frameworks related to integration for female labour. Firstly, it will investigate the development of EU policies on the

integration of female migrant labour during the period from 1999-2019. Then, based on the challenges identified in Chapter 4, it will analyze and evaluate the current laws and policies to assess the extent to which these legal documents may support Vietnamese female migrant labour.

Chapter VI is an analysis of Vietnam's immigration laws and policies in the role of a sending country. It will attempt to clarify their roles and significance in the integration process of Vietnamese female labour in the EU.

The final chapter, Chapter VII, is a summary and conclusion of the entire dissertation, based on the research questions posed. It will then attempt to propose some solutions for improvement.

CHAPTER II: INTEGRATION

1. Overview

Before examining deeply into the women migrant workers, this Chapter will attempt to clarify the theoretical issues of integration to elucidate the role of the origin country in this process. The starting point will be to clarify the definition of "integration." To date, this research has attempted but has not been able to find a unified and widespread definition of "integration." Therefore, it will seek to approach and explain the different perspectives on integration in international policy documents and in migrant literature. This will not only be the perspective within the EU but also the perspectives of international organizations such as International Organization for Migration (IOM) and various scholars because these perspectives will contribute to shaping the EU's changing views on integration.

Once the concept of integration is clarified and understood, it becomes essential to examine a more practical level to comprehensively answer the question of what integration includes. While the theoretical understanding of integration provides a foundation, examining its practical aspects is crucial to gaining insights into the real-world processes and experiences of migrants. This chapter will utilize Rinus Penninx's distinction to further understand the dimensions of integration, including legal-political, socio-economic, and cultural-religious aspects.⁵⁰ Additionally, it will address integration indicators as they offer measurable criteria for assessing the degree of integration. Grasping these indicators is necessary to identify specific issues requiring attention in the migration and integration journey of Vietnamese female migrant workers in subsequent chapters.

The main focus of this chapter lies in the effort to explore the shift in perspective from integration as a two-way process to integration as a tripartite process involving the migrant, the host country, and the country of origin. This chapter will elucidate the ways in which the origin country influences the integration journey of migrants. Clarifying the

⁵⁰ Penninx, R. (2005). Integration of migrants: Economic, social, cultural and political dimensions. In M. Macura, A. L. MacDonald, & W. Haug (Eds.), *The new demographic regime: Population challenges and policy responses*, New York/Geneva: United Nations, pp. 137–152.

important role of the origin country will provide a necessary foundation for focusing on the legal framework and policies of Vietnam as the country of origin.

2. Definition

2.1. “Integration” in international policy documents

Various international organizations and entities have provided their own interpretations and understandings of integration over time, leading to diverse perspectives on the matter. In the early years of the 21st century, the concept of integration primarily revolved around an interactive process between migrant workers and the destination country. In 2003, the European Commission introduced a comprehensive definition of integration in its Communication on immigration, integration, and employment. According to this definition, integration can be described as "a two-way process based on mutual rights and corresponding obligations of legally resident TCNs and the host society, enabling full participation of immigrants".⁵¹ This concept of integration emphasizes a harmonious balance between the rights and obligations of both immigrants and the host society. Policies crafted around this definition adopt a holistic approach, addressing all aspects of integration to foster a cohesive and inclusive society.

In 2004, the Council of Ministers reached a consensus on the Common Basic Principles (CBPs) for Integration Policy. These principles serve as the fundamental guidelines for the European Union's policy cooperation concerning the integration of immigrants. Comprising 11 non-binding principles, they offer Member States a framework to evaluate their own integration efforts. The first article within this set of principles defines integration as "a dynamic, two-way process of mutual accommodation involving all immigrants and residents of Member States".⁵² This definition underscores the interactive nature of integration, emphasizing the need for both immigrants and the existing residents to adapt and accommodate each other in a reciprocal manner.

In 2010, the Council of the European Union emphasized that "integration is a dynamic, two-way process of mutual interaction, necessitating not only endeavors from national,

⁵¹ European Commission (2003), Commission of the European Communities, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions *on Immigration, Integration and Employment*, Brussels, 03.06.2003, COM (2003) 336 Final, pp. 17-18.

⁵² Council of the EU (2004). Common basic principles on immigrants integration. 2618th Meeting of the Justice and Home Affairs Council, 14615/04, 19 November. Brussels: Council of the European Union.

regional, and local authorities but also a deeper commitment from both the host community and immigrants".⁵³ This statement underscores the interactive and ongoing nature of integration, where active participation and engagement from all parties involved, including the authorities, host community, and immigrants, are essential. It highlights that successful integration is a collective responsibility, requiring collaborative efforts to foster a cohesive and inclusive society.

The IOM, as a key intergovernmental organization for migrants within the UN System, has introduced a broad definition for "integration". According to the IOM, integration is described as "the process of mutual adaptation between the host society and migrants themselves, both as individuals and as groups".⁵⁴ This definition emphasizes the interactive nature of integration, wherein both the host society and migrants are involved in adapting and accommodating to each other's needs and values. It recognizes that integration is not only an individual effort but also involves collective engagement from migrant communities as a whole. The IOM further elucidates that the criteria for acceptance by the host society may differ from one country to another. Importantly, integration does not always entail permanent settlement; it can take various forms depending on the context. However, what integration does entail is the recognition and consideration of the rights and responsibilities of both migrants and host societies.⁵⁵ This involves facilitating access to various services and the labour market for migrants while also respecting and upholding a set of fundamental values that unite migrants and host communities toward a shared objective.

Gradually, opinions on the integration process have evolved, and migration researchers have started to recognize the significance of the role played by the country of origin. In the European Agenda for the Integration of Third-Country Nationals published in 2011, the European Commission also acknowledged that the integration process for TCNs is not solely a two-way interaction between the immigrant and the destination country; rather, it involves a three-way process that includes the active participation of the country

⁵³ Council of the EU (2010). Conclusions of the Council and the Representatives of the Governments of the Member States on Integration as a Driver for Development and Social Cohesion, 9248/10, Brussels, 04.05.2010, p. 3.

⁵⁴ IOM (2012a). IOM and Migrant Integration. Retrieved from: https://www.iom.int/sites/g/files/tmzbd1486/files/migrated_files/What-We-Do/docs/IOM-DMM-Factsheet-LHD-Migrant-Integration.pdf (Accessed on 16 February 2023).

⁵⁵ IOM (2011). International Migration Law N°25 - Glossary on Migration. 2nd edition. Retrieved from https://publications.iom.int/system/files/pdf/iml25_1.pdf (Accessed on 17 February 2023).

of origin.⁵⁶ However, it is worth noting that this perspective has not been actively pursued by EU institutions, and it has primarily captured the attention of scholars in the field of migration.

In summary, the definitions of integration provided and used by international organizations may not necessarily be purely scientific in nature, but they serve as guiding principles for governments and national legislation. These definitions also play a crucial role in shaping international relations, particularly concerning the integration of migrants. Governments rely on these definitions to make decisions on various aspects of migration, such as resettlement, permanent admission, and the return or removal of non-integrated migrants. By establishing common frameworks and understanding the dynamics of integration, these definitions help to inform and shape policies aimed at creating inclusive and cohesive societies for both migrants and host communities.

2.2. “Integration” in migrant scientific literature

Although integration is an important concept but the concept of integration has been a topic of ongoing debate and controversy since its inception and continues to be subject to various questions and perspectives. While different definitions of integration might have certain commonalities and overarching principles, they are often influenced by specific contexts, cultural norms, and the unique challenges and opportunities faced by each country or region.⁵⁷ One of the fundamental issues is whether the analysis should focus on migrants as individuals or as a collective group. Additionally, policymakers grapple with whether the emphasis should be on migrants' ability to integrate or on societal acceptance, addressing issues of inequality and discrimination.⁵⁸

As Penninx highlighted, the deliberately open nature of the definition of integration is due to the significant variation in integration requirements across different countries.⁵⁹ This adaptability allows integration policies to be tailored to specific contexts and needs. Furthermore, the responsibility for fostering successful integration is not placed solely on

⁵⁶ European Commission (2011). *Op.cit.*, p. 10.

⁵⁷ Rauhut, D. (2020). Integration and informal institutions. *Society*, 57(2), pp. 211-218.

⁵⁸ Saharso, S. (2019). Who needs integration? Debating a central, yet increasingly contested concept in migration studies. *Comparative Migration Studies*, 7(1), pp. 1-3.

⁵⁹ Penninx, R. (2003). Integration: The role of communities, institutions, and the state. Migration policy institute. Available at <https://www.migrationpolicy.org/article/integration-role-communities-institutions-and-state> (Accessed on 22 January 2023).

any one group. Instead, it involves a shared responsibility among various stakeholders, including the government, civil society organizations, local communities, and the migrants themselves.⁶⁰

The concept of integration, along with the traditional notion of assimilation, has been subject to substantial criticism in the academic literature and public discourse. A significant point of contention lies in the assumption that immigrants must conform to the norms and values of the dominant majority in order to be accepted and considered as fully integrated members of society. This assumption promotes a cultural model that establishes the norms and values of the dominant group as the normative standard to which immigrants are expected to aspire. It implies that immigrants' worthiness of membership in the host society will be continually evaluated based on how well they conform to these cultural norms. Critics argue that this approach can perpetuate inequality and discrimination, as it may pressure immigrants to abandon or suppress their cultural identities and adopt the culture of the majority.⁶¹ This pressure to assimilate can lead to the erasure of diverse cultural heritages and hinder the full recognition and appreciation of the contributions immigrants bring to the host society.

Hartmut Esser defines integration as the inclusion of individual actors in existing social systems.⁶² This definition focuses on the process of incorporating migrants into the already established structures and networks of the receiving society. It does not explicitly address power dynamics but emphasizes the integration of individual migrants into various social dimensions. Friedrich Heckmann views integration as a long-lasting process of inclusion and acceptance of migrants within the core institutions, relationships, and statuses of the receiving society. This definition emphasizes the importance of acceptance and recognition of migrants in the foundational aspects of the host society, spanning across generations.⁶³ Some scholars argue that the concept of integration can

⁶⁰ *Ibid.*

⁶¹ Penninx, R., & Garcés-Mascareñas, B. (2016). The concept of integration as an analytical tool and as a policy concept. In B. Garcés-Mascareñas, & R. Penninx (Eds.), *Integration processes and policies in Europe: contexts, levels and actors*, Heidelberg: Springer Open, pp. 11-29.

⁶² Esser, H. (2004). 'Welche Alternativen zur "Assimilation" gibt es eigentlich?' *IMIS – Beiträge*, 23, pp. 41–59. As cited in Penninx, R., & Garcés-Mascareñas, B. (2016). The concept of integration as an analytical tool and as a policy concept. In B. Garcés-Mascareñas, & R. Penninx (Eds.), *Integration processes and policies in Europe: contexts, levels and actors*, Heidelberg: Springer Open, pp. 11-29.

⁶³ Heckmann, F. (2006). Integration and integration policies. IMISCOE Network Feasibility Study. Retrieved from www.efms.uni-bamberg.de/pdf/INTPOL%20Final%20Paper.pdf (Accessed on 16 May 2023).

still be influenced by a functionalist vision of society, where immigrant success is often measured against predefined mainstream norms and values. This perspective tends to view the host society as a self-contained and homogeneous unit with predefined social processes and norms, against which immigrants are expected to conform and adapt.⁶⁴ This functionalist approach assumes a static and unchanging host society with a singular set of dominant norms, failing to acknowledge the dynamic and evolving nature of societies and cultures. It may overlook the fact that societies are diverse and constantly changing entities influenced by various cultural, social, and historical factors. Additionally, such an approach might inadvertently marginalize or exclude individuals and communities that do not fit within the prescribed norms of the dominant group. It can perpetuate a hierarchical view of integration, with a focus on migrants needing to assimilate into the mainstream culture rather than fostering mutual accommodation and respect between different cultural groups.

In contrast, many scholars and advocates advocated for more inclusive models of integration that recognize and respect cultural diversity. Rather than demanding complete conformity to a dominant culture, these models emphasize the importance of mutual accommodation and acceptance between immigrants and the host society. They promote the idea of a pluralistic society that values and celebrates different cultures, allowing immigrants to retain their cultural identities while actively participating in the social, economic, and political life of the host community. Penninx viewed integration as a two-way process involving the immigrant and the host society. It emphasizes the distinct characteristics and adaptation efforts of both parties. Penninx pointed out that the host society, with its established institutional structures, holds more power in the integration process, which can influence the overall dynamics and outcomes.⁶⁵ Many other scholars agreed that successful integration is not solely dependent on the efforts of immigrants themselves.⁶⁶ It also heavily relies on the structure, attitudes, and openness of the host society. The integration process is a complex, two-way interaction between immigrants

⁶⁴ Gibney, M., & Hansen, R. (2005). *Immigration and asylum: From 1900 to the present*. Santa Barbara: ABC-Clio.

⁶⁵ Penninx, R. (2003). *Op.cit.*

⁶⁶ See more in Modood T. (2004). Capitals, Ethnic Identity and Educational Qualifications. *Cultural Trends*, 13/2, pp. 87–105; Lucassen L. (2005). *The Immigrant Threat: The Integration of Old and New Migrants in Western Europe since 1850*. Chicago, IL: University of Illinois Press; Ager A., Strang A. (2008). Understanding Integration: A Conceptual Framework. *Journal of Refugee Studies*, 21/2, pp. 166–191; Phillimore J. (2012). Implementing Integration in the UK: Lessons for Integration Theory. *Policy and Practice, Policy & Politics*, 40/4, pp. 525–545.

and the receiving society, and both parties play crucial roles in shaping the outcomes. Together with the introduction of integration as a three-dimensional process by the European Commission, numerous scholars have acknowledged this definition, and there has been considerable research focusing on the role of the country of origin in the integration process.⁶⁷ Since a unified definition has not yet been established, my dissertation also supports the view that integration is a three-dimensional process. In this, I believe it is important that all parties involved, including migrants, the host country, and the country of origin, must respect each other's unique values and work together in efforts to adapt and accept one another. This three-way approach will be presented more clearly later, in subchapter 4.

3. Dimensions of integration

At a practical level, integration encompasses various dimensions that are critical for the successful inclusion and participation of migrants in their host society. Rinus Penninx's distinction of integration into three distinct aspects - political-legal, socio-economic, and cultural-religious - provides a comprehensive framework for understanding the complexities of the integration process.⁶⁸ These aspects correspond to the three main factors that interact with immigration and integration: the state, the market, and the nation.⁶⁹ Entzinger and Biezeveld's classification aligns with Penninx's perspective on integration as a multidimensional process. They identified three main aspects that contribute to integration: (1) socio-economic; (2) cultural; (3) legal and political. Additionally, Entzinger and Biezeveld highlight the significance of a "fourth domain" - the attitudes of recipient societies.⁷⁰ This aspect emphasizes the attitudes, perceptions,

⁶⁷ See more in Di Bartolomeo, A., Kalantaryn, S., & Bonfanti, S. (2015). *Measuring integration of migrants. A multivariate approach. INTERACT research report no. 2015/01*. Florence: European University Institute and Robert Schuman Centre for Advanced Studies; Garcés-Masareñas, B., & Penninx, R. (2016). Introduction: Integration as a three-way process approach?. In *Integration processes and policies in Europe: Contexts, levels and actors*, Heidelberg: Springer Open, pp. 1-9; Unterreiner, A., & Weinart, A. (2017). "Introduction: Integration as a three-way process." In *Migrant Integration Between Homeland and Host Society Volume 1*, Springer, Cham, pp. 1-19.; Dikici, E. (2021). Integration as a Three-Way Process and Negotiation. In *Transnational Islam and the Integration of Turks in Great Britain*. Palgrave Politics of Identity and Citizenship Series. Palgrave Macmillan, Cham, pp. 113-138;

⁶⁸ Penninx, R. (2005). *Op.cit.*, pp. 137-152.

⁶⁹ Entzinger, H. (2000). The dynamics of integration policies: A multidimensional model. In R. Koopmans & P. Statham (Eds.), *Challenging immigration and ethnic relations politics: Comparative European perspectives*, Oxford: Oxford University Press, pp. 97-118.

⁷⁰ Entzinger, H., & Biezeveld, R. (2003). Benchmarking in immigrant integration. Brussels: European Commission/ERCOMER. Retrieved from https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/pdf/general/benchmarking_final_en.pdf (Accessed on 30 July 2023).

and receptiveness of the host society towards immigrants. Positive attitudes, social acceptance, and inclusivity are essential factors that can facilitate integration in all three main aspects. Conversely, negative attitudes, prejudice, and discrimination can hinder integration efforts and create barriers for immigrants to fully participate in society. In addition, various scholars have approached the dimensions of integration in different ways, leading to somewhat different classifications or sub-groupings. For instance, Niklas Harder et al. identified six dimensions, encompassing psychological, economic, political, social, linguistic, and navigational aspects.⁷¹ On the other hand, Marcin Gońda, Marta Pachocka, and Karolina Podgórska suggest that integration research typically includes four dimensions: economic, political, social, and cultural.⁷² Lessard-Phillips proposes four dimensions as well, which are spatial, socio-economic, political, and cultural.⁷³ Meanwhile, Anthony Heath and Schneider Silke distinguish five dimensions, incorporating the three main dimensions used by Jonsson and colleagues - structural, cultural, and social⁷⁴ - while adding two more: a political dimension and a new 'civic' dimension.⁷⁵

This diversity in perspectives highlights the complexity of the integration process and the varying factors that researchers consider in their investigations. The multitude of dimensions and sub-dimensions reflect the unique challenges and opportunities that migrants face when becoming full participants in the host society. Given the wide range of perspectives and the evolving nature of migration research, there currently exists no uniform or definitive method to determine the dimensions of integration. Instead, researchers adapt their approaches based on the specific aims of their studies, the contexts they examine, and the theoretical frameworks they employ. The absence of a singular approach does not undermine the significance of integration research. On the contrary,

⁷¹ Harder, N. et al. (2018). Multidimensional measure of immigrant integration. *Proceedings of the National Academy of Sciences*, 115(45), pp. 11483-11488.

⁷² Gońda, M., Pachocka, M., & Podgórska, K. (2021). Measuring the cultural dimension of migrant integration and integration policy in the European context: Dilemmas and Discussions. *International Migration*, 59(1), pp. 241-262.

⁷³ Lessard-Phillips, L. (2017). Exploring the dimensionality of ethnic minority adaptation in Britain: an analysis across ethnic and generational lines. *Sociology* 51 (3), pp. 626–645.

⁷⁴ Jonsson, J. O., Kalter, F., and van Tubergen, F. (2018). Studying integration: ethnic minority and majority youth in comparative perspective. In F. Kalter, J. O. Jonsson, F. van Tubergen, and A. F. Heath (Eds.) *Growing up in diverse societies: the integration of children of immigrants in England, Germany, The Netherlands and Sweden*, Oxford University Press, pp. 3–40.

⁷⁵ Heath, A. F., & Schneider, S. L. (2021). Dimensions of migrant integration in Western Europe. *Frontiers in sociology*, 6, 510987.

the diversity of perspectives enriches our understanding of the complex dynamics involved.

Therefore, I believe that for the purpose of reviewing and analyzing integration legal framework, this dissertation does not need to consider all the aspects mentioned above, such as societal attitudes. This dissertation will use Rinus Penninx's distinction, which includes three different aspects: legal-political, socio-economic, and cultural-religious. These three essential aspects are not entirely independent of each other and can be considered together to evaluate integration policies and laws.⁷⁶

3.1. Legal-political dimension

This dimension pertains to migrants' interactions with the political and legal structures of the host country. It involves considerations of citizenship status, legal rights, and political participation. The first question is whether immigrants are guaranteed the right to residency, and if so, to what extent are their official political rights and responsibilities, and whether these rights and responsibilities differ from those of native citizens.⁷⁷ There is a wide range of diversity in the context of international migration in Europe. This diversity has grown significantly in recent decades due to European states' efforts to control international migration by implementing various regulations. Additionally, the emergence of the EU migration regime has led to different statuses and rights for individuals, distinguishing between EU nationals and TCNs.⁷⁸ This differentiation in status and rights has contributed to the complexity of the migration landscape in the EU.

This dimension also includes the question of whether migrant workers can easily obtain citizenship and participate in the political system officially.⁷⁹ Faced with a growing number of non-EU residents, countries must grapple with important questions about the legal and political status they want to grant to these individuals and their children. Two approaches are commonly used to address nationality and citizenship rights: 1. the *jus soli* system and 2. the *jus sanguinis* system.⁸⁰ The *jus soli*, or "right of the soil" system grants citizenship to individuals born within a country's territory, regardless of their

⁷⁶ Penninx, R., & Garcés-Mascareñas, B. (2016). *Op.cit.*, p. 15.

⁷⁷ Penninx, R. (2005). *Op.cit.*, p. 139.

⁷⁸ Penninx, R., & Garcés-Mascareñas, B. (2016). *Op.cit.*, p. 14.

⁷⁹ Penninx, R. (2005). *Op.cit.*, p. 139.

⁸⁰ Entzinger, H., & Biezeveld, R. (2003). *Op.cit.*

parents' nationality. In countries that adopt *jus soli*, individuals born on their soil are automatically considered citizens of that country. This system emphasizes the significance of birthplace in determining one's citizenship status, promoting inclusivity and equal opportunities for individuals born and raised in the country, even if their parents are non-citizens. The *jus sanguinis*, or "right of blood" system, confers citizenship based on the nationality of one or both parents. In countries that adhere to *jus sanguinis*, an individual's citizenship is determined by their parents' nationality, regardless of the place of birth. This approach highlights the significance of family lineage and heritage in determining citizenship rights, ensuring a connection to the nation based on ancestry.⁸¹ The *jus soli* system is often associated with notions of inclusivity and integration. It can facilitate the integration of immigrants and their children by granting them citizenship if they are born in the host country. This system is particularly relevant in countries with diverse populations and a history of immigration. The *jus sanguinis* system prioritizes family ties and ancestral connections, ensuring that citizenship is passed down through generations. It can be advantageous in countries with a strong emphasis on cultural and ethnic identity, as it helps maintain a sense of national heritage.

Countries may adopt either one of these systems, or a combination of both, depending on their historical, cultural, and political contexts. The choice of system can significantly impact the legal and political position of non-EU residents and their children, as it determines their eligibility for citizenship and associated rights and privileges. Additionally, the legal and political status of immigrants can have far-reaching effects that go beyond mere access to citizenship and empowerment. Policy research on this aspect needs to be understood in a broader context, considering its implications on various interconnected dimensions, including economic, social, and cultural factors.⁸²

3.2. Socio-economic dimension

The socio-economic aspects encompass the economic and social standing of migrant workers in the host country. This dimension holds paramount importance as it directly pertains to migrant workers and receives significant attention. The majority of integration

⁸¹ de Groot, G. R., & Vonk, O. (2018). Acquisition of nationality by birth on a particular territory or establishment of parentage: global trends regarding *ius sanguinis* and *ius soli*. *Netherlands International Law Review*, 65, pp. 319-335.

⁸² Entzinger, H., & Biezeveld, R. (2003). *Op.cit.*

studies concerning migrant workers, regardless of the dimension distinctions used, predominantly concentrate on this aspect. Within this dimension, the analysis of migrant workers' position involves evaluating their equitable access to employment, housing, education, healthcare, and social benefits, including insurance and unemployment benefits.⁸³

There are different studies on the integration of migrant workers that focus on different aspects of the socio-economic dimension. After analyzing these studies, we can gain a preliminary understanding of the integration process of migrant workers. IOM believed that integration is a combination of “Inclusion” and “Social cohesion”, in which “Inclusion” includes social inclusion (health, education), economic inclusion (labour market and access to financial services); civic and political participation while “Social cohesion” includes anti-discrimination, countering xenophobia and promoting mutual understanding.⁸⁴ Garcés-Mascreñas and Penninx provided a detailed description of the integration process of immigrants, stating that beginning with the moment immigrants arrive in the host society, they must interact and participate in various processes in order to “secure a place,” which includes finding housing, employment and income, schools for children, and health care; at the same time, they must interact socially, culturally, and socialize with other individuals and groups, and learn about the institutions of the host society as well. They emphasized that integration is “the process of becoming an accepted part of society”.⁸⁵

There are quite a few researchers who agree with the view that access to decent work is an important step towards achieving the successful integration of migrant workers.⁸⁶ Barslund et al. also opposed the notion that social inclusion follows automatically after migrants get a job, there is a causal relationship between social inclusion and labour

⁸³ Penninx, R., & Garcés-Mascreñas, B. (2016). *Op.cit.*, p. 15.

⁸⁴ IOM (2017). Integration and Social Cohesion: Key Elements for Reaping the Benefits of Migration. Retrieved from https://www.iom.int/sites/g/files/tmzbd1486/files/our_work/ODG/GCM/IOM-Thematic-Paper-Integration-and-Social-Cohesion.pdf (Accessed on 10 December 2022).

⁸⁵ Penninx, R., & Garcés-Mascreñas, B. (2016). *Op.cit.*, p. 14.

⁸⁶ See Premchander S. et al. (2021). Promoting economic and social inclusion of migrant workers. Retrieved from https://www.t20italy.org/wp-content/uploads/2021/09/TF10_PB02_LM02-1.pdf (Accessed on 12 March 2023); Desiderio, M. V., Rienzo C., Benton M. (2016). Evaluating Returns on Investment in the Labour Market integration of Refugees and Asylum Seekers: A Holistic Approach, Brussels and Gütersloh, Germany, Migration Policy Institute and Bertelsmann Stiftung; Hooper, K., Desiderio, M. V., & Salant, B. (2017). Improving the labour market integration of migrants and refugees. Empowering cities through better use of EU instruments. Brussels: Migration Policy Institute Europe.

market inclusion, good social inclusion can help with job search and vice versa.⁸⁷ However, other factors such as housing, health care, education, social services and community participation cannot be ignored.⁸⁸ Acquiring a decent job may not be enough to have a pleasant life in the destination country; it can be noted that, in addition to labour market integration, other aspects such as social integration are required. To get a job, people need to learn languages, and they also need a home, childcare and schooling, maybe even psychological support.⁸⁹

3.3. Cultural-religious dimension

The cultural-religious dimension in the context of the integration of immigrants is of utmost importance as it relates to their cultural and religious rights. This dimension focuses on whether immigrant communities have equal rights to organize themselves, practice their cultural and religious beliefs, and access facilities comparable to those enjoyed by other comparable groups in the receiving country.⁹⁰ The cultural-religious dimension of the integration process is often more intricate and challenging to navigate compared to other dimensions. It revolves around the mutual reactions and responses of the receiving society to cultural differences and diversity brought by immigrants. One significant aspect is the perception of these cultural and religious differences by both immigrants and the receiving society. If immigrants see themselves as distinct from the receiving society, or if the receiving society views these differences as potential threats or obstacles to social cohesion, it can lead to the rejection of diversity and differences. The response from the receiving society plays a crucial role in determining the level of acceptance or rejection of immigrants. This, in turn, impacts the degree to which immigrants must adapt and integrate into the new society. Acceptance or partial acceptance can affect various aspects, such as access to opportunities, rights, and the ability to maintain cultural practices and religious beliefs. Another complicating factor is the criteria used to judge these differences. If the criteria are based on misconceptions,

⁸⁷ Barslund, M., Di Bartolomeo, A., & Ludolph, L. (2017). Gender inequality and integration of non-EU migrants in the EU. *CEPS Policy Insights*, CEPS, Brussels.

⁸⁸ Eurodiaconia (2019), Promoting access to employment for migrants and refugees. Retrieved from <https://www.eurodiaconia.org/wordpress/wp-content/uploads/2020/02/201912-Promoting-access-to-employment-for-migrants-and-refugees-WEB.pdf> accessed (Accessed on 12 March 2022).

⁸⁹ European Commission (2019b). Sustainable inclusion of migrants into society and labour market. Retrieved from https://ec.europa.eu/migrant-integration/library-document/sustainable-inclusion-migrants-society-and-labour-market_en (Accessed on 12 March 2022).

⁹⁰ Penninx, R. (2005). *Op.cit.*, p. 139.

prejudices, or stereotypes, it can lead to unjust treatment and hinder the successful integration of immigrants.⁹¹ Although this dimension is considered quite vague and difficult to measure, it can be broadly understood as a combination of the language of the receiving society and migrants, religion, symbolic culture, the maintenance and transmission of cultural patterns, and migrants' sense of identity and identification.⁹² A thing that is absolutely necessary for successful integration of migrants is an understanding of the language, culture and social structure of the destination country.⁹³

4. Indicators of Integration

If dimensions of integration show us that integration encompasses many broad areas, then indicators of integration represent the more detailed and specific aspects of integration. It refers to the measures or criteria used to assess how well migrants are adapting and becoming part of the social, economic, and cultural fabric of their host country. Integration is a multifaceted process, and various indicators can be used to evaluate different aspects of a migrant's integration. Integration indicators play a crucial role in providing policymakers and the public with objective evidence to understand the outcomes of integration policies and programs. Since the Hague Program was adopted at the European Council in 2004, the importance of assessing integration policies has been emphasized.⁹⁴ The 11th Common Basic Principle on Immigrant Integration policy of the European Union, established in 2004, emphasizes the importance of developing clear goals, indicators, and evaluation mechanisms in the context of immigrant integration. These principles were designed to guide the integration policies of EU member states and promote a more unified and effective approach to immigrant integration.⁹⁵ By using data-driven indicators, decision-makers can assess the effectiveness of integration policies, identify potential challenges, and set clear objectives to enhance integration efforts.⁹⁶

⁹¹ Penninx, R., & Garcés-Masareñas, B. (2016). *Op.cit.*, p. 16.

⁹² Gońda, M., Pachocka, M., & Podgórska, K. (2021). *Op.cit.*, p. 17.

⁹³ Molodikova, I. N., Lyalina, A. V., & Emelyanova, L. L. (2018). Contacts with diasporas and diaspora organisations as a key to a successful migrant integration policy in the EU. *Baltic region*, 10(3), pp. 58-79.

⁹⁴ Eurostat. (2011). Indicators of immigrant integration. A pilot study. Retrieved from <https://ec.europa.eu/eurostat/web/products-statistical-working-papers/-/ks-ra-11-009> (Accessed on 15 May 2023).

⁹⁵ Council of the EU (2004). *Op.cit.*

⁹⁶ OECD/European Commission (2023). Indicators of Immigrant Integration 2023: Settling In, OECD Publishing, Paris, <https://doi.org/10.1787/1d5020a6-en>.

4.1. The Zaragoza indicators

The German government conference in Berlin in 2009 and the Swedish Presidency Malmö Conference Conclusions played significant roles in shaping the selection of core areas and indicators for monitoring migrant integration.⁹⁷ By drawing from the CBPs and EU indicators in the EU2020 Strategy, the EU sought to create a unified approach to assess integration progress. The core areas of integration identified - employment, education, social inclusion, and active citizenship - are fundamental aspects of integration, capturing different dimensions of migrants' successful incorporation into society. In each domain, Member States have identified a preliminary set of core indicators characterized by their simplicity, ease of comprehension, and comparability over time. Moreover, these indicators are associated with specific desirable outcomes. The selection process for these indicators was guided by the availability and reliability of comparable data. In sum, a total of 14 core indicators have been proposed, accompanied by a few additional indicators that Member States deem essential to track, even though comparable data is yet to be fully available.

The Zaragoza meeting in April 2010 by EU Ministers responsible for integration agreed on these EU indicators and the Zaragoza Declaration was approved at the Justice and Home Affairs Council on 3-4 June 2010.⁹⁸ The Zaragoza Declaration outlines a common framework for migrant integration in the EU and emphasizes the importance of using indicators and data to monitor and evaluate integration policies and outcomes. It sets out guidelines for member states to improve the social, economic, and cultural integration of migrants. Eurostat, the statistical office of the European Union, plays a significant role in providing data and statistics related to migration and integration. It is responsible for collecting and publishing a wide range of statistical data, including data on migration, employment, education, and other relevant indicators that are used to assess migrant integration in the EU.

Table 2: Indicators of migrant integration

⁹⁷ Huddleston T. (2011) Monitoring Active Citizenship, The Institute of Public Affairs, Warschau.

⁹⁸ Declaration of the European Ministerial Conference on Integration (Zaragoza, 15 & 16 April 2010). Retrieved from https://migrant-integration.ec.europa.eu/sites/default/files/2010-04/doc1_13055_519941744.pdf (Accessed on 27 May 2023).

Policy area	Indicators
Employment	Core indicators: <ul style="list-style-type: none"> • employment rate • unemployment rate • activity rate
Education	Core indicators: <ul style="list-style-type: none"> • highest educational attainment (share of population with tertiary, secondary and primary or less than primary education) • share of low-achieving 15-year-olds in reading, mathematics and science • share of 30–34-year-olds with tertiary educational attainment • share of early leavers from education and training
Social inclusion	Core indicators: <ul style="list-style-type: none"> • median net income – the median net income of the immigrant population as a proportion of the median net income of the total population • at risk of poverty rate – share of population with net disposable income of less than 60 per cent of national median • the share of population perceiving their health status as good or poor • ratio of property owners to non-property owners among immigrants and the total population
Active citizenship ²	Core indicators: <ul style="list-style-type: none"> • the share of immigrants that have acquired citizenship • the share of immigrants holding permanent or long-term residence permits • the share of immigrants among elected representatives

Source: Eurostat. (2011). Indicators of immigrant integration. A pilot study. Retrieved from <https://ec.europa.eu/eurostat/web/products-statistical-working-papers/-/ks-ra-11-009> (Accessed on 15 May 2023).

It can be seen from Table 2 that indicators have been identified in the following policy areas: employment, education, social inclusion and active citizenship. The migrant integration indicators derived from Eurostat data are used to measure and compare integration outcomes across EU member states. These indicators allow policymakers and researchers to assess the progress of migrant integration, identify disparities, and develop evidence-based policies and practices. Examples of integration indicators that may be derived from Eurostat data include employment rates among migrants, educational attainment levels, language proficiency, and social inclusion indicators. By using these indicators, EU member states can gain insights into the effectiveness of their integration policies and work towards creating more inclusive and cohesive societies.

In addition to the core indicators mentioned earlier, the Zaragoza Declaration encompassed supplementary areas and indicators related to integration that were deemed

significant for monitoring by all or a majority of Member States. These additional indicators include:

- The proportion of employees who are overqualified for their jobs.
- Self-employment rates.
- Language skills proficiency.
- Instances of discrimination experiences.
- Levels of trust in public institutions.
- Voter turnout among the eligible population.
- The sense of belonging among individuals.⁹⁹

4.2. Migrant Integration Policy Index (MIPEX)

The Migrant Integration Policy Index (MIPEX)¹⁰⁰ is a valuable instrument designed to assess policies aimed at integrating migrants in several countries, including all EU Member States, Australia, Canada, Iceland, Japan, South Korea, New Zealand, Norway, Switzerland, Turkey, and the USA. It comprises a comprehensive set of 167 policy indicators, which collectively paint a multi-dimensional picture of migrants' opportunities to participate in society.¹⁰¹ MIPEX 2020 is linked to the CrossMigration project, which receives funding from the European Union's Horizon 2020 research and innovation program under the grant agreement Ares (2017) 5627812–770121. Additionally, the

⁹⁹ *Ibid.*

¹⁰⁰ The Migrant Integration Policy Index was first published in 2004 as the European Civic Citizenship and Inclusion Index. It was the first time that the policies of the EU-15 towards migrants had been presented in a concise, transparent and comparable format. The 2004 Index was positively received by target audiences - NGOs, governments, academics, press and European Institutions such as the European Commission and European Parliament. It was launched in Brussels, Madrid and London. The 2004 MIPEX was a collaboration of the British Council, Migration Policy Group, Foreign Policy Centre and University of Sheffield. It was part-funded by the Barrow-Cadbury Charitable Trust and Joseph Rowntree Charitable Trust. See more at <https://www.mipex.eu/how-did-mipex-begin>.

¹⁰¹ European Commission (2022), Migrant Integration Policy Index (MIPEX). Available at https://knowledge4policy.ec.europa.eu/dataset/ds00052_en (Accessed on 16 March 2023).

MIPEX 2020 initiative received co-funding from the Centre for Global Development Europe.¹⁰²

The primary purpose of MIPEX is to serve as an evaluation and comparative tool for governments to gauge the effectiveness of their efforts in promoting migrant integration within the analyzed countries. By providing a detailed assessment of integration policies, MIPEX facilitates the identification of best practices and areas that may require improvement, enabling policymakers to make more informed decisions to enhance the overall integration experience for migrants in their respective nations.

Due to its pertinent and rigorous indicators, the MIPEX has gained recognition as a widely-used and reliable quick reference guide across Europe. Policymakers, non-governmental organizations (NGOs), researchers, as well as European and international institutions, rely on its data not only to comprehend and compare national integration policies but also to enhance standards for equal treatment. The MIPEX's comprehensive insights contribute significantly to fostering evidence-based decision-making and promoting more inclusive and eff The MIPEX seeks to be a periodic evaluation encompassing an expanding array of policy domains that significantly impact a migrant's prospects for integration. It aims to facilitate countries in comparing and aligning their policies with the most advanced and up-to-date international standards. The fifth edition of the MIPEX, released in 2020, concentrates on eight key policy areas critical to migrant integration: Labour Market Mobility, Family Reunion, Education, Political Participation, Long-term Residence, Access to Nationality, Anti-discrimination, and Health.

Within each of these policy areas, the MIPEX identifies the highest European and international standards that aim to achieve equal rights, responsibilities, and opportunities for all residents. These superior standards are derived from various sources, including Council of Europe Conventions, European Union Directives, and international conventions. In cases where only minimum standards exist, European-wide policy recommendations are utilized to further guide the evaluation process. By adhering to such comprehensive benchmarks, the MIPEX empowers countries to assess their policies more

¹⁰² “Who Produced MIPEX 2020?”. Available at <https://www.mipex.eu/who-produces-mipex> (Accessed on 16 March 2023).

effectively and advance towards creating more equitable and inclusive environments for migrants. effective integration policies for migrants in the region.¹⁰³

Overall, I believe that when we look at the two sets of indicators, MIPEX and Zaragoza, we can clearly see the diversity and complexity of the integration process, with many different indicators across various fields. This means that migrants also face numerous different issues, and the more issues they face, the more potential risks there are. Additionally, in an era where technology and science are advancing, there are still many issues that these sets of indicators cannot fully reflect or update, such as issues related to the country of origin, which will be discussed shortly.

5. The role of country of origin in integration

5.1. Integration is a three-way process

As new perspectives on the integration process have emerged over time, migration researchers have begun to recognize the importance of the country of origin. The European Commission, in its 2011 European Agenda for the Integration of Third-Country Nationals, also acknowledged that the integration process for TCNs is not simply a two-way process between the immigrant and the destination country, but rather a three-way process that also involves the country of origin. According to the European Commission, the countries of origin can play a pivotal role in facilitating the integration process of their nationals into the host societies by undertaking a tripartite approach:

- Firstly, countries of origin can prepare their citizens for the integration process before their departure to the host countries.
- Secondly, they can offer support to their nationals during their stay in the host countries, such as via diplomatic missions or consular services.

¹⁰³ Solano, G., & Huddleston, T. (2020). Migrant Integration Policy Index 2020. Barcelona/Brussels: CIDOB and MPG. Retrieved from <https://www.migpolgroup.com/wp-content/uploads/2021/01/Solano-Giacomo-Huddleston-Thomas-2020-Migrant-Integration-Policy-Index-2020.pdf> (Accessed on 13 April 2023).

- Lastly, the countries of origin can assist with the temporary or permanent return of their migrants, armed with the experience and knowledge gained while abroad.¹⁰⁴

The concept of transnationalism has opened up new horizons for researchers studying the process of integration among migrants.¹⁰⁵ It places emphasis on understanding the intricate relationship between individuals and their country of origin, bringing attention to various aspects, including the financial ties such as remittances and investments made by migrants in their homeland. The notion of migrants living in a 'transnational space' has emerged from this concept,¹⁰⁶ portraying migrants as individuals who belong to two distinct societies simultaneously, with strong connections to friends and family in both locations.¹⁰⁷ This perspective recognizes the complexity of the migrant experience, where individuals maintain significant ties and engagement with their home country while also seeking integration and a sense of belonging in their new country of residence.

Integration of migrants into the destination country is not a one-sided process. While migrants adapt and become part of the new society, they often maintain strong ties with their country of origin. These ties can include connections with family members, friends, cultural communities, and even economic interests, such as property ownership or investments. Advancements in communication technologies have played a significant role in shaping these interactions. New means of communication, such as the internet, social media platforms, and affordable international calling options, have made it easier for migrants to stay connected with their home country. These technological advancements facilitate frequent and instant communication, allowing migrants to remain actively engaged with their families, communities, and cultural practices back home. As a result, the relationship between migrants and their country of origin has been transformed, becoming more dynamic and intertwined. Migrants often experience a sense of "transnationalism," where they live in both the destination country and their country of

¹⁰⁴ European Commission (2011). *Op.cit.*, p. 10-11.

¹⁰⁵ See Wimmer, A., & Glick Schiller, N. (2003). Methodological Nationalism, the social sciences, and the study of migration: An essay in historical epistemology. *International Migration Review*, 37(3), pp. 576–610; Mügge, L. (2016). Transnationalism as a research paradigm and its relevance for integration. *Integration processes and policies in Europe: contexts, levels and actors*, pp. 109-125; Van Ewijk, E., & Nijenhuis, G. (2016). Translocal activities of local governments and migrant organizations. In *Integration processes and policies in Europe: Contexts, levels and actors*, Springer, Cham, pp. 127-145.

¹⁰⁶ Unterreiner, A., & Weinar, A. (2017). *Op.cit.*, p. 5.

¹⁰⁷ Vertovec, S. (2009). "Transnationalism". London: Routledge. <https://doi.org/10.4324/9780203927083>

origin simultaneously, engaging in regular exchanges and maintaining a dual sense of belonging.¹⁰⁸ I argue that this interconnectedness between migrants and their country of origin has various implications. It can impact the way migrants view themselves, their identity, and their sense of belonging. Additionally, it can influence their economic contributions, remittances, investments, and even their political engagement, as they may still participate in the politics of their home country from afar. Moreover, it explores the dynamics between the government of the country of origin and the country of destination in shaping migration patterns and policies. Understanding the ongoing interactions between migrants and their country of origin is crucial for policymakers and societies as they work to create more inclusive and effective integration strategies. Recognizing the transnational nature of migrants' lives can help foster positive outcomes both for migrants and the countries they are connected to.

Under that approach, Unterreiner and Weinar found that migrants can be subject to two distinct policy systems: integration policy in the destination country and migration policy in their country of origin.¹⁰⁹ This implies that migrants are not only affected by internal policies within the destination country but are also impacted by foreign policies that the country has towards migration. As a result, European migration policies have evolved to foster stronger connections and cooperation on migration-related matters with countries outside the European Union's borders.¹¹⁰ Previously viewed as matters of national sovereignty, migration policies have now become topics for international negotiation and collaboration. In my opinion, this shift signifies that migration policies are no longer limited to the internal affairs of a single nation but are increasingly addressed in a multilateral context, where countries collaborate to address the complex challenges and opportunities presented by migration on a global scale. This approach acknowledges the interconnected nature of migration and its implications for both the destination and origin countries, leading to more cooperative and cross-border policy measures.

The study conducted by Østergaard-Nielsen in 2016 examined the fundamental patterns related to the country of origin policy, with a specific focus on countries from where migrants have arrived in the EU. The findings revealed that the policies adopted by the country of origin can significantly influence the integration process of migrants in several

¹⁰⁸ Unterreiner, A., & Weinar, A. (2017). *Op.cit.*, p. 6.

¹⁰⁹ *Ibid*, p. 2.

¹¹⁰ *Ibid*.

ways. One noteworthy impact of the country of origin policies is the strengthening of the right to free movement for their own citizens abroad. Some countries of origin may take steps to facilitate the movement of their citizens to other countries, including EU member states, by easing travel restrictions or supporting migration channels. Another aspect highlighted in the study is the call for enhanced protections for their migrant workers. Countries of origin may implement policies to safeguard the rights and well-being of their citizens who have migrated to other countries for work or other reasons. This may involve negotiating labour agreements, promoting fair working conditions, and providing support services for their migrants abroad.¹¹¹ Another study also identified cases where countries of origin have shifted their stance on migrants from viewing them solely as emigrants to supporting them in the country of destination. For instance, countries like Morocco and Turkey have altered their approach towards migrants, recognizing the challenges of reintegration and high unemployment rates in their home countries. Economic factors, such as exchange rate differences between the origin and destination countries, may also play a role in this shift.¹¹²

From my view, this shift in policy indicates a growing understanding among countries of origin about the significance of supporting their diaspora abroad and acknowledging the potential benefits of their integration in the destination country. By recognizing the complexities and implications of migration, countries of origin can develop more constructive and cooperative policies to support their citizens and contribute positively to their integration and overall well-being in the destination country. The following subchapter will present more specifically how the country of origin influences the integration process.

5.2. The influence of the country of origin on the integration process

The country of origin's influence on the integration process can be classified into two types: effect and impact. The effect of the country of origin can be observed in two aspects - endogenous (such as human capital, language, education) and exogenous (beliefs and opinions about people from the same country) - which can affect migrants during

¹¹¹ Østergaard-Nielsen, E. (2016). *Op.cit.*, pp. 147-165.

¹¹² Venturini, A. (2017). Immigrant Assimilation in the Labour Market: What is Missing in Economic Literature. In *Migrant Integration Between Homeland and Host Society Volume 1*, 21-42. Springer, Cham.

integration either directly (such as difficulty in language communication) or indirectly (through discrimination). Meanwhile, the impact can be seen as a result of the policies of the country of origin towards migrants, including vocational training and language policies before leaving the country, or international agreements that facilitate migrants in the labour market of the destination country.¹¹³ Although policies may have unforeseeable consequences, their impact is clear and measurable on the integration process.

To better understand the actions supporting the integration of the country of origin, research of Martin and Makaryan has distinguished these actions into three stages: pre-migration, during-migration, and post-migration,¹¹⁴ while other studies have categorized them into different functional groups, such as creating human and social capital, influencing destination country laws, and supporting job search and promotion.¹¹⁵ From either perspective, it is evident that the country of origin has a significant impact on the comprehensive integration process of migrants.

Migration is not always permanent, as migrants may return to their home country, migrate in circles, or move to another country. The length of their stay in the destination country has a significant impact on the effectiveness of integration. The policy of the country of origin regarding nationality also affects the length of migrants' stay in the destination country. Countries that accept dual citizenship are more likely to encourage permanent settlement, whereas those that force their citizens to give up their old citizenship for a new one may discourage it. Other actors, such as family members who remain in the country of origin, can also play an important role in the migrants' decision to return.¹¹⁶ A research on the effects and impacts on the educational attainment of migrants has shown

¹¹³ Unterreiner, A., & Weinar, A. (2017). *Op.cit.*, p. 13.

¹¹⁴ Martin, I., & Makaryan, S. (2015). Migrant support measures from an employment and skills perspective (MISMES). Global inventory with a focus on countries of origin. European Training Foundation. Retrieved from <https://cadmus.eui.eu/handle/1814/36840> (Accessed on 18 July 2023).

¹¹⁵ Venturini, A. (2017). *Op.cit.*, pp. 21-42.

¹¹⁶ *Ibid.*, p. 33.

that educational attainment affects the accessibility and status of migrants in the labour market, their income levels as well as their housing, the study also confirms that due to the policies of the destination country clearly plays an important role in children's educational attainment migration, the role of countries of origin received little attention but still has a certain impact.¹¹⁷ This may be because the skills or qualifications acquired by immigrants in their country of origin are often underestimated in the country of destination because they are often perceived as of lower quality, difficult to transfer, or the employer does not understand them well.¹¹⁸

Migrant participation in organizations is a significant factor in the integration process. Hometown associations, in particular, serve as a point of connection and a means for migrants to affirm their attachment to their country of origin.¹¹⁹ These associations not only bring together immigrants from the same country, promote the culture and language of the destination country, but also provide material and spiritual support and help immigrants maintain relationships. They also serve as a local point of contact and organized coordination between immigrants, host governments, and other organizations.¹²⁰ Such migration organizations are not only spontaneously initiated by migrants but can also be established formally, with the encouragement and support of the country of origin, and in this case, the effect of the country of origin is pronounced.¹²¹

¹¹⁷ Jacobs, D., & Unterreiner, A. (2017). Country of Origin Effects and Impacts on Educational Attainment of Pupils with Migrant Backgrounds: Towards a New Research Agenda. In *Migrant Integration Between Homeland and Host Society Volume 1*, Springer, Cham, pp. 43-62.

¹¹⁸ Kanas, A., & Van Tubergen, F. (2009). The impact of origin and host country schooling on the economic performance of immigrants. *Social Forces*, 88(2), pp. 893-915.

¹¹⁹ Brettell, C. B. (2005). Voluntary organizations, social capital, and the social incorporation of Asian Indian immigrants in the Dallas-Fort worth metroplex. *Anthropological Quarterly* 78(4), pp. 853-883.

¹²⁰ Somerville, W., Durana, J., & Terrazas, A. M. (2008). Hometown associations: An untapped resource for immigrant integration?. Migration Policy Institute. Retrieved from <https://www.migrationpolicy.org/sites/default/files/publications/Insight-HTAs-July08.pdf> (Accessed on 16 July 2023).

¹²¹ Gabrielli, L., Gsir, S., & Zapata-Barrero, R. (2017). Political and Civic Participation of Immigrants in Host Countries. An Interpretative Framework from the Perspective of the Origin Countries and Societies. In *Migrant Integration Between Homeland and Host Society Volume 1*, Springer, Cham, pp. 87-116.

Acquiring citizenship in the country of residence can increase the chances of finding a good job with higher income and better opportunities for advancement,¹²² which can significantly impact the effectiveness of integration. For many migrants in certain countries, gaining EU citizenship can be a life-changing event, and this can be influenced by the diaspora policies of the country of origin, which aim to maintain connections with their citizens, particularly in the area of dual citizenship.¹²³

Countries of origin have been investing in measures to enhance the inclusion of migrants, and their governments can influence inclusion policy in the destination country through bilateral agreements that create favourable terms for specific groups, such as students and high-quality workers.¹²⁴ Some migration policies, while not directly aimed at integration, can still support it; for instance, teaching the language of the destination country can improve employability.¹²⁵ On a more direct and specific level, to support migrant integration, international cooperation can focus on key elements such as the labour market, nationality cooperation, culture, and education, which can be addressed through various levels of cooperation from bilateral to global frameworks. Bilateral agreements are particularly effective as they are binding and directly related to the interests of the parties involved.¹²⁶

Based on the above analysis, it can be inferred that the country of origin can impact the integration process of migrant workers through policies related to nationality, skills

¹²² OECD/Thomas Liebig/Friederike Von Haaren (2011). Citizenship and the Socio-economic Integration of Immigrants and their Children: An Overview across European Union and OECD Countries. In *Naturalisation: A Passport for the Better Integration of Immigrants?*, OECD Publishing, Paris, pp. 23-64.

¹²³ Vink, M. P., Prokic-Breuer, T., & Dronkers, J. (2017). Access to citizenship and the role of origin countries. In *Migrant Integration Between Homeland and Host Society Volume I*, Cham: Springer, pp. 201-224.

¹²⁴ Desiderio, M. V., & Weinar, A. (2014). Supporting immigrant integration in Europe? Developing the governance for diaspora engagement. Brussels: Migration Policy Institute Europe.

¹²⁵ Venturini, A. (2017). *Op.cit.*, p. 37.

¹²⁶ Weinar, A., Desiderio, M. V., & Thibos, C. (2017). Governance of Integration and the Role of the Countries of Origin—A Global Perspective. In *Migrant Integration Between Homeland and Host Society Volume I*, Springer, Cham, pp. 225-251.

training, organizations supporting migrant workers, remittances, and bilateral and multilateral agreements with destination countries.

6. Summary

In brief, integration for migrants is a process of mutual interaction and adaptation between migrants (as individuals or groups) and the host community. It is a complex process that requires all parties involved to respect certain principles and uphold fundamental values to create inclusive and cohesive societies. To achieve positive integration outcomes, destination countries must enact laws that ensure equal treatment and non-discrimination, facilitate access to rights and services, promote social inclusion and participation, address structural barriers and systemic inequities, and provide clear pathways to legal status and citizenship. These legal frameworks play a crucial role in fostering inclusive and cohesive societies, where migrants can fully participate and contribute to their communities.

Integration encompasses various critical dimensions that determine the successful incorporation and participation of migrants into the local society, including political-legal, socio-economic, and cultural-religious dimensions. These three dimensions correspond to the three main factors with which migrants interact during the integration process: the state, the market, and the nation. Moreover, integration is a multifaceted process that can be assessed using various indicators to evaluate different aspects of migrants' integration. Integration indicators play a crucial role in providing policymakers and the public with objective evidence to understand the outcomes of integration policies and programs.

The important thing I want to emphasize through this chapter is with the emergence of the concept of migrants living in a transnational space, where migrants adapt and become part of a new society while maintaining close ties with their home country, integration is

no longer just a two-way process between migrants and the host country. Instead, it has become a three-way process with the involvement of the home country.

Based on my analysis in this chapter, I can say that the country of origin can influence the effectiveness of the integration process through legal policies and measures. To ensure a successful integration outcome, it is essential that the laws of the country of origin support and facilitate the migration process in a manner that empowers migrants to fully participate in their host communities. Specifically, the laws of the country of origin should prioritize initiatives that promote education, skill development, and socioeconomic opportunities for potential migrants. Additionally, legal frameworks that protect the rights and welfare of migrants, both during their migration journey and upon their return to their home country, are paramount. Moreover, collaboration between destination and origin countries is essential to address the multifaceted nature of integration and ensure the well-being and successful incorporation of migrants into the host society. It allows for a more comprehensive understanding of the migration process, including the factors driving migration, the needs of migrants, and the challenges they face both in the host country and upon return to their home country. By sharing information and resources, destination and origin countries can develop more effective policies and programs that address these complexities and promote successful integration.

CHAPTER III: WOMEN IN MIGRATION

1. Overview

In this chapter, the primary aim is to offer a theoretical perspective on the migration experiences of women, elucidating the distinctions and vulnerabilities encountered by female migrants vis-à-vis their male counterparts. By doing so, the question of why it is necessary to have a policy focusing on female migrant workers will be answered.

In this chapter's initial exploration, the objective is to comprehensively understand the intricate relationship between migration, migrant women, and the country involved. The analysis will examine how migration serves as a transformative force for women, offering them avenues for personal growth, economic empowerment, and social mobility. Then it will explore the ways in which migrant women contribute to the economies and societies of both their countries of origin and destination. These analyses will help highlight the role of women in migration.

The focus of this chapter will be on efforts to highlight the vulnerability of women in migration. It will shed light on the factors contributing to the vulnerability of female migrants, such as discrimination, gender stereotypes, occupational characteristics, healthcare, caregiving responsibilities, and cultural differences. These analyses will underscore the differences between women and men in migration and will also answer the question of why there is a need for a legal framework specifically focused on female labour.

2. Gender, migration and the empowerment of women

Promoting women's empowerment and achieving gender equality – a Millennium Development Goals, as outlined in the Millennium Declaration, is not only a matter of social justice but also a fundamental issue of human rights. The Millennium Declaration reflects a global consensus that empowerment is especially significant for women because, compared to men, women continue to face higher levels of poverty and disempowerment on a global scale.¹²⁷ This recognition underscores the importance of

¹²⁷ UN General Assembly. (2000). United nations millennium declaration. In Resolution A/RES/55/2 Clause 19. Retrieved from https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_55_2.pdf (Accessed on 10 June 2023).

addressing gender disparities and the unique challenges faced by women in various aspects of life, including access to education, healthcare, economic opportunities, and participation in decision-making processes. By promoting women's empowerment and gender equality, societies aim to rectify historical inequalities and create a more equitable and just world for all. It's a critical step toward achieving sustainable development and ensuring the well-being of individuals and communities worldwide.

The concept of empowerment, in its most comprehensive form, refers to the enlargement of an individual's freedom to make choices and take action within a context where such freedom was previously restricted or denied.¹²⁸ This expansion of agency and autonomy is fundamental to improving the lives of marginalized and disadvantaged individuals, including women who historically have faced constraints on their choices and opportunities. Empowerment encompasses various dimensions, including economic, social, political, and personal empowerment. It involves providing individuals with the resources, knowledge, and support needed to make informed decisions, exercise their rights, and participate actively in their communities and societies. UN Women defines empowerment as a process where individuals and groups become aware of power dynamics in their lives.¹²⁹ Through this awareness, they gain the confidence and strength to challenge inequalities and improve their economic, political, and social positions. The emphasis on empowering women is seen as fundamental to human rights and the pursuit of transformative change, underlining the importance of fostering agency and equality. The International Labour Organization (ILO)'s program named “TRIANGLE in ASEAN” views empowering women as the increasing participation, power, and decision-making rights of women in all aspects of life, considering it a crucial factor in achieving gender equality.¹³⁰

While women's migration can have empowering effects, it's important to recognize that these effects are not automatic, and women migrants often encounter various challenges,

¹²⁸ Narayan, D. (2005). Conceptual framework and methodological challenges. In D. Narayan (Ed.), *Measuring empowerment: Cross-disciplinary perspectives*, Washington, DC: The WB, pp. 3–38.

¹²⁹ J. Petrozziello, A. (2013). Gender on the move: working on the migration-development nexus from a gender perspective. Santo Domingo, UN Women. Retrieved from <https://eca.unwomen.org/en/digital-library/publications/2013/11/gender-on-the-move-working-on-the-migration> (Accessed on 11 July 2023).

¹³⁰ Napier-Moore, R. (2017). Protected or put in harm's way?: bans and restrictions on women's labour migration in ASEAN countries. International Labour Organization and UN Women. Bangkok: ILO and UN Women. Retrieved from https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2017/06/wcms_555974-compressed.pdf (Accessed on 13 July 2023).

including those related to gender.¹³¹ Migration is a complex and multidimensional phenomenon that can have both positive and negative impacts.¹³² Some of the positive aspects of migration include the potential for economic growth, cultural exchange, and the filling of labour gaps in receiving countries. However, it can also have negative aspects, such as challenges related to social integration, cultural clashes, and the exploitation of migrant workers. Migration can indeed serve as a means of empowerment for women by providing them with opportunities for employment, education, and self-determination. This can lead to improved gender equality and a greater sense of autonomy. However, it's essential to acknowledge that migration can also expose women to various vulnerabilities, especially when they are low-skilled or irregular migrants.¹³³ Comprehending the intricacies surrounding gender and migration is paramount for the development of more effective programs and policies aimed at optimizing benefits while mitigating costs for migrant women. Attaining such understanding necessitates the utilization of precise and dependable data, coupled with comprehensive gender analysis within the field of migration studies.¹³⁴

Traditional migration theories often focus on the the causes of international migration, but they may not sufficiently account for the gender-specific experiences and nuances of migration. Consequently, these theories may fall short in explaining certain gender-related migration patterns and phenomena. For instance, traditional theories may not explain why women are overrepresented in certain labour streams, such as domestic work or caregiving, while being underrepresented in others. Gendered labour market segmentation and the impact of gender norms on occupational choices are often overlooked.¹³⁵ However, developing a comprehensive theory of gendered migration is a complex task, primarily because migration itself is a multifaceted phenomenon encompassing various types, motivations, and contexts. Additionally, different scientific disciplines tend to approach migration from their own perspectives, which can result in

¹³¹ Handapangoda, W. S. (2014). Is transnational labour migration empowering for women? Re-evaluating the case of married Sri Lankan domestic maids. *Indian Journal of Gender Studies*, 21(3), pp. 353-377.

¹³² Ghosh, J. (2009). Migration and Gender Empowerment: Recent Trends and Emerging Issues. *Human Development Research Paper 04*, UN Development Programme, Human Development Report Office, New York.

¹³³ Coppola, N. (2018). Gendering migration: women, migratory routes and trafficking. *New England Journal of Public Policy*, 30(2), 6.

¹³⁴ Coppola, N. (2018). *Op.cit.*, p. 2.

¹³⁵ Boyd, M., & Grieco, E. (2003). Women and migration: Incorporating gender into international migration theory. *Migration Information Source*, 1(35), 28.

fragmented explanations and limited understanding of gender-specific migration experiences.¹³⁶ To gain a comprehensive understanding of the intricate relationship between gender and migration, it's essential to move beyond simply recognizing who migrates and who doesn't. Analyzing the reasons why women and men migrate under distinct circumstances and how these migrations intersect with gender dynamics is crucial. This perspective enables a deeper exploration of how gender influences the consequences of migration on receiving societies, sending societies, and the individuals who remain in their home countries.¹³⁷

Gender indeed plays a profound role in shaping both who becomes a migrant and how the migration process unfolds.¹³⁸ The extent of women's engagement in the migration process is contingent upon various factors, including their social roles, level of autonomy, decision-making capacity, access to resources, as well as the existing gender stratification within both their countries of origin and the destination countries.¹³⁹ Coppola N. contends that gender inequality can emerge as a compelling factor driving migration, particularly when women harbor economic, political, and social aspirations that remain unattainable within their country of origin.¹⁴⁰ Piper N. asserts that even migrants deemed successful due to securing higher-paying employment compared to their home countries can still encounter profound gender, ethnic, and racial discrimination in their destination country. This amalgamation of gender inequality, along with ethnic and racial disparities, places women at a disadvantage on multiple fronts, leading to their overrepresentation in marginalized, unregulated, and low-wage employment sectors—an experience characterized as 'triply disadvantaged'.¹⁴¹

Coppola N. underscores the crucial role of policies in shaping the dynamics of gender and migration, as they can significantly influence the decision-making processes and the actual execution of migration. When policies in the country of origin discriminate against

¹³⁶ *Ibid.*, p. 1.

¹³⁷ Krummel, S. (2012). Migrant women: Stories of empowerment, transformation, exploitation and resistance. *Journal of Ethnic and Migration Studies*, 38(7), pp. 1175-1184.

¹³⁸ Boyd, M., & Grieco, E. (2003). *Op.cit.*, p. 2-7.

¹³⁹ Maria I. Macioti, M., Gioia, V. & Persano, P. (Eds) (2006). *Migrazioni al femminile*, vol. 1, *Identità culturale e prospettiva di genere* (Macerata, Italy: Edizioni dell'Università di Macerata) cited in Coppola, N. (2018). *Op.cit.*, p. 3.

¹⁴⁰ Coppola, N. (2018). *Op.cit.*, p. 3.

¹⁴¹ Piper, N. (2005). Gender and migration. *Policy analysis and research programme of the Global Commission on International Migration*, 7. Retrieved from <https://www.incedes.org.gt/Master/pipersesentacuatro.pdf> (Accessed on 27 July 2023).

women by restricting their access to resources, educational opportunities, or impeding their political engagement, it inevitably curtails their capacity to participate fully in society and contribute meaningfully. These constraints also exert a profound influence on women's capacity to engage in migration, impacting whether they can do so autonomously or not.¹⁴² In destination countries, while the laws concerning the admission of migrant workers are typically gender-neutral, Piper N. contends that their practical impact differs for male and female migrants due to several factors. These include the concentration of individuals in distinct migration streams influenced by gender-segregated labour markets, as well as the presence of gendered socio-economic power structures and socio-cultural definitions.¹⁴³ In countries of origin, the female labour supply is also shaped by prevailing gender norms and stereotypes that tend to steer women toward traditional female-dominated occupations.¹⁴⁴ Moreover, in the destination countries, the prevailing systems of social relations and gender hierarchies, coupled with policies and practices concerning gender inequality, wield a substantial influence on the circumstances of women. Additionally, the legal status of migrant women, prevailing gender norms, and general attitudes towards migrants all assume pivotal roles in shaping the experiences of women.¹⁴⁵

There have been various international conventions, declarations, and laws established to protect the rights and well-being of migrant women. These legal instruments aim to address the unique challenges and vulnerabilities faced by women migrants and ensure their equal treatment and protection. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), often referred to as the "Women's Bill of Rights," is a comprehensive international treaty that addresses gender-based discrimination and inequality. It includes provisions related to the rights of migrant women, emphasizing the need to protect their rights throughout the migration process.¹⁴⁶ CEDAW General Recommendation No. 26, often abbreviated as GR 26, is an important document issued by the UN Committee on the Elimination of Discrimination against Women. This general recommendation provides guidance and interpretation of the

¹⁴² Coppola, N. (2018). *Op.cit.*, p. 3.

¹⁴³ Piper, N. (2005). *Op.cit.*, p. 3.

¹⁴⁴ Coppola, N. (2018). *Op.cit.*, p. 4.

¹⁴⁵ *Ibid.*

¹⁴⁶ UN General Assembly (1979). Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249. Retrieved from <https://www.refworld.org/docid/3ae6b3970.html> (Accessed on 12 September 2023).

CEDAW with a specific focus on women migrant workers. CEDAW General Recommendation No. 26 serves as an important tool for governments, policymakers, and advocates working to protect the rights of women migrant workers and ensure their equal treatment and dignity throughout the migration process.¹⁴⁷

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the UN, specifically focuses on the rights of all migrant workers and their families, irrespective of gender. It addresses issues related to labour rights, social protection, and non-discrimination.¹⁴⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) is a part of the UN Convention against Transnational Organized Crime, it aims to combat human trafficking. This protocol places a particular emphasis on the protection of women and children, who are often the primary victims of trafficking for various forms of exploitation.¹⁴⁹ ILO Convention No. 189 on Domestic Workers in 16 June 2011 focuses on domestic workers, a category of workers often comprising a significant number of women migrants. It outlines their rights, including fair wages, reasonable working hours, and social protection.¹⁵⁰

Based on the above analysis, I believe that women need to be empowered and must be empowered in various areas of life due to gender-related disadvantages. Gender disparity and inequality are not new issues; they have existed for a long time. Promoting and empowering women is a human rights issue and a global goal that has been recognized directly or indirectly through provisions on women in international legal instruments. Indeed, just by looking directly at the field of migration, we can clearly see that although migration is considered a means of empowering women, this same means can also bring various challenges for women, many of which stem from gender issues. To explain gender

¹⁴⁷ UN Committee on the Elimination of Discrimination Against Women (2008). General recommendation No. 26 on women migrant workers, 5 December 2008, CEDAW/C/2009/WP.1/R. Retrieved from <https://www.refworld.org/docid/4a54bc33d.html> (Accessed on 15 August 2023).

¹⁴⁸ UN General Assembly (1990). International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990, A/RES/45/158, Retrieved from <https://www.refworld.org/docid/3ae6b3980.html> (Accessed on 15 August 2023).

¹⁴⁹ UN General Assembly (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000. Retrieved from <https://www.refworld.org/docid/4720706c0.html> (Accessed on 12 September 2023).

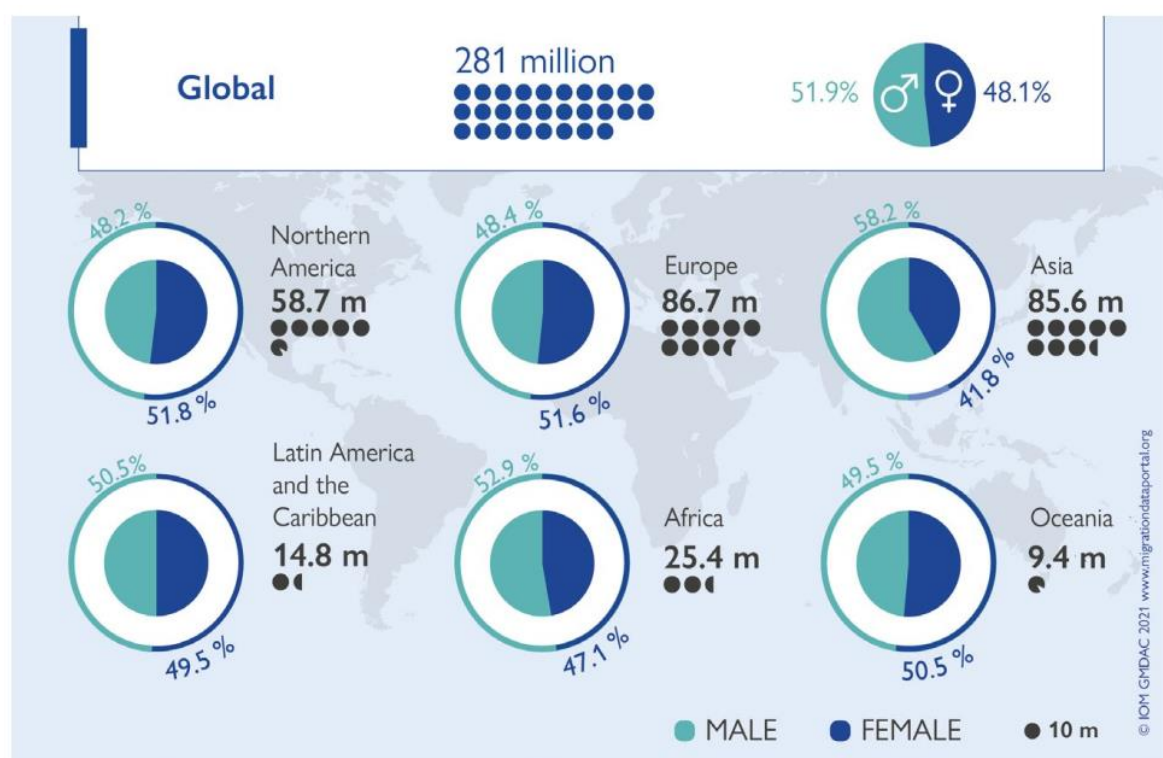
¹⁵⁰ ILO (2011). Convention Concerning Decent Work for Domestic Workers, 16 June 2011, PRNo.15A. Retrieved from <https://www.refworld.org/docid/4e0d784e2.html> (Accessed on 12 September 2023).

and women in migration more clearly, the next section will examine the motivations and forms of women's migration.

3. Motivation and forms of women's migration

The global population of female migrants witnessed a notable surge, escalating by 63% from 35 million to 57 million between the years 1965 and 1990.¹⁵¹ The proportion of women migrating has increased in all major regions except Africa and Asia since 2000. Looking at the Table 3 below, it can be seen that out of the 281 million migrants worldwide in 2020, 48% were women.¹⁵² The recent increase in the proportion of female migrants in North America and Europe can be attributed to factors like demand for service sector labour and family reunification policies.¹⁵³

Table 3: Total international migrant stock by region and sex, mid-year 2020



¹⁵¹ Zlotnik, H. (1998). International Migration 1965–96: An Overview. *Population and Development Review* 24 (3), pp. 429-468.

¹⁵² McAuliffe, M. & A. Triandafyllidou (eds.) (2021). *World Migration Report 2022*. International Organization for Migration (IOM), Geneva. Retrieved from https://rshare.library.torontomu.ca/articles/report/Word_migration_report_2022/24281974/1/files/42623845.pdf (Accessed on 28 October 2023).

¹⁵³ Abel, G. J., & Cohen, J. E. (2022). Bilateral international migration flow estimates updated and refined by sex. *Scientific Data*, 9(1), pp. 1-11.

Source: UNDESA (2020). International Migrant Stock 2020. Retrieved from <https://www.un.org/development/desa/pd/content/international-migrant-stock> (Accessed on 20 July 2023).

Throughout history, women have often been associated with migration primarily for the purpose of marriage or family reunification, both within their home countries and abroad. This trend is evident in historical data, with approximately twice as many women immigrating to the United States for marriage compared to men. Similarly, family reunification stands out as a significant factor driving female migration to countries such as Australia, Canada, Europe, New Zealand, and the United States.¹⁵⁴ In rural Japan and Taiwan, China, male farmers were observed seeking brides from countries like the Philippines, Thailand, and Vietnam.¹⁵⁵ Notably, in Taiwan, China, the phenomenon of women migrating for the purpose of marriage constitutes a significant portion of the overall migrant population, with more than half of all migrants being women. Among these women migrants, a substantial number originate from Vietnam.¹⁵⁶

Gender dynamics have often been overlooked in the migration literature, with the common assumption that women migrate primarily with the aim of reuniting with their families, assuming the roles of wives, daughters, or mothers as dependents of male migrants.¹⁵⁷ However, the motivations and forms of female migration are changing, and nowadays women migrate for various reasons.¹⁵⁸ Global economic disparities, the feminization of poverty, and ongoing gender inequalities playing pivotal roles in the escalating trend of female migration. Within this context, many women undertake migration out of sheer necessity, driven by the imperative to ensure the well-being, livelihood, health, and security of themselves and their families.¹⁵⁹

Migration is often propelled by a combination of personal and socio-cultural factors. Personal factors, such as one's marital or reproductive status, educational background,

¹⁵⁴ Ghosh, J. (2009). *Op.cit.*, p. 14.

¹⁵⁵ Bakewell, O. et al. (2009). South-South Migration and human Development: Reflections on African Experiences. *Human Development Research Paper 15*, United Nations Development Programme, Human Development Report Office, New York.

¹⁵⁶ Wang, H., & S. Chang. (2002). The Commodification of International Marriages: Crossborder Marriage Business in Taiwan and Vietnam. *International Migration* 40 (6), pp. 93–114.

¹⁵⁷ Ferrant, G. & M. Tuccio (2015). How do female migration and gender discrimination in social institutions mutually influence each other?. *OECD Development Centre Working Papers*, No. 326, OECD Publishing, Paris.

¹⁵⁸ Radowicz, J. A. (2021). *Op.cit.*, p. 6.

¹⁵⁹ Franck, A. K., & Spehar, A. (2010). Women's labour migration in the context of globalisation. WIDE, p. 9. Retrieved from https://migrant-integration.ec.europa.eu/sites/default/files/2010-12/doc1_17529_521876503.pdf (Accessed on 18 November 2023).

and skillset, can significantly influence the decision to migrate. For instance, seeking better educational opportunities or utilizing specific skills in a different location can be powerful motivators. Moreover, family and social factors also play a substantial role in migration choices. An individual's social status or class within their community or family can impact their decision to migrate.¹⁶⁰ Women who confront situations like gender-based violence, domestic abuse, unhappy marriages, or limited employment prospects often find migration as a potential solution.¹⁶¹ Migration can have profound positive impacts on women's lives, fostering improvements in various aspects of their autonomy, human capital, self-esteem, and influence within their families and communities.¹⁶²

Discriminatory social institutions within countries of origin can exert a considerable influence on women's choices regarding migration. Women may opt to migrate as a means of escaping gender-based discrimination, including instances of violence and sexual abuse.¹⁶³ In situations where social stigma surrounds categories such as single women, widows, and divorced individuals, migration might serve as a route to evade such negative perceptions.¹⁶⁴ Furthermore, young girls may choose migration in order to liberate themselves from limitations on their personal freedom. This could encompass pressures related to marriage, the desire to maintain their chastity until marriage, or the aspiration to escape constrictive societal norms. Alongside the factors previously mentioned, numerous other determinants contribute to shaping migration patterns and decisions. These determinants offer a more comprehensive understanding of the complex nature of migration: education level of the migrants, their migration networks and policies, borders as well as climatic and religious factors.¹⁶⁵

The motivations for women to migrate are diverse, leading to a variety of migration patterns, including:

- *Orderly permanent migration* involves legal and non-returning movement between countries or regions.

¹⁶⁰ Fleury, A. (2016). *Op.cit*, p. 6.

¹⁶¹ J. Petrozziello, A. (2013). *Op.cit*, pp. 40-42.

¹⁶² Fleury, A. (2016). *Op.cit*, p. vi.

¹⁶³ Bowstead, J. C. (2017). Segmented journeys, fragmented lives: Women's forced migration to escape domestic violence. *Journal of Gender-Based Violence*, 1(1), pp. 45-60.

¹⁶⁴ Phizacklea, A. (1998). Migration and globalization: A feminist perspective. In *The new migration in Europe: Social constructions and social realities*, London: Palgrave Macmillan UK, pp. 21-38.

¹⁶⁵ Ferrant, G. & M. Tuccio (2015). *Op.cit.*, p. 10.

- *Return migration* entails migrants going back to their origin, voluntarily or not, following at least a year in another country.
- *Forced migration* is involuntary movement, often caused by natural disasters, conflicts, or displacement.
- *Irregular migration* involves seeking new residency via unconventional means, such as personal movement, smuggling (assisting irregular migration for personal gain), or trafficking (forced migration using coercion or fraud).
- *Short-term or seasonal migration* is driven by livelihood opportunities, common in developing societies, including seasonal migrants, frontier workers, and long-distance commuters.¹⁶⁶

In summary, I want to emphasize that, along with the global increase in numbers, the motivations, purposes, and forms of women's migration have changed. The emergence of different forms of migration is an inevitable consequence of the changes in migration purposes. Under the influence of gender and various other factors, the overall picture of how women migrate has become much more complex. Women no longer migrate solely as dependents of men but also for many other purposes, such as studying, working, and conducting research. As a result, I believe that the diversity in women's migration has also led to changes in and increased positive contributions from them. The next section will attempt to further clarify this issue.

4. Contributions of women migrants

Globally, there is a substantial body of evidence demonstrating that investing in women, providing them with education, and enabling their participation in the workforce can lead to an improvement in a country's standard of living and educational achievements. Additionally, these investments tend to result in reduced birth and infant mortality rates, improved overall health, and lower levels of poverty.¹⁶⁷

¹⁶⁶ Ghosh, J. (2009). *Op.cit.*, p. 10.

¹⁶⁷ Bradshaw, S., Castellino, J., & Diop, B. (2017). Women's role in economic development: Overcoming the constraints. In Agarwal, M., Besada, H., & McMillan Polonenko, L. (Eds.). (2017), *Did the millennium development goals work?*, Policy Press, pp. 191-216.

An important aspect of migration is remittances, which refer to the money that migrants send back to their home countries, usually to support their families and communities.¹⁶⁸ This is one of the most extensively studied economic impacts of migration.¹⁶⁹ Reports indicate that migrant women, by contributing a larger proportion of their sometimes lower incomes, are responsible for roughly half of the World Bank (WB)'s estimated \$601 billion in global remittances transmitted through formal channels in 2016.¹⁷⁰ Throughout history, data from various countries has consistently demonstrated that immigrant women play a substantial role in sending remittances back to their home countries. Out of the total US\$1 billion sent to Sri Lanka in 1999, migrant women contributed 62%.¹⁷¹ In the year 2001, women contributed a total of \$6.2 billion in remittances to the Philippines.¹⁷² In Nepal, female migrant workers, primarily in domestic roles, contribute approximately 50% of the total remittances from migrant workers, which accounts for roughly 23% of the country's Gross Domestic Product (GDP).¹⁷³ In 2016, an estimated \$63.9 billion in remittances flowed into Southeast Asia. It's projected that approximately half of this amount can be attributed to women's remittances.¹⁷⁴ Research indicates that women who migrate are more inclined to send a portion of their income back to their home country compared to men who migrate.¹⁷⁵ Despite women generally earning less than men and often incurring higher transfer fees, their average remittance amounts are equal to or, in some cases, even greater than those sent by men.¹⁷⁶ In South Africa, male migrants who

¹⁶⁸ Rapoport, H., & Docquier, F. (2006). The economics of migrants' remittances. *Handbook of the economics of giving, altruism and reciprocity*, 2, pp. 1135-1198.

¹⁶⁹ Sinatti, G., & Alvarez Tinajero, S. (2011). Migration and Development: a Bottom-Up Approach. A Handbook for Practitioners and Policymakers, p. 47-66. Retrieved from https://repub.eur.nl/pub/40440/Metis_188583.pdf (Accessed on 27 November 2023).

¹⁷⁰ WB (2016). Migration and Remittance Factbook 2016. Retrieved from <https://openknowledge.worldbank.org/bitstream/handle/10986/23743/9781464803192.pdf> (Accessed on 24 November 2023).

¹⁷¹ Afsar, R. (2011). Contextualizing Gender and Migration in South Asia: Critical Insights. *Gender, Technology and Development* 15 (3), pp. 389-410.

¹⁷² Kavar, M. (2004). *Op.cit.*, pp. 71-87.

¹⁷³ Piper, N., & Lee, S. (2013). Contributions of migrant domestic workers to sustainable development. *Policy report prepared for UN Women*, Regional Office for Asia and the Pacific. Retrieved from <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2013/Policy%20Paper%20for%20the%20preGFMD%20VI%20High%20Level%20Regional%20Meeting%20on%20Migrant%20Domestic%20Workers.pdf> (Accessed on 17 November 2023).

¹⁷⁴ ILO (n.d). Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/projectdocumentation/wcms_742619.pdf (Accessed on 17 November 2023).

¹⁷⁵ Martin, S. F. (2004). Report of the consultative meeting on migration and mobility and how this movement affects women. *Consultative meeting on migration and mobility and how this movement affects women: report of the consultative meeting*, Malmö Sweden, 2 to 4 December 2003, p. 5.

¹⁷⁶ UN Women (2020). Migrant Women & Remittances: Exploring the Data from Selected Countries: Policy Brief. New York: UN Women. Retrieved from <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/20>

are employed are 25% less likely to send money transfers compared to female migrants.¹⁷⁷ In Ecuador, migrant women send slightly more money and in-kind gifts back to their home country than male migrant.¹⁷⁸ It's important to emphasize that the figures officially recorded represent only a portion of the total remittances sent, as a significant share is also transmitted through informal channels.¹⁷⁹ The fact that women are more inclined to send money back to their home countries than men makes them significant financial contributors to their home country's economy.¹⁸⁰

The remittances sent by women play a crucial role in supporting the livelihoods of millions of families in numerous countries. The increasing significance of remittances in many developing nations has been thoroughly documented in various reports and academic studies.¹⁸¹ According to WB data, a 10% increase in remittances has a direct effect of reducing the number of people living in poverty by approximately 1.6%. This reduction occurs due to the multiplier effect of remittances on the economy, which positively impacts various sectors and livelihoods.¹⁸² Numerous studies have also demonstrated that remittances can play a role in reducing gender inequality gaps, particularly in terms of employment and education.¹⁸³ Additionally, family welfare improves because women often allocate more funds to their children's education and healthcare¹⁸⁴, especially for girls.¹⁸⁵ Moreover, remittances often function as a vital safety

[20/Policy-brief-Migrant-women-and-remittances-Exploring-the-data-from-selected-countries-en.pdf](#)

(Accessed on 11 November 2023).

¹⁷⁷ Collinson, M., S. Tollman, K. Kahn, and S. Clark. (2003). Highly Prevalent Circular Migration: Households, Mobility and Economic Status in Rural South Africa. Presented at the Conference on “*African Migration in Comparative Perspective*,” Johannesburg, South Africa, June 4–7.

¹⁷⁸ Deere, C. D. et al. (2015). Gender, Remittances and Asset Accumulation in Ecuador and Ghana. New York: UN Women. Retrieved from <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2015/DiscussionPaper-GenderRemittancesAndAssetAccumulation-en.pdf> (Accessed on 12 November 2023).

¹⁷⁹ Vogiazides, L. (2008). Migrant Workers' remittances: A Development Instrument in question. *European Social Watch Report*. Retrieved from https://www.socialwatch.org/sites/default/files/ESW2009_eurostep_eng.pdf (Accessed on 19 November 2023).

¹⁸⁰ Martin, S. F. (2004). *Op.cit.*, p. 5.

¹⁸¹ Franck, A. K., & Spehar, A. (2010). *Op.cit.*, p. 30.

¹⁸² Castles, S. & Delgado Wise, R. (2008). Migration and Development: Perspectives from the South. Geneva : International Organization for Migration.

¹⁸³ IOM (2011). Gender, Migration and Remittances. Retrieved from <https://www.iom.int/sites/g/files/tmzbd1486/files/about-iom/Gender-migration-remittances-infosheet.pdf> (Accessed on 11 November 2023).

¹⁸⁴ Schapiro, K. A. (2009). Migration and Educational Outcomes of Children. *Human Development Research Paper 57*, United Nations Development Programme, Human Development Report Office, New York.

¹⁸⁵ Ratha, D. (2013). The impact of remittances on economic growth and poverty reduction. *Policy Brief*, 8(1), p. 4.

net for recipient families. They provide financial stability that enables family members to pursue higher-risk, potentially more profitable endeavors like investing in businesses or starting their own entrepreneurial ventures.¹⁸⁶ Remittances can empower women by allowing them to take on the role of breadwinners, a role traditionally associated with men in many societies. This shift can contribute to enhancing the social status of women and ultimately lead to improvements in gender equality that can extend across generations.¹⁸⁷

The impact of women migrants can extend beyond remittances, their experiences can reshape social, cultural, and political norms and can also catalyze positive social changes within households and communities in both their countries of origin and destination.¹⁸⁸ Female migrant workers often fill essential roles in industries such as healthcare, domestic work, agriculture, and manufacturing. They increase the available workforce and help meet labour shortages in destination countries, especially in the care sector.¹⁸⁹ The COVID-19 pandemic has underscored the crucial role of women migrants as they play key positions in caregiving roles and face the highest risks of infection.¹⁹⁰

Labour migration can indeed result in the accumulation of human capital¹⁹¹, when migrant women return to their home countries, they frequently retain the autonomy they've gained abroad and introduce new standards, skills, and expertise to their communities.¹⁹² Migration can enable women to access new skills and may also inspire them to start and manage their own businesses in their home countries.¹⁹³ This can greatly

¹⁸⁶ UN Women (2004). World Survey on the role of women in development. United Nations Publishing Section, New York. Retrieved from <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2005/World-survey-2004-Women-and-international-migration-en.pdf> (Accessed on 20 November 2023).

¹⁸⁷ Bandita, S. (2015). Women's Labour Migration from Asia and the Pacific: Opportunities and Challenges, *Policy Brief*, IOM and MPI, p. 8. Retrieved from <https://www.migrationpolicy.org/sites/default/files/publications/MPI-IOM-Issue-No-12-Female-Migration.pdf> (Accessed on 23 November 2023).

¹⁸⁸ UN Women (2017). Women migrant workers' contributions to development. *Policy Brief No. 2*. Retrieved from <https://www.refworld.org/reference/themreport/unwomen/2017/en/119333> (Accessed on 23 November 2023).

¹⁸⁹ Piper, N., & Lee, S. (2013). *Op.cit.*, p. 33.

¹⁹⁰ Foley, N., & Piper, N. (2020). COVID-19 and women migrant workers: Impacts and Implications. Geneva: IOM. Retrieved from <https://publications.iom.int/system/files/pdf/the-gender-dimensions-of-the-labour-migration.pdf> (Accessed on 24 November 2023).

¹⁹¹ Sinatti, G., & Alvarez Tinajero, S. (2011). *Op.cit.*, p. 25.

¹⁹² Fleury, A. (2016). *Op.cit.*, p. vi.

¹⁹³ J. Petrozziello, A. (2013). *Op.cit.*, p. 42.

benefit countries of origin by facilitating the transfer of knowledge, ideas, practices, skills, and technologies.¹⁹⁴

Based on the evidence presented, I believe that female migrants have the potential and, in fact, have contributed to both the destination countries and origin countries no less than their male counterparts. In some countries and certain areas, such as remittances or in specific circumstances like the COVID-19 pandemic, the contributions of female migrants are particularly evident and even greater than those of male migrants. However, female migrants possess certain vulnerabilities that seem to put them at a greater disadvantage compared to men during the migration process. The next section will attempt to clarify this issue.

5. Vulnerabilities of women migrants

Women migrant workers are particularly susceptible to heightened vulnerability, as they face many forms of discrimination. Unlike male migrants or indigenous women, they encounter a twofold disadvantage by being subjected to discrimination both as foreigners and as women.¹⁹⁵ In certain cases, they even encounter a compounding effect of three distinct forms of inequality, namely gender inequality, racial inequality, and statelessness, which are referred to as "triply" disadvantages.¹⁹⁶ These gender discrimination or xenophobia can cause great difficulties for the integration of migrant women into the labour market and society.¹⁹⁷ In fact, 12 EU Member States have acknowledged that discrimination, including gender bias and racial discrimination, is a challenge that can hinder the integration of women migrant workers.¹⁹⁸

Regarding inclusion into the labour market, women migrants in the EU often face gender-specific barriers in accessing employment opportunities. Discrimination based on gender, ethnicity, or nationality can limit their access to certain industries or positions, leading to limited job options and exclusion from the labour market. 9 EU Member States identify the fact that migrant women have lower employment rates than non-migrant women.¹⁹⁹ Although women, in general, tend to have lower employment-to-population ratios than

¹⁹⁴ Piper, N., & Lee, S. (2013). *Op.cit.*, p. 23.

¹⁹⁵ Grubanov-Boskovic, S., Tintori, G., & Biagi, F. (2020). *Op.cit.*, pp. 15-16.

¹⁹⁶ Piper, N. (2005). *Op.cit.*, p. 2.

¹⁹⁷ *Ibid.*

¹⁹⁸ European Migration Network (2021). *Op.cit.*, p. 19.

¹⁹⁹ *Ibid.*, p. 7.

men, the gender employment gap widens among migrants. On average, the employment-to-population ratio for women is 75%, while for men, it's 85%, based on data from 124 countries. This difference is most pronounced in high- and middle-income countries.²⁰⁰ In many countries, migrant women often find themselves in occupations that are more focused on basic or low-skilled jobs compared to migrant men, such as housekeeping, cleaning and related maid services. In France and Greece, in 2016, 24% and 34% of female migrant workers were employed as cleaners or domestic workers, respectively.²⁰¹

In addition, women migrants often experience wage disparities compared to their male counterparts and host country nationals. They may be paid lower wages for the same work,²⁰² subjected to exploitative labour practices, or employed in low-paying jobs.²⁰³ In some instances, employers may prefer female migrant workers, perceiving them as "more compliant" or "cost-effective" employees.²⁰⁴ In 37 out of the 60 countries for which data is available, the average monthly income of migrant women is approximately 20% lower than that of migrant men.²⁰⁵ This can lead to economic insecurity for migrant women. They may struggle to make ends meet and face difficulties in meeting their basic needs, such as housing, healthcare, and education.

Hiring young women has been an explicit strategy of governments and corporations in the export sector; and the low wages of women workers has been fundamental to economic growth and export-oriented development strategies in many developing countries. Migrant women are increasingly the preferred workers in labour intensive export-manufacturing and in services "because they are cheaper than local workers or male migrants."²⁰⁶ The interest in hiring women workers in these industries is linked to wage inequalities but also the product of stereotypes around the supposed characteristics of certain groups of women, i.e. of a particular national origin or ethnic group. The

²⁰⁰ Rakotonarivo, A. (2020). Who are the women on the move? A portrait of female migrant workers, ILOSTAT. International Labour Organisation ILO, ILOSTAT. Retrieved from <https://ilostat.ilo.org/blog/who-are-the-women-on-the-move-a-portrait-of-female-migrant-workers/> (Accessed on 10 December 2023).

²⁰¹ *Ibid.*

²⁰² Deshingkar, P. (2005) Maximizing the benefits of internal migration for development, Overseas Development Institute, London. Retrieved from http://www.preventtraffickingchina.org/english/Website_Files/Deshingkar.pdf (Accessed on 15 December 2023).

²⁰³ Ghosh, J. (2009). *Op.cit.*, p. 28.

²⁰⁴ Martin, S. F. (2004). *Op.cit.*, p. 10.

²⁰⁵ Rakotonarivo, A. (2020). *Op.cit.*

²⁰⁶ Dannecker, P (2005). Transnational Migration and the Transformation of Gender Relations: The Case of Bangladeshi Labour Migrants, *Current Sociology*, Vol. 53(4), p. 656.

discourse around Asian/oriental women's 'nimble fingers' and obedient nature has been well covered by academic research.²⁰⁷

Immigrant women often encounter a gender-stratified labour market that tends to place them into the bottom class.²⁰⁸ Due to female migrant workers from third countries often having a high rate of early school dropout and a lack of recognized skills certifications, they are more likely to work below their actual professional level and have limited employment opportunities.²⁰⁹ For instance, in Germany, the participation of female labour in the labour market is notably low among those with low skills.²¹⁰ Many Filipino women with university degrees find employment in the domestic or entertainment industry.²¹¹ These jobs are described as simple but unattractive, and they are paid below their actual professional level. Examples include room cleaning, food service, and potentially even the sex industry. Migrant women may choose to enter sex work voluntarily due to factors like accessibility and financial incentives. A study conducted by the Population Council in India revealed that women who are economically disadvantaged and have limited educational opportunities are more likely to be involved in prostitution.²¹² These jobs not only have low wages as their main characteristic but also involve difficult working conditions and a lack of social protection.²¹³ The irregular working hours associated with these jobs can also pose significant difficulties in seeking better employment opportunities or participating in higher-level training.²¹⁴

Gender bias leads to women being confined to "feminine" positions such as domestic helpers or childcare providers.²¹⁵ Domestic workers constitute nearly 13% of the overall female migrant workforce in 2015, with a majority originating from Southeast Asia, particularly Indonesia and the Philippines.²¹⁶ Despite the increasing participation of women in the workforce, social gender norms still place the expectation on women to be

²⁰⁷ Franck, A. K., & Spehar, A. (2010). *Op.cit.*, p. 21.

²⁰⁸ Piper, N. (2005). *Op.cit.*, p. 2.

²⁰⁹ Radowicz, J. A. (2021). *Op.cit.*, p. 47.

²¹⁰ European Migration Network (2021). *Op.cit.*, p. 18.

²¹¹ Kavar, M. (2004). *Op.cit.*, pp. 71–87.

²¹² Fleury, A. (2016). *Op.cit.*, p. 11.

²¹³ Radowicz, J. A. (2021). *Op.cit.*, p. 8.

²¹⁴ *Ibid.*

²¹⁵ O'Neil, T., Fleury, A., & Foresti, M. (2016). Women on the move: migration, gender equality and the 2030 agenda for sustainable development, London: Overseas Development Institute. Retrieved from <https://media.odi.org/documents/10731.pdf> (Accessed on 20 December 2023).

²¹⁶ ILO (2015). ILO Global estimates of migrant workers and migrant domestic workers: results and methodology / International Labour Office- Geneva:ILO. Retrieved from <https://www.ilo.org/media/437486/download> (Accessed on 20 December 2023).

responsible for family care, including household chores and caregiving. This societal expectation has led to a greater demand for immigrant women, giving rise to a phenomenon often referred to as the "global care chain."²¹⁷ The provision of care is often undervalued both socially and economically, leading to lower wages, limited rights, and fewer regulations and contracts in place to protect the rights and well-being of care workers.²¹⁸ These jobs often fall outside the scope of labour regulations and social protections in the host country.²¹⁹ According to Jose C. Moya, domestic work could be labeled as a "classic immigrant women's niche."²²⁰ While not all immigrant women work in these fields, they are often initially drawn to them due to high demand and the possibility of working without legal registration.²²¹ They are often isolated within their own homes, restricted in their mobility, face challenges in accessing the labour market and society, and lack legal protection. They seem to be invisible in policy and institutional frameworks.²²²

Migrant women may face specific reproductive health challenges, including limited access to reproductive healthcare services, lack of contraception options, higher rates of unintended pregnancies, and inadequate prenatal care.²²³ Unintended pregnancies and inadequate prenatal care can disrupt the educational and employment trajectories of migrant women. Limited access to contraception options and family planning services may limit their ability to plan and pursue educational or career goals, potentially perpetuating cycles of poverty and dependency. In addition, they are at risk of mental health problems due to the stressors associated with migration, including leaving their home country, family separation, adapting to a new culture, and facing discrimination or social isolation.²²⁴ They may experience anxiety, depression, and other psychological

²¹⁷ Fleury, A. (2016). *Op.cit.*, p. 10.

²¹⁸ J. Petrozziello, A. (2013). *Op.cit.*, p. 146.

²¹⁹ *Ibid.*, p. 152.

²²⁰ Moya, J. C. (2007). Domestic service in a global perspective: gender, migration, and ethnic niches. *Journal of ethnic and migration studies*, 33(4), pp. 559-579.

²²¹ European Commission (2015). OPINION of the European Economic and Social Committee on Inclusion of migrant women in the labour market. Retrieved from <https://migrant-integration.ec.europa.eu/sites/default/files/2018-06/EESCOpinion.doc> (Accessed on 11 December 2023).

²²² WHO (2017). Women on the Move: Migration, Care Work and Health, Geneva: World Health Organization. Retrieved from <https://iris.who.int/bitstream/handle/10665/259463/9789241513142-eng.pdf?sequence=1> (Accessed on 16 May 2023).

²²³ Benza, S., & Liamputong, P. (2014). Pregnancy, childbirth and motherhood: a meta-synthesis of the lived experiences of immigrant women. *Midwifery*, 30(6), pp. 575-584.

²²⁴ Radowicz, J. A. (2021). *Op.cit.*, p. 10.

issues.²²⁵ Mental health issues, including anxiety, depression, and social isolation, can hinder the social integration of migrant women. The stressors associated with migration and the lack of mental health support may contribute to feelings of loneliness, disconnection, and difficulties forming social relationships within the host community. Language barriers, cultural differences, unfamiliarity with the healthcare system, and limited access to mental health services can compound these challenges.²²⁶

The participation rates in the labour force are at their lowest for women who migrate for family-related reasons.²²⁷ Women, whether they migrate independently or to reunite with their families, may encounter specific barriers to integration if they have children.²²⁸ Balancing the responsibilities of caring for children and engaging in employment or integration programs can create financial constraints for migrant women. The responsibility of caring for the family and children can prevent them from fully participating in the labour market and in integration programmes, skills assessments, re-training and other measures when these do not cater for such caring responsibilities.²²⁹

In terms of social inclusion, xenophobia and discrimination based on nationality or immigration status can create social barriers for women migrants in the EU. They may face prejudice, stigmatization, and exclusion from social networks and community activities, making it difficult for them to build social connections and feel a sense of belonging.²³⁰ In some cases, even cultural diversity and specific cultural needs of female migrant workers can pose challenges to the migration process.²³¹ For example, issues related to face coverings or head coverings have become a contentious factor in many EU Member States.²³² Research has emerged showing strong evidence that veiled Muslim

²²⁵ Neale, A., & Wand, A. (2013). Issues in the evaluation and treatment of anxiety and depression in migrant women in the perinatal period. *Australasian Psychiatry*, 21(4), pp. 379-382.

²²⁶ Action plan on Integration and Inclusion 2021–2027, COM(2020) 758 final.

²²⁷ Ghosh, J. (2009). *Op.cit.*, p. 14.

²²⁸ OECD (2017), Making Integration Work: Family Migrants, Making Integration Work, OECD Publishing, Paris, <https://doi.org/10.1787/9789264279520-en>

²²⁹ Radowicz, J. A. (2021). *Op.cit.*, p. 15.

²³⁰ European Parliament (2016), Report on the situation of women refugees and asylum seekers in the EU (2015/2325(INI). Retrieved from https://www.europarl.europa.eu/doceo/document/A-8-2016-0024_EN.html (Accessed on 11 October 2023).

²³¹ Agatiello, G., & Humer, L. (2018). Eurodiaconia's Guidelines for the Integration of Migrant Women. Retrieved from https://ec.europa.eu/migrant-integration/library-document/eurodiaconia-guidelines-integration-migrant-women_en (Accessed on 11 October 2023).

²³² European Migration Network (2021). *Op.cit.*, p. 19.

female workers face discrimination in Germany and the Netherlands.²³³ Additionally, women migrants are particularly vulnerable to gender-based violence and exploitation, including human trafficking, domestic violence, and sexual harassment.²³⁴ Discrimination and xenophobia can exacerbate their vulnerability and make it challenging for them to seek help, access support services, and break free from abusive situations.

In summary, the evidence presented has contributed to demonstrating that female migrant workers face significantly more disadvantages compared to their male counterparts and are often in a weaker position when compared to native women. I believe these disadvantages underscore the need for a human rights-based approach to addressing the issues faced by female migrants. This means that policies and laws, as well as support services, must be clearly defined and take into account the specific challenges faced by female migrants.

In my opinion, the vulnerability of female migrants, along with the analyses presented in the previous subchapters, sufficiently answers the question of why policies and laws need to focus on female migrants. Simply put, when we compare the situations, it becomes clear that there is an inequality: female migrants are almost equal in number to male migrants, their contributions are no less significant, yet they face greater disadvantages during the migration process due to their inherent vulnerability. Therefore, I believe that measures should be implemented to create more favorable conditions for female migrants in order to achieve equality.

6. Summary

It can be concluded that gender disparity always exists, and women face particular challenges in many fields, including migration. Migration is a complex and multidimensional phenomenon that can have both positive and negative impacts. It can serve as an empowering tool for women by providing them with employment opportunities, education, and decision-making rights. However, it also brings various risks and challenges. In the process of migration, gender plays a profound role in

²³³ Fernández-Reino, M., Di Stasio, V., & Veit, S. (2023). Discrimination unveiled: a field experiment on the barriers faced by Muslim women in Germany, the Netherlands, and Spain. *European Sociological Review*, 39(3), pp. 479-497.

²³⁴ Gonçalves, M., & Matos, M. (2016). Prevalence of violence against immigrant women: A systematic review of the literature. *Journal of family violence*, 31, pp. 697-710.

determining who becomes a migrant and how this process unfolds. Gender inequality also leads to different impacts between male and female migrants. Therefore, understanding the complex issues surrounding gender and migration is crucial for developing effective programs and policies.

Along with the increasing number and proportion of women in migration flows worldwide recently, the motivations and forms of migration for women are evolving. Nowadays, women migrate for a variety of reasons and they are no longer primarily migrating for the purpose of reuniting with family in a dependent role. Instead, they are also beginning to migrate for livelihood, education, escaping conflict or oppression, improving health, and enhancing personal independence and empowerment. They also make similar contributions as male migrants to both the destination and origin countries. These contributions manifest in various aspects. Their contributions extend beyond remittances, influencing the culture, society, and politics.

It can be concluded that, if compared with migrant men as well as local women, migrant women are more vulnerable as they suffer double or triple disadvantages. Forms of discrimination, biases, occupational characteristics, gender health disparities, family responsibilities, and cultural differences contribute to gender inequality in migration. Therefore, migration policies need to be built on an understanding of the complexity of the gender-migration relationship to ensure equality for women migrants. Firstly, comprehensive legal frameworks should be established to specifically protect the rights of migrant women, ensuring that they are not disproportionately affected by discriminatory practices. This includes implementing strict anti-discrimination laws that prevent gender-based biases in employment, healthcare, and social services. Secondly, there should be targeted support systems designed to alleviate the unique challenges faced by migrant women. For example, policies could include providing accessible childcare and healthcare services that are sensitive to the needs of women from different cultural backgrounds. In conclusion, addressing the complex and intersecting disadvantages faced by migrant women requires a multifaceted and coordinated approach. By reforming migration laws and policies and ensuring targeted support systems, we can create a more equitable environment that upholds the rights and dignity of migrant women.

CHAPTER IV: VIETNAMESE WOMEN MIGRANT WORKERS IN THE EUROPEAN UNION

1. Chapter overview

The primary objective of this chapter is to identify the potential challenges that Vietnamese female migrant workers may face during their integration into the EU. As highlighted in Chapter I, due to the lack of migration data in Vietnam and the relatively new phenomenon of Vietnamese female workers seeking employment and integrating into the EU, there is a consequent dearth of specific academic research on this demographic. Furthermore, given the scope and feasibility of a doctoral dissertation, this study has not conducted field research such as observations, interviews, or questionnaires with Vietnamese female migrant workers. Considering that these workers reside and work across the entire EU, which consists of 27 member states with diverse characteristics, selecting a few countries for study would be insufficient to generalize broader trends, and a comprehensive study of the entire EU is impractical for a doctoral dissertation. Instead, this chapter endeavors to examine literature from reliable sources, primarily large-scale studies from reputable international organizations.

First, this chapter will seek to understand the labour market context of the EU. The employment and unemployment rates of female migrant workers will be analyzed in comparison to those of male migrants and native women. Additionally, the status of female migrant workers during the COVID-19 pandemic will be examined. The focus here is not on COVID-19 itself or whether it has ended, but rather on understanding whether, in the event of an international disaster or pandemic, female migrant workers in the EU face greater disadvantages compared to other labour groups.

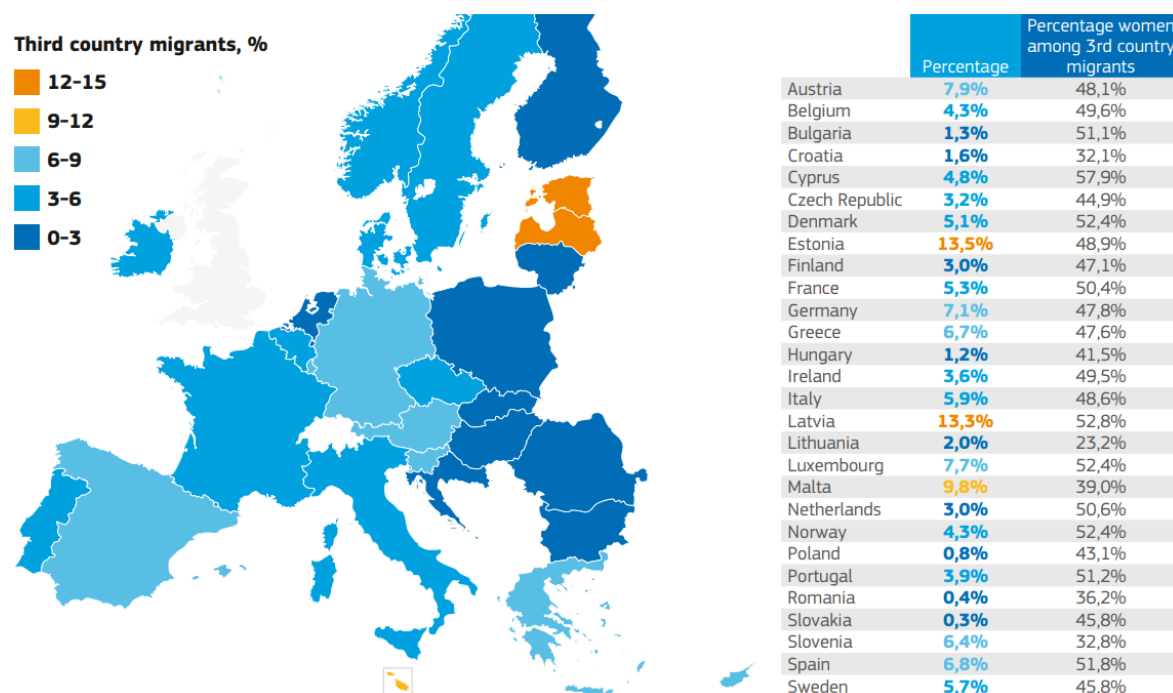
After clarifying the issues faced by female migrant workers in the EU in general, it is crucial to understand the specific characteristics of Vietnamese female migrant workers to identify their potential challenges. This chapter will explore the migration context in Vietnam, including the history, statistics on migration status, migration motivations, trends and sectors, and the government's stance on migration. The status of gender equality and the position of women in Vietnamese society will also be examined to understand the pre-migration conditions of Vietnamese female workers. Subsequently, this chapter will attempt to detail the characteristics of Vietnamese female migrant

workers before identifying the potential challenges this group may face or has faced during their integration into the EU.

2. The EU labour market

In 2022, the total population of the EU27 was 447.370.510 and of this population, 51,1 % were women. The gender distribution within the population varied among the individual Member States, with the proportion of women ranging from 47% to 53% in different countries.²³⁵ As of January 1, 2022, approximately 23.8 million people, or 5.3%, were non-EU citizens.²³⁶ These non-EU citizens include individuals from countries outside the EU who were residing within the EU Member States. This demographic diversity reflects the EU's status as a region with significant international migration and cultural diversity.

Table 4: TCNs as a percentage of total population in EU27 and Norway and the proportion of women in 2020



²³⁵ WB (n.d). Population, female (% of total population) - European Union. Available at <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=EU> (Accessed on 10 December 2023).

²³⁶ Eurostat (n.d). Migration and migrant population statistics. Available at https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics (Accessed on 10 December 2023).

Source: European Migration Network (2021). Integration of Migrant Women in the EU: Policies and Measures- EMN Inform. Brussels: European Migration Network, p. 11. Retrieved from https://migrant-integration.ec.europa.eu/library-document/integration-migrant-women-eu-policies-and-measures_en (Accessed on 13 March 2023).

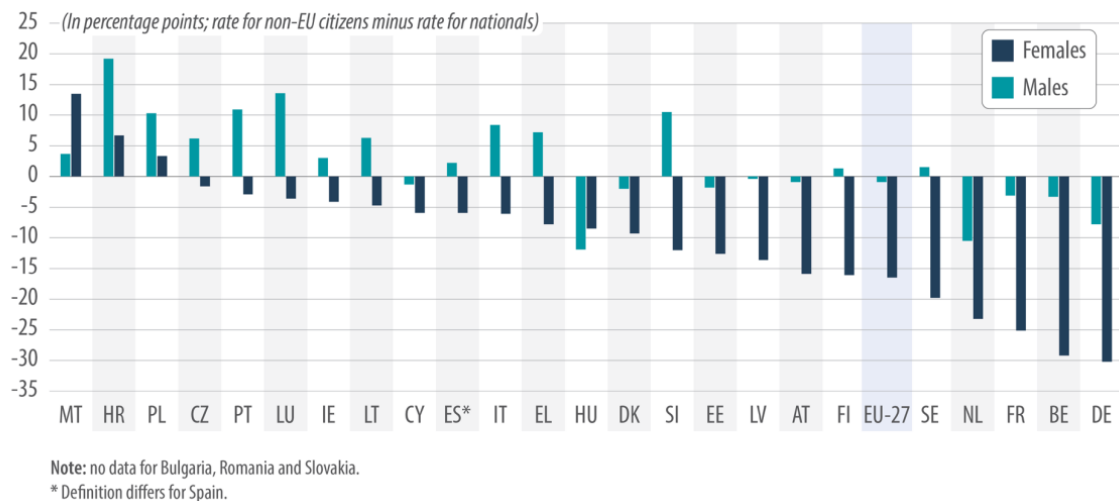
Looking at Table 4, it is evident that the proportion of female migrant workers is relatively equal to that of male workers in most EU countries, with as many as 10 countries having a higher proportion of female workers compared to male workers. In the recent flow of migration to the EU, the shifting patterns in the movement of women reflect the evolving nature of international migration patterns and the increasing agency of women in making decisions about their mobility. While in the past, many women migrated to Europe primarily to join their partners or family members, contemporary migration patterns indicate a more balanced and diverse picture.²³⁷ Women migrate to the EU for a wide range of reasons. Some come as highly skilled professionals, while others arrive as low-skilled labour migrants seeking economic opportunities in low-wage sectors. Certain women migrate for the purpose of reuniting with their families, while others leave their home countries to support their families and become the primary breadwinners.²³⁸ Therefore, their legal status and rights are very diverse and it creates significant differences in integration opportunities and challenges.²³⁹

Table 5: Difference between activity rates of non-EU citizens and nationals, 20-64 years of age, in 2022 (percentage points; rate for non-EU citizens minus rate for nationals)

²³⁷ European Parliament (2023). Migrant women and the EU labour market: Overcoming double discrimination, p. 2. Retrieved from [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747905/EPRS_BRI\(2023\)747905_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747905/EPRS_BRI(2023)747905_EN.pdf) (Accessed on 12 December 2023).

²³⁸ Agatiello, G., & Humer, L. (2018). *Op.cit.*, p. 5.

²³⁹ European Migration Network (2021). *Op.cit.*, p.7.



Source: European Parliament (2023). Migrant women and the EU labour market: Overcoming double discrimination, p. 4. Retrieved from [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747905/EPRS_BRI\(2023\)747905_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747905/EPRS_BRI(2023)747905_EN.pdf) (Accessed on 12 December 2023).

Looking at Table 5, it is evident that in almost all EU countries, non-EU female citizens have lower activity rates compared to both male migrants and EU female citizens. According to the European Institute for Gender Equality, their Gender and Migration brief confirmed that immigrant women in the EU are more prone to unemployment or economic inactivity compared to any other demographic within the labour market.²⁴⁰ Nine Member States have recognized the challenge of lower employment rates for migrant women compared to non-migrant women. These migrant women also experience a pay gap when compared with their non-migrant counterparts.²⁴¹ The statistics indicated that in 2021, 22% of foreign-born men and 25% of foreign-born women in the EU reported encountering obstacles in finding a suitable job in their destination country.²⁴² According to an Organisation for Economic Co-operation and Development (OECD)'s report, in more than two-thirds of OECD and EU countries, migrant women have a larger employment gap compared with immigrant men and native-born women.²⁴³ Eurostat data

²⁴⁰ European Institute for Gender Equality, EIGE (2020). Sectoral Brief: Gender and Migration. <https://doi.org/10.2839/051711>.

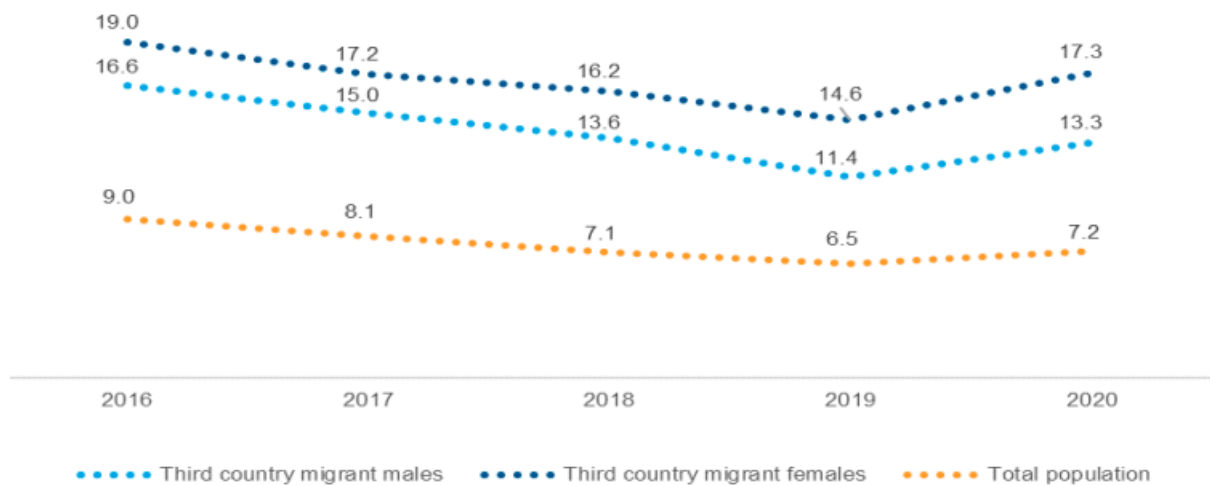
²⁴¹ European Migration Network (2021). *Op.cit.*, p. 18.

²⁴² Eurostat (2023). Main obstacles for foreign-born people to enter the labour market. Available at https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Main_obstacles_for_foreign-born_people_to_enter_the_labour_market#Presence_of_obstacles:_an_overview_of_foreign-born_people (Accessed on 28 December 2023).

²⁴³ Liebig, T. and K. Tronstad (2018), "Triple Disadvantage?: A first overview of the integration of refugee women", *OECD Social, Employment and Migration Working Papers*, No. 216, OECD Publishing, Paris, p. 8.

for 2022 indicated that the gap between the unemployment rates of non-EU citizens and nationals was nearly 1 percentage point lower for men and approximately 17 percentage points lower for women.²⁴⁴

Table 6: Average unemployment rates (%) 2016-2020



Source: European Migration Network (2021). Integration of Migrant Women in the EU: Policies and Measures- EMN Inform. Brussels: European Migration Network, p. 16. Retrieved from https://migrant-integration.ec.europa.eu/library-document/integration-migrant-women-eu-policies-and-measures_en (Accessed on 11 March 2023).

It can be seen from Table 6 that female citizens from third countries consistently have higher average unemployment rates than male migrants in the majority of EU countries between 2016 and 2020. I believe that this data highlights a persistent gender disparity in the labour market among migrants. Furthermore, the issue of involuntary part-time work is indeed a significant concern for women born abroad, particularly in the EU. Foreign-born women often face higher rates of being unable to secure full-time employment, even when they actively seek more work. For instance, in the EU, 11% of foreign-born women find themselves in this situation, which is twice as high as the rate for immigrant men (5%). In comparison, the rate for native-born women is lower, standing at 6%.²⁴⁵

²⁴⁴ Eurostat (n.d). Activity rates by sex, age and citizenship (%). Available at https://ec.europa.eu/eurostat/databrowser/view/LFSA_ARGAN_custom_6121183/default/table (Accessed on 28 December 2023).

²⁴⁵ OECD (2020a). How to strengthen the integration of migrant women?. No. 25, OECD Publishing, Paris, p. 5. Retrieved from https://www.oecd.org/en/publications/how-to-strengthen-the-integration-of-migrant-women_fbc7da3c-en.html (Accessed on 2 January 2024).

In my opinion, while there are assertions that the acute phase of the COVID-19 pandemic is receding, it is imperative to recognize that its enduring impact extends beyond immediate health concerns. Rather than fixating on the pandemic itself, attention must be redirected towards the emergence of a global disaster that not only brought to light pre-existing vulnerabilities but also heightened and exacerbated the challenges faced by female migrant workers. The COVID-19 pandemic has had adverse and disproportionate impacts on physical and mental health, the economy, exacerbating discrimination and racial disparities among vulnerable groups, including migrants and particularly migrant women.²⁴⁶ The pandemic has disproportionately impacted migrant women, manifesting in various challenges such as job losses, heightened caregiving responsibilities, increased burden of household work, and elevated exposure risks, particularly for those engaged in frontline services.²⁴⁷ In most countries with available data, the impact of the COVID-19 crisis on unemployment is greater for migrants compared to non-migrants. Among migrants, women are at a higher risk of job loss as they often have less stable employment, tend to concentrate in low-skilled, low-wage jobs, and are frequently in informal employment.²⁴⁸ Some countries like Sweden and Spain have reported an increase in the unemployment rate since the COVID pandemic, especially among migrant women who are considered more likely to face long-term unemployment and severe impacts.²⁴⁹ The ILO warned about the widening 'migrant pay gap' in 2020, particularly in the aftermath of the COVID-19 pandemic. The study highlighted that migrant women faced a 'double wage penalty.' The pay gap between male nationals and migrant women in high-income countries was estimated to be nearly 21% per hour, surpassing the gender pay gap (16%) in those countries.²⁵⁰

This pandemic has starkly highlighted and exacerbated existing inequalities on both a national and international level.²⁵¹ Women, who disproportionately shoulder the

²⁴⁶ OECD (2020b). What is the impact of the COVID-19 pandemic on immigrants and their children?. *OECD Policy Responses to Coronavirus (COVID-19)*, OECD Publishing, Paris, <https://doi.org/10.1787/e7cbb7de-en>.

²⁴⁷ Foley, N., & Piper, N. (2020). *Op.cit.*, pp. 3-5.

²⁴⁸ Rakotonarivo, A. (2020). *Op.cit.*

²⁴⁹ Roberto C., Lina V. & Helena W. (2023). Gendered migrant integration policies in the EU - Are we moving towards delivery of equality, non-discrimination and inclusion?. Brussels: Centre for European Policy Studies, p.14. Retrieved from https://cdn.ceps.eu/wp-content/uploads/2023/03/ITFLOWS_Report-on-gendered-migrant-integration-and-outcomes.pdf (Accessed on 21 December 2023).

²⁵⁰ *Ibid.*, p. 14.

²⁵¹ Settersten Jr, R. A., et al. (2020). Understanding the effects of Covid-19 through a life course lens. *Advances in Life Course Research*, 45, 100360.

responsibilities of unpaid and undervalued care work, have been significantly impacted. From managing household chores and childcare to serving on the front lines as essential workers in roles such as shop workers, nurses, cleaners, and care workers, women had to face increased burdens and risks during the pandemic.²⁵² Especially, migrant women in healthcare facilities and domestic service often face particular challenges. The role of migrant women in the healthcare sector is significant, and during the pandemic, they often face higher risks of infection due to their frontline positions. The burden of caring for the sick during the COVID-19 pandemic falls predominantly on women, encompassing both migrants and non-migrants. More than 70% of front-line health and social care workers globally are women, and they are more likely to be found on the front lines of the crisis. This involvement spans across various settings, including hospitals, care facilities, and homes, where these women play crucial roles in attending to patients affected by COVID-19.²⁵³ Additionally, they might have to work longer hours to handle the increased patient load and cover for colleagues who are unwell.²⁵⁴ Prior to the pandemic, domestic work stood out as one of the most marginalized and least protected employment sectors, often lacking the appreciation it deserved. Many domestic workers, particularly those who are immigrants, faced insecurity and violence within their employment. The onset of the COVID-19 pandemic has exacerbated the vulnerabilities of women in this profession, subjecting them to even more precarious situations. This includes scenarios where they may face job loss, isolation in their homes, increased risk of violence, or extended working hours.²⁵⁵

In summary, the evidence and data presented clearly indicate that female migrants generally face significant disadvantages in the EU labor market. I believe this serves as a warning of a potentially unfavorable starting point for the integration process of Vietnamese female migrant workers in the EU. Although for the group of Vietnamese female workers studied in this dissertation, their employment status is typically secured by contract prior to departure, as governed by Vietnamese law outlined in Chapter I. This suggests that unemployment or difficulty in finding work in the EU is not an immediate

²⁵² Eurodiaconia (2020). Promoting the inclusion of migrant women, Policy brief, p. 4. Retrieved from <https://www.eurodiaconia.org/wordpress/wp-content/uploads/2021/01/Promoting-inclusion-of-migrant-women-Gender-assessment-of-EU-Action-Plan-for-integration-and-inclusion.pdf> (Accessed on 19 May 2023).

²⁵³ Foley, N., & Piper, N. (2020). *Op.cit.*, p. 3.

²⁵⁴ Rakotonarivo, A. (2020). *Op.cit.*

²⁵⁵ Foley, N., & Piper, N. (2020). *Op.cit.*, p. 6.

concern for Vietnamese female workers. However, the analysis above implies that female migrant workers might not be well-positioned in the labor market, and Vietnamese female migrant workers are likely to encounter disadvantages related to wages, working conditions, or the risk of job loss. Before identifying the specific challenges that Vietnamese female workers may face during their integration process, the following subchapter will attempt to explore the distinctive characteristics of Vietnamese female migrant workers.

3. Vietnamese women migrant

3.1. Migration background in Viet Nam

According to the WB, Vietnam is a country with a history of successful development. Economic reforms since 1986, combined with favorable global trends, have rapidly transformed Vietnam from one of the world's poorest countries into a lower-middle-income nation in just one generation. From 2002 to 2020, GDP per capita increased 3.6 times, reaching nearly \$3,700. The poverty rate decreased from over 14% in 2010 to 3.8% in 2020.²⁵⁶ Vietnam's three decades of reform have coincided with a surge in both domestic and international migration. The country's international integration is demonstrated through policies on learning, working, research, tourism and foreign investment, which have created favorable conditions for many Vietnamese people to go abroad.²⁵⁷ In Vietnam, two main categories of international migration are documented, namely temporary and permanent. These migration classifications are determined based on the following objectives: labour export, tourism-related migration, engagement in the sex trade, seeking medical treatment or caring for ill family members, pursuing education overseas, relocating with family sponsorship, marriage, adoption, skilled settlement, involvement in illegal human trafficking, and unauthorized border crossings.²⁵⁸

The activity of sending Vietnamese migrant workers to work abroad under contracts, also known as “labour export”²⁵⁹, is an economic activity that is managed by the state. It

²⁵⁶ WB (n.d). The World Bank In Viet Nam. Available at <https://www.worldbank.org/vi/country/vietnam/overview#1>. (Accessed on 20 June 2023).

²⁵⁷ IOM (2017). Viet Nam Migration Profile 2016, IOM Publications, Ha Noi. p. 7. Retrieved from https://publications.iom.int/system/files/pdf/mp_vietnam.pdf (Accessed on 27 June 2023).

²⁵⁸ Nguyen, C. H. (2022). *Op.cit.*, p. 8.

²⁵⁹ Although it may generate controversy in the realm of human rights due to the potential misunderstanding that human beings are commodities that can be exported, the term "labor export" is indeed an official term used in many legal documents in Vietnam from the past to the present.

involves supplying Vietnamese labour to foreign countries under fixed-term contracts to meet the labour needs of businesses in countries or regions facing labour shortages or excessively high labour costs.²⁶⁰ According to statistics from the Ministry of Labour, Invalids and Social Affairs, from 1980 to 1989, the state budget collected from workers and experts working abroad under Government Agreements approximately 800 billion VND and over 300 million USD,²⁶¹ which was a significant amount at that time. This activity not only contributed to reducing unemployment within the country but also helped Vietnamese migrant workers access new technologies and send back a substantial volume of consumer goods, thus improving the lives of many families in Vietnam during a challenging period for the nation.²⁶²

For many years, international labour migration has emerged as a significant aspect of Vietnam's economic and social dynamics, the promotion of temporary contract labour abroad aligns with the nation's objective to generate additional employment opportunities for its expanding workforce while also contributing to economic growth through the inflow of remittances.²⁶³ According to statistics from the WB and the Global Knowledge Partnership on Migration and Development (KNOMAD), remittances to Vietnam in 2022 reached 19 billion USD, accounting for approximately 4.6% of GDP. With this level, Vietnam's remittances rank 3rd in the East Asia and Pacific Region and 10th globally.²⁶⁴

Vietnam is primarily a source country for labour migration, and regular labour migration is promoted as part of the national efforts to create employment opportunities for the

²⁶⁰ Luu T. A. (2017). Law and reality about protect rights of Vietnamese women guest workers under contract (Master thesis), University of Law, Vietnam National University, Hanoi.

²⁶¹ MOLISA (2012). Benefits of Labor Export (in Vietnamese: Lợi ích của Xuất khẩu Lao động). Available at <http://english.molisa.gov.vn/Pages/News/Detail.aspx?TinTucID=20926> (Accessed on 12 September 2022).

²⁶² Luu T. A. (2017). *Op.cit.*

²⁶³ Bowen, R., & Huong, D. V. (2012). Women in international labour migration from Viet Nam: A situation analysis. UN Women Viet Nam and Department of Overseas Labour, Ministry of Labour, Invalids and Social Affairs, Viet Nam, p. 6. Retrieved from <https://asiapacific.unwomen.org/en/digital-library/publications/2012/5/women-in-international-labour-migration-from-viet-nam-a-situation-analysis> (Accessed on 12 September 2023).

²⁶⁴ Ratha, D., Kim, E. J., Plaza, S., Riordan, E. J., Chandra, V., & Shaw, W. (2022). Migration and development brief 37: Remittances Brave Global Headwinds. Special focus: Climate migration. *KNOMAD-World Bank, Washington, DC.*

developing young workforce.²⁶⁵ Vietnam has approximately 3.4 million labour migrants living and working abroad.²⁶⁶

Table 7: Top 10 countries receiving the most Vietnamese migrant workers in 2022 & 2023

	Destination	Female	Total	Destination	Female	Total
1	Japan	29,741	67,295	Japan	34.523	80.010
2	Taiwan	17,689	58,598	Taiwan	18.430	58.620
3	Korea	454	9,968	Korea	1.073	11.626
4	Singapore	2	1,822	China	2	1.806
5	China	0	910	Hungary	735	1.539
6	Hungary	325	775	Singapore	0	1.355
7	Romania	155	721	Romania	159	840
8	Poland	86	494	Poland	155	797
9	Russia	20	467	HongKong	0	584
10	Malaysia	298	399	Malaysia	185	480

Source: Author compiled from DOLAB data. Available at <http://www.dolab.gov.vn/New/View2.aspx?Key=7781>; <http://www.dolab.gov.vn/New/View2.aspx?Key=8541> (Accessed on 24 April 2024)

In 2023, the total number of new Vietnamese workers going abroad for employment reached 159,986, with 55,804 of them being female workers.²⁶⁷ The data in the table above indicates that the primary destinations for Vietnamese workers continue to be traditional markets such as Japan, Taiwan, and Korea. However, there has been a notable increase in the number of workers seeking employment within the EU in recent years. Significantly, three EU Member States are among the top 10 destinations for Vietnamese migrant workers. Notably, the total number of Vietnamese workers, including female workers, going to Hungary in 2023 more than doubled compared to 2022, making Hungary the fifth-largest market for Vietnamese migrant workers. This is also understandable given that the comprehensive cooperation between Vietnam and Hungary

²⁶⁵ Bowen, R., & Huong, D. V. (2012). *Op.cit.*, p. 28.

²⁶⁶ UNDESA (2020). International Migrant Stock 2020. Retrieved from <https://www.un.org/development/desa/pd/content/international-migrant-stock> (Accessed on 20 July 2023).

²⁶⁷ DOLAB (2024). *Op.cit.*

has been increasing recently, particularly in the labour sector in the context of labour shortages in Hungary.²⁶⁸

It's important to note that official data on labour migration is collected by the Vietnamese Department of Overseas Labour (DOLAB) based on quarterly reports from local Departments of Labor, Invalids, and Social Affairs as well as monthly reports from licensed recruitment companies. However, data on individuals going abroad through individual contracts may not be fully represented in the statistics because some migrant workers may not comply with reporting requirements. Additionally, some labour recruitment companies may not fully register and report their activities.²⁶⁹ There is a significant flow of illegal labour migrants from Vietnam and estimating these flows remains challenging.²⁷⁰ A report from 2017 by the ILO and the IOM revealed that among 450 Vietnamese migrant workers who were interviewed upon returning from Malaysia and Thailand, 48% had migrated through illegal channels.²⁷¹ In 2019, a tragedy occurred when police discovered the bodies of 39 Vietnamese illegal migrants who had died in the barrels of a refrigerated container in Grays, Essex, United Kingdom.²⁷²

Economic factors such as low income, poverty, and limited job opportunities, as well as livelihood options, are primary drivers of migration decisions. Pre-existing disparities in living standards, employment opportunities, and higher wages within the country encourage migrants to seek new opportunities, even temporarily, abroad.²⁷³ Among these, migrating for the purpose of earning a livelihood is the most common reason.²⁷⁴ According to data from the General Statistics Office in 2022, Vietnam's overall labour force participation rate is relatively high at 65.83%. Specifically, the male participation

²⁶⁸ Luu, T. A. (2022). Labour Shortage in Hungary: Legal Framework, Opportunities & Challenges for Vietnamese Migrant Workers. *FORUM: PUBLICATIONES DOCTORANDORUM JURIDICORUM Vol. 12*, pp. 21-31.

²⁶⁹ Bowen, R., & Huong, D. V. (2012). *Op.cit.*, p. 24.

²⁷⁰ Nguyen, C. H. (2022). *Op.cit.*, p. 9.

²⁷¹ Harkins, B., Lindgren, D., & Suravoranon, T. (2017). Risks and rewards: outcomes of labour migration in South-East Asia. Kuala Lumpur, Malaysia: ILO Regional Office for Asia and the Pacific. Retrieved from <https://www.ilo.org/publications/risks-and-rewards-outcomes-labour-migration-south-east-asia> (Accessed on 17 November 2023).

²⁷² Peltier, E. & Specia, M. (2019). "U.K. Police Retrace Fatal Journey After 39 Bodies Found in Truck ". *The New York Times*. Available at <https://www.nytimes.com/2019/10/23/world/europe/bodies-found-truck-essex.html> (Accessed on 17 November 2023).

²⁷³ Consular Department, Ministry of Foreign Affairs (2011). Overview of Vietnamese Migration Abroad. Ministry of Foreign Affairs, Ha Noi. Retrieved from https://vietnam.iom.int/sites/g/files/tmzbd11396/files/documents/Review_Vietnamese_Migration_Abroad_2012_4.pdf (Accessed on 12 November 2023).

²⁷⁴ IOM (2017), *Op.cit.*, p. xi.

rate stands at 68.93%, whereas the female participation rate is slightly lower at 62.31%. Furthermore, the urban labour force participation rate is 50.35%, while the rural areas exhibit a significantly higher rate of 74.9%.²⁷⁵ Nevertheless, underemployment and unemployment remain concerning issues. In the first quarter of 2023, there were approximately 885.5 thousand underemployed individuals, and the number of unemployed individuals within the working-age population reached approximately 1.05 million.²⁷⁶ The national industrialization strategy has been associated with some livelihood losses in rural areas and unemployment in rural regions. This has driven the increase in rural-to-urban migration and inter-country labour migration.²⁷⁷ Furthermore, two-thirds of Vietnam's labour force is concentrated in rural areas, where the average income is significantly lower than in urban areas.²⁷⁸ In some remote and rural regions, the economic disparities are quite pronounced.²⁷⁹ This has had a significant impact on the migration decisions of many individuals, especially in places where incomes abroad can be several times higher than those within the country.²⁸⁰ While receiving countries may face labour shortages, especially in skilled positions or in sectors that may not be attractive to local populations due to low prestige or income, the relatively higher wages offered are often a convincing reason for Vietnamese labour migration.²⁸¹

Currently, Vietnamese migrant workers are working in over 40 countries and territories, engaging in various fields and industries such as manufacturing (mechanical engineering, textiles, footwear, electronics assembly), construction, agriculture, fisheries, and services (elderly care, healthcare assistance, domestic help), under favorable working conditions with good and stable incomes. Vietnamese migrant workers working abroad are often praised by their employers for their diligence, hard work, skillfulness, quick learning,

²⁷⁵ General Statistics Office of Vietnam. "Employment". Available at <https://www.gso.gov.vn/en/employment/> (Accessed on 21 December 2023).

²⁷⁶ General Statistics Office of Vietnam (n.d). Press release on labour and employment situation in the first quarter of 2023. Available at <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2023/04/thong-cao-bao-chi-tinh-hinh-lao-dong-viec-lam-quy-i-nam-2023> (Accessed on 21 December 2023).

²⁷⁷ Abella, M., & Ducanes, G. (2009). The Effect of the Global Economic Crisis on Asian Migrant Workers and Governments' Responses. *Asian and Pacific Migration Journal*, 18(1), pp. 143-161.

²⁷⁸ General Statistics Office of Vietnam. "Employment". Available at <https://www.gso.gov.vn/en/employment/> (Accessed on 21 December 2023).

²⁷⁹ Vu, B. X., & Nghiem, S. (2016). Analysis of GDP trends and inequalities in Vietnam's provinces and groups of provinces. *Asian Journal of Empirical Research*, 6(7), pp. 167-186.

²⁸⁰ ILO (2019). *Op.cit.*, p. 1.

²⁸¹ IOM (2017), *Op.cit.*, p. 55.

creativity, and productivity.²⁸² Some weaknesses of Vietnamese workers include limited foreign language and communication skills, technical knowledge, cultural understanding, and adaptability to new living environments.²⁸³ They work in a wide range of industries and occupations, however, the majority are involved in common, non-highly-skilled positions. The results of the a labour employment survey in 2021 also indicated that out of over 250,000 Vietnamese migrant workers who worked abroad between 2018 and 2021, more than 47% of them had an educational background of at most high school level, while 23.1% had an educational background of lower secondary school level.²⁸⁴

Starting from the 2000s, the Vietnamese government has actively utilized both domestic and international financial and diplomatic assets to promote and facilitate individuals to pursue educational and employment opportunities overseas while also encouraging their return to Vietnam. This is regarded as strategy for bolstering Vietnam's competitive edge in the global talent market that has evolved since the late 1990s.²⁸⁵ Besides, reducing poverty through labour migration is one of the strategies of the Vietnamese government to address economic inequality within the country.²⁸⁶ Sending workers to work abroad under contracts is considered a priority in the goals of the National Target Program for Sustainable Poverty Reduction for the period 2021-2025.²⁸⁷ Moreover, Vietnam has signed international labour cooperation agreements with various countries and has established a comprehensive national legal framework to create favorable conditions, reduce costs, manage risks, and promote international labour migration.²⁸⁸ However, Vietnam's labour export strategies are still perceived as being predominantly reactive, meaning they rely more on market demand rather than government-to-government cooperation to establish a stable and sustainable market.²⁸⁹ Vietnamese labour migration exists in a complex legal space that includes many bilateral Memorandums Of

²⁸² Thu Hà (2023). Fee to work in some foreign markets (in Vietnamese: Chi phí đi làm việc tại một số thị trường nước ngoài). *VOV2 Newspaper*. Available at <https://vov2.vov.vn/doi-song-xa-hoi/chi-phi-di-lam-viec-tai-mot-so-thi-truong-nuoc-ngoai-43892.vov2> (Accessed on 29 December 2023).

²⁸³ Nguyen, C. H. (2022). *Op.cit.*, p. 11.

²⁸⁴ Tùng Dương (2023). Vietnamese workers are present in more than 40 countries and territories. (in Vietnamese: Lao động Việt Nam có mặt ở hơn 40 quốc gia, vùng lãnh thổ). *The People's Deputies Newspaper*. Available at <https://daibieunhandan.vn/doi-song-xa-hoi/lao-dong-viet-nam-co-mat-o-hon-40-quoc-gia-vung-lanh-tho-i331690/> (Accessed on 29 December 2023).

²⁸⁵ Nguyen, C. H. (2022). *Op.cit.*, p. 9.

²⁸⁶ Bowen, R., & Huong, D. V. (2012). *Op.cit.*, p. 23.

²⁸⁷ Nhan Dan Newspaper (2023). Positive signs for overseas employment. (in Vietnamese: Dấu hiệu khả quan với việc làm ngoài nước). Available at <https://nhandan.vn/dau-hieu-kha-quan-voi-viec-lam-ngoai-nuoc-post756448.html> (Accessed on 30 December 2023).

²⁸⁸ IOM (2017), *Op.cit.*, p. 72.

²⁸⁹ Nguyen, C. H. (2022). *Op.cit.*, p. 11.

Understanding (MOU) negotiated with destination countries, many MOU are kept confidential, which can create difficulties for migrant workers in collecting information about their legal rights and responsibilities.²⁹⁰ Migrant workers from Vietnam are also believed to face significant risks, including forced labour, restricted mobility, and physical and psychological abuse.²⁹¹

3.2. Gender equality and women in Vietnamese society

Vietnam has actively supported women's rights. The Vietnamese government has developed various plans and strategies over different periods, including the Action Plan for the Advancement of Women from 1995 to 2000, the National Strategy for the Advancement of Women in Vietnam from 2002 to 2010, and the National Gender Equality Strategy for the 2021-2030 period. The National Committee for the Advancement of Women includes 50 ministries and other agencies. Additionally, the Vietnam Women's Union has branches in all provinces and cities in Vietnam, supporting government policies at the local level and providing healthcare and educational activities for some of the most disadvantaged women in Vietnam.²⁹²

The Law on Gender Equality was enacted in 2006, with the goal of eliminating gender-based discrimination and providing equal opportunities for men and women in the economic and social development of Vietnam.²⁹³ The 2019 Labor Code devotes a chapter to regulations regarding female employees and assurance of gender equality.²⁹⁴ According to this code, the state has policies to ensure equal employment rights for female workers, encourages employers to create conditions for regular employment for female workers, and widely applies flexible working hours, part-time work, and work-from-home arrangements. The legal framework surrounding marriage and family asserts the principle of gender equality between spouses. In particular, the current Criminal Code reflects the leniency and humanity of the Vietnamese government in handling crimes committed by women. For instance, pregnant women who commit offenses are considered a mitigating

²⁹⁰ ILO (2019). *Op.cit.*, p. 35.

²⁹¹ Nguyen, T. H. Y. (2019). Challenges in ensuring the rights of Vietnamese migrant workers in the globalization context – the two sides of the development process. In S. Lee & H. E. Lee (Eds.), *Asian Year Book of International Law*, Vol. 25, Brill/Nijhoff, p.156.

²⁹² ILO (2019). *Op.cit.*, p. 3.

²⁹³ Law on Gender Equality, Law No. 73/2006/QH11 dated December 12, 2006 of the National Assembly of the Socialist Republic of Vietnam.

²⁹⁴ The Labor Code, Law No. 45/2019/QH14 of the National Assembly of the Socialist Republic of Vietnam.

circumstance, and the death penalty is not applied to pregnant women or women who are breastfeeding children under 36 months when committing crimes or during trial proceedings.²⁹⁵ Vietnam has been assessed as one of the countries that have made the fastest progress in gender equality over the past 20 years and was ranked among the nations with the best gender equality in the world in 2016.²⁹⁶ Vietnam's gender equality ranking improved in 2022, moving up four positions from 87th out of 146 countries in 2021 to 83rd out of 146 countries.²⁹⁷

Despite these advancements, women in Vietnam still face gender-based discrimination and experience inequality in various economic and social indicators.²⁹⁸ Inequality remains particularly severe in the lives of women and ethnic minorities in Vietnam, with a heightened impact on ethnic minority women and women residing in rural areas.²⁹⁹ Many women in Vietnam are expected to put the needs of their family above their own.³⁰⁰ In 2019, 65.8% of the labour force engaged in unpaid family work were women, and they accounted for nearly a quarter (24.1%) of women's employment in rural areas, compared to only one-tenth (10.7%) of men's employment in rural areas.³⁰¹ On average, women spend twice as many hours as men doing housework (20.2 hours compared to 10.7 hours) such as cleaning the house, washing clothes, cooking, shopping, and taking care of the family and children.³⁰² Working within the family on such unpaid tasks is also considered a barrier to women seeking employment.³⁰³

²⁹⁵ The Criminal Code, Law No. 100/2015/QH13 dated November 27, 2015 of the National Assembly of the Socialist Republic of Vietnam.

²⁹⁶ N. T. T. Ha (2020). Applying international law on gender equality in Vietnam. (in Vietnamese: Vận dụng luật pháp quốc tế về bình đẳng giới ở Việt Nam). *The People's Deputies Newspaper*. Available at <https://xaydungdang.org.vn/nhan-quyen-va-cuoc-song/van-dung-luat-phap-quoc-te-ve-binh-dang-gioi-o-viet-nam-13659> (Accessed on 29 December 2023).

²⁹⁷ Hồ Hương (2023). Need to improve the legal framework on gender equality. (in Vietnamese: Cần hoàn thiện khuôn khổ pháp luật về bình đẳng giới). *Website of Vietnam National Assembly*. Available at <https://quochoi.vn/tintuc/Pages/tin-hoat-dong-cua-quoc-hoi.aspx?ItemID=75673> (Accessed on 30 December 2023).

²⁹⁸ ILO (2019). *Op.cit.*, p. 4.

²⁹⁹ Oxfam International (2017). *Even it up: How to tackle inequality in Vietnam*. Hà Nội, Labour & Social Publishing House. Retrieved from <https://www.oxfam.org/en/research/even-it-how-tackle-inequality-vietnam> (Accessed on 23 December 2023).

³⁰⁰ ILO (2019). *Op.cit.*, p. 4.

³⁰¹ ILO (2021). Gender and the labor market in Vietnam. Hà Nội: ILO Country Office for Viet Nam, p. 3. Retrieved from <https://www.ilo.org/publications/gender-and-labour-market-viet-nam> (Accessed on 23 December 2023).

³⁰² *Ibid.*, p. 8.

³⁰³ UN Women (2016). Unpaid care and domestic work: Issues and suggestions for Viet Nam, Discussion Paper. Hà Nội: UN Women Viet Nam Country Office. Retrieved from <https://vietnam.un.org/sites/default/files/2019-08/Unpaid%20Care%20and%20Domestic%20Work%20-%20Tieng%20Anh%20OUT.pdf> (Accessed on 24 December 2023).

Vietnam was invaded and placed under Chinese rule for a thousand years, from 111 BC until AD 938. During this time, Confucianism was introduced to Vietnam and became a central part of Vietnamese culture and education, a legacy that continues to influence Vietnamese society today.³⁰⁴ In modern Vietnamese society, Confucianism remains an influential philosophical and ethical system that impacts social hierarchies and family relationships.³⁰⁵ The Confucian perspective is characterized by valuing men and devaluing women (male chauvinism).³⁰⁶ Confucianism imposed "moral standards" on women, including the "three obediences" (which required women to obey their father as daughters, their husband as wives, and their sons in widowhood) and the "four virtues" (comprising morality, proper speech, modest demeanor, and diligent work). These standards collectively emphasized women's role in serving men.³⁰⁷ These stereotypes about the roles of women have led to misconceptions about women's knowledge and capabilities, and have had a profound impact on women's economic participation. In both urban and rural areas of Vietnam, it is a common belief that men are the primary breadwinners, while women are considered secondary earners.³⁰⁸

3.3. Characteristics of Vietnamese women migrants

The percentage of Vietnamese female labour migrants working abroad has been on the rise in recent years, reflecting the phenomenon of increasing feminization of labour migration observed in several Southeast Asian countries.³⁰⁹ According to the latest data as of mid-2020 from the UN' Department of Economic and Social Affairs, the number of Vietnamese women migrating abroad has surged from 1.44 million in 2015 to 1.70 million, surpassing the number of male migrants, which stood at 1.68 million.³¹⁰

³⁰⁴ Huong, L. T. L., & Albright, J. (2018). Vietnamese foreign language policy in higher education: a barometer to social changes. In Albright, J. (Ed), *English tertiary education in Vietnam*, Routledge, pp. 1-15.

³⁰⁵ Vu, M. T., & Pham, T. T. T. (2023). Still in the shadow of Confucianism? Gender bias in contemporary English textbooks in Vietnam. *Pedagogy, Culture & Society*, 31(3), pp. 477-497.

³⁰⁶ Van, V. H. (2019). The view of Confucianism about the importance of men, disregard for women and its influence on Vietnam. *International Journal of Advance Research, Ideas and Innovations in Technology*, 5(3), pp. 1912-1917.

³⁰⁷ Hieu, L. T. (2015). Confucian influences on Vietnamese culture. *Vietnam Social Sciences*, 5(169), pp. 71-82.

³⁰⁸ UN Women (2021). Country gender equality profile Viet Nam 2021. Retrieved from <https://asiapacific.unwomen.org/en/digital-library/publications/2021/10/country-gender-equality-profile-viet-nam-2021> (Accessed on 24 December 2023).

³⁰⁹ Bowen, R., & Huong, D. V. (2012). *Op.cit.*, p. 30.

³¹⁰ UNDESA (2020). *Op.cit.*

The majority of Vietnamese women who migrate abroad fall within the working-age group, typically between the ages of 16 and 60, with the most common age range being 20 to 49 years old.³¹¹ Among the 323 female migrant workers included in an ILO study in 2019, the average age was 35, and a substantial 88% were married. The majority of the surveyed had children with 93% and 77% identified as Kinh, which represents the largest ethnic group in Vietnam.³¹² The educational level of the women in this study closely mirrors the educational profile of Vietnamese female workers employed overseas. None of the participants held a university degree, with a substantial 93% reporting having received “limited schooling”, averaging 8-9 years of education. A minority, constituting 5%, possessed a junior college degree, while 1% had undergone vocational training, and another 1% self-identified as illiterate.³¹³ In general, female labour migrants from Vietnam primarily come from rural areas, so their language proficiency, skills, and legal understanding are often limited. Therefore, their access to information about policies, labour laws, and especially the job market is incomplete or skewed. They mainly rely on information provided by friends, family, and brokers.³¹⁴ Older, married, and less-educated Vietnamese women frequently find employment as domestic workers, residing in the households where they are employed. Their responsibilities encompass a wide array of tasks, such as childcare, eldercare, grocery shopping, cooking, cleaning, laundry, and various other household chores. In contrast, younger workers are more inclined to seek opportunities in the manufacturing sector. While men often secure positions in automobile, electronics, mechanical, and woodworking factories, women tend to gravitate toward employment in textile and food processing facilities.³¹⁵ In recent times, female migrant workers have had more employment opportunities in the nursing and caregiver sectors in some countries like Germany³¹⁶ and Japan.³¹⁷ These jobs offer high

³¹¹ Thanh, V. T. (2021). Vietnamese Migrant Women Working Abroad: Risks and Challenges for Accessing Support Services. ДЕМИС. Демографические исследования/DEMIS. *Demographic Research*, 1(1), p. 72.

³¹² ILO (2019). *Op.cit.*, p. 14.

³¹³ *Ibid.*, p. 15.

³¹⁴ Nguyen, T. H. Y. (2021). *Op.cit.*, p. 177.

³¹⁵ Bélanger, D., & Giang, L. T. (2013). Precarity, Gender and Work: Vietnamese Migrant Workers in Asia. *Diversities*, 15(1), pp. 5-20.

³¹⁶ MOLISA (2019). Nurses go to Germany for vocational training: Salary up to 34 million VND/month (in Vietnamese: Điều dưỡng viên đi học nghề tại Đức: Lương học việc tới 34 triệu đồng/tháng). Available at <https://www.molisa.gov.vn/baiviet/219346?tintucID=219346> (Accessed on 12 September 2023).

³¹⁷ Quỳnh Chi (2022). Open door for nursing and care workers to Japan (in Vietnamese: Rộng cửa xuất khẩu lao động ngành điều dưỡng, hộ lý sang Nhật Bản). *Lao Dong Newspaper*. Available at <https://laodong.vn/cong-doan/rong-cua-xuat-khau-lao-dong-nganh-dieu-duong-ho-ly-sang-nhat-ban-1108733.ldo> (Accessed on 16 September 2023).

incomes and many benefits, but they come with high educational and language proficiency requirements for the workers.

Vietnamese female migrant workers, much like their male counterparts, predominantly migrate due to a scarcity of employment opportunities within Vietnam. Many individuals opt for migration as a means to secure higher-income employment, aiming to escape poverty and enhance their family's economic prospects.³¹⁸ According to a 2019 report by the ILO focused on female migrant workers in the 5 provinces with the highest number of Vietnamese workers employed overseas, it was revealed that one-third of these female migrant workers were unemployed before migrating. The top three areas of employment for Vietnamese women migrant workers before migration were: (1) “unemployed”; (2) “production”; and (3) “agriculture.”³¹⁹

A significant number of respondents cited low wages in Vietnam as a motivating factor for their decision to migrate.³²⁰ According to data from the General Statistics Office, the average income in Vietnam per person per month in 2022 stood at 4.67 million VND.³²¹ Meanwhile, in certain surveyed countries, the monthly salaries earned by Vietnamese female workers are notably higher, ranging from 2 to 4 times the average income in Vietnam. Japan and South Korea lead the list, with average salaries reaching 21,000,000 VND (approximately 940 USD) and 19,500,000 VND (about 870 USD), respectively. Taiwan, China follows closely behind at an average of 13,500,000 VND (around 600 USD), while Malaysia, Saudi Arabia, and Thailand also offer relatively high salaries, averaging about 8,000,000 VND (approximately 360 USD).³²²

Vietnamese female workers have various avenues for international migration. They can pursue opportunities through contracts established with private recruitment agencies offering overseas employment services, turn to public recruitment agencies like the local Department of Labor, War Invalids, and Social Affairs, or independently engage in

³¹⁸ IOM (2020). Vulnerabilities and risks of exploitation encountered by Vietnamese migrant workers—A qualitative study of returnees' experience, Ho Chi Minh City, p. 13. Retrieved from <https://publications.iom.int/books/vulnerabilities-and-risks-exploitation-encountered-vietnamese-migrant-workers> (Accessed on 23 December 2023).

³¹⁹ ILO (2019). *Op.cit.*, p. 17.

³²⁰ IOM (2020). *Op.cit.*, p. 13.

³²¹ General Statistics Office of Vietnam (n.d). Press Release 2022 Living Standards Survey Results. Available at <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2023/05/thong-cao-bao-chi-ket-qua-khao-sat-muc-song-dan-cu-2022/> (Accessed on 22 December 2023).

³²² ILO (2019). *Op.cit.*, p. 37.

migration through individual contracts.³²³ In addition, some women encounter difficulties in securing overseas employment through government programs due to either a lack of information or not meeting the required criteria and women who cannot afford private labour recruitment services may try to go abroad through risky and often illegal migration routes.³²⁴

Although migration itself may not help Vietnamese women migrants to gain more power in employment, the substantial incomes earned by female migrants overseas have enabled them to enhance their overall quality of life and provided them with the means to assert legal control over assets that traditionally belong to men within their families.³²⁵ Furthermore, a significant number of female immigrant workers perceive themselves as having enhanced social influence compared to non-migrant women, particularly in matters related to family decision-making, marriage, and family planning. Migrant women also reported an increased sense of competence across various social skills, including enhanced abilities in social communication, problem-solving, legal knowledge, and a deeper understanding of diverse cultures.³²⁶

A study conducted in 2020 by the IOM on the vulnerability of Vietnamese workers reveals that both women migrants and Vietnamese migrant workers in general encounter a multitude of risks at various stages of the migration process. These risks encompass issues such as a lack of transparency, limited access to information, debt burden, language barriers, as well as challenging working and living conditions,... Furthermore, Vietnamese female migrant workers confront distinct gender-specific risks. Some of these women find themselves in precarious situations during the selection process, such as being required to disrobe in front of male doctors during medical examinations. Discrimination against female migrant workers within the workplace is also prevalent, with instances of workers being subjected to physical abuse, threats, and harassment by their employers, including psychological mistreatment.³²⁷ When confronted with risks, female workers encounter substantial challenges in accessing support services, primarily owing to their limited knowledge and skills in addressing issues that arise while working

³²³ Thanh, V. T. (2021). *Op.cit.*, p. 73.

³²⁴ *Ibid.*

³²⁵ ILO (2019). *Op.cit.*, p. 20.

³²⁶ *Ibid.*, pp. 21-25.

³²⁷ IOM (2020). *Op.cit.*, p. 36.

abroad. Language barriers, in particular, pose a significant hurdle in seeking assistance and resolving problems.³²⁸

Upon returning home, female workers often endure discrimination due to their separation from their families.³²⁹ Vietnamese culture is deeply steeped in Confucian ideology, which traditionally promotes the belief that “men are the primary breadwinners in the family”.³³⁰ Consequently, the economic role of women in supporting the family is often undervalued and, as a consequence, society frequently disapproves of and discriminates against migrant women.³³¹

In accordance with the data gathered and guided by the Law on Vietnamese Guest Workers, I have classified Vietnamese female migrant workers into two main groups:

- Group I: Vietnamese women migrants who migrate for employment through brokerage companies; non-business state organizations; contract-winning or -receiving enterprises; offshore-investing organization or individual.³³²
- Group II: Vietnamese women migrants who migrate freely, through labour contracts signed directly with overseas employers.

I want to emphasize that this classification serves a listing function and does not aim to rigidly demarcate the two groups. As discussed in Chapter I, the forms of migration are intricately interconnected, and female migrant workers in Group I may transition into Group II during the course of migration and work. Instances of such transitions include unilateral termination of a labour contract ahead of schedule while the visa remains valid. Furthermore, the migration process is dynamic, with female workers often engaging in two-step migrations, such as initially migrating for family reunification and subsequently seeking employment to enter the labour market.

³²⁸ Thanh, V. T. (2021). *Op.cit.*, p. 72.

³²⁹ IOM (2020). *Op.cit.*, p. 43.

³³⁰ Hoang, L. A., & Yeoh, B. S. (2011). Breadwinning wives and “left-behind” husbands: Men and masculinities in the Vietnamese transnational family. *Gender & Society*, 25(6), pp. 717-739.

³³¹ IOM (2019). Supporting brighter futures: Young women and girls and labour migration in South-East Asia and the Pacific. IOM, Geneva. Retrieved from <https://publications.iom.int/books/supporting-brighter-futures-young-women-and-girls-and-labour-migration-south-east-asia-and> (Accessed on 22 December 2023).

³³² According to Article 5, Law on Vietnamese Guest Workers, there is another case where a Vietnamese enterprise sends Vietnamese workers abroad for vocational knowledge and skills training or improvement. Based on the purpose of migration, this case is not within the scope of this dissertation.

Although undocumented labour is not the focus of this dissertation, it is impossible not to mention this group because, in some cases, they may initially fall under legal categories such as Group I or Group II but later become undocumented workers. For instance, in the case of the Vietnamese labour delegation recruited to Hungary, some members escaped right from Budapest airport to Germany or work illegally outside the sanctioned framework in Hungary.³³³ The phenomenon of migrant workers absconding, not returning after contract expiration, and residing illegally is one of the persistent and longstanding issues in the process of sending Vietnamese labour to work abroad.³³⁴ I argue that this could be due to dissatisfaction with working conditions, a desire for better opportunities in other countries, or various other factors. I believe that addressing challenges in integration can contribute to minimizing this situation, for instance, effective integration policies can play a crucial role in ensuring that migrant workers have a smoother transition into the host country, reducing the likelihood of them resorting to illegal means.

In summary, based on the analysis in this subchapter, I argue that Vietnamese female migrant workers face a disadvantageous starting point even before beginning the integration process in the EU. The reasons for this include both objective factors, such as the position of women migrant in the EU labor market and the social context of Vietnam, and subjective factors like education level and language skills. Although Vietnamese female migrant workers may fall into two distinct groups, as previously outlined, I believe that there exists a set of shared demographic characteristics that typify Vietnamese female migrant workers within the scope of this thesis. These common characteristics may lead to shared challenges in the integration process, which will be further explored and clarified in the next subchapter.

4. Challenges in the integration of Vietnamese women migrant workers in the EU

To begin with, it is imperative to clarify that this subchapter is not a legal analysis. Throughout this research, a thorough investigation into the challenges confronting female

³³³ N. H. Linh (2023). Vietnamese workers recruited to Hungary 'escaped right from Budapest airport' (in Vietnamese: Đoàn lao động Việt được tuyển sang Hungary 'trôn ngay từ sân bay Budapest'). *BBC News Vietnamese*. Available at <https://www.bbc.com/vietnamese/vietnam-66865396> (Accessed on 27 December 2023).

³³⁴ MOLISA (2022a). Signs of strong recovery in labor export market (in Vietnamese: Dấu hiệu phục hồi mạnh mẽ thị trường xuất khẩu lao động). Available at <https://www.molisa.gov.vn/baiviet/233287?tintucID=233287> (Accessed on 29 September 2022).

migrant workers in their integration into the European Union has unveiled five predominant challenges that significantly hinder their successful assimilation. The objective of this subchapter is to expound upon each of these challenges, offering a comprehensive analysis of the legal, social, and cultural dimensions that contribute to the intricacies surrounding the integration process. Through the identification and dissection of these challenges, a nuanced understanding of the obstacles requiring attention within the legal frameworks of both the EU and Vietnam can be attained. This forms the foundation for the forthcoming analysis of the legal frameworks of the EU and Vietnam in the subsequent chapter.

Before examining a detailed examination of each obstacle, it is essential to clarify that the challenges outlined herein represent the primary and shared difficulties confronting the demographic group under consideration in this thesis. It is important to note that while there might exist numerous other challenges, they either lack relevance to or do not constitute the focal challenges for the cohort of Vietnamese female migrant workers scrutinized in this study. For instance, some research posits that employment conditions pose a hindrance to the integration of female migrant workers.³³⁵ Although I acknowledge that, in certain instances, unfavorable working conditions can impede the integration of female workers, I contend that such conditions stem from the overarching challenges of discrimination and gender bias. These broader issues compel female migrant workers to engage in occupations traditionally associated with women, often characterized by substandard working conditions. While working conditions themselves may not be the primary barrier, they serve as tangible manifestations of systemic issues. Additionally, certain major challenges may be interconnected and contribute to one another. For instance, discrimination and language barriers can both lead to poor access to healthcare services.

The following sections outline the five key challenges that emerged from the research, shedding light on their individual nuances and collective impact on the integration journey of Vietnamese women migrant workers in the EU.

4.1. Discrimination and Gender stereotypes

³³⁵ Barkatullah, Z. (2020). The role of EU policy in advancing migrant women's labour market integration (Master's thesis), Norwegian University of Life Sciences, Ås.

In my opinion, it must be affirmed that discrimination and gender stereotypes are pervasive issues that extend beyond specific contexts, encompassing various fields and facets of society, not just migration and integration. Discrimination and gender stereotypes seem to be multifaceted issues rooted in both legal and societal dimensions. While legal frameworks are crucial in addressing and rectifying such challenges, the origins of discrimination and gender stereotyping often lie deeply embedded in cultural traditions and social perceptions.

Given the intricate, multifaceted nature of this matter, Vietnamese female migrants are susceptible to encountering discrimination across various domains within the EU. The pervasive nature of discrimination suggests that it transcends specific sectors and is likely to manifest itself ubiquitously. The concept of a "double disadvantage" for migrant women in the EU is well-documented in various studies and is a recognized issue in the field of gender and migration studies.³³⁶ This term refers to the intersection of two factors: being a woman and being a migrant, which leads to compounded challenges and disadvantages. They often face more significant obstacles in accessing employment, training, language courses, and integration services compared to their male counterparts.³³⁷ The 2016 Action plan on the integration of third-country countries also acknowledged that migrant women and girls face more obstacles in the integration process than migrant men and boys, "often having to overcome structural barriers linked to their being both a migrant and female, facing including stereotypes".³³⁸ Twelve member states highlight discrimination, including gender bias and racism, as a challenge that can hinder the integration of migrant women.³³⁹ The host country is believed to potentially exacerbate the exclusion of female migrants by creating barriers through regulations, policies, or the operational practices of institutions.³⁴⁰

³³⁶ See European Migration Network (2021). *Integration of Migrant Women in the EU: Policies and Measures*- EMN Inform. Brussels: European Migration Network; Liebig, T. and K. Tronstad (2018), "Triple Disadvantage?: A first overview of the integration of refugee women", *OECD Social, Employment and Migration Working Papers*, No. 216, OECD Publishing, Paris; Fridsén, E., & Sjölander, V. (2018). *The double disadvantage effect for immigrant women: Is there an earnings differential between native women and immigrant women with similar education and human capital in the Swedish labour market?* (Bachelor thesis), Linnaeus University, Sweden.

³³⁷ Agatiello, G., & Humer, L. (2018). *Op.cit.*, p. 4.

³³⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action Plan on the integration of third country nationals 2016, Strasbourg, 7.6.2016, COM(2016) 377 final.

³³⁹ European Parliament (2023). *Op.cit.*, p. 18.

³⁴⁰ *Ibid.*, p. 4.

In my view, the most visible and early impact of discrimination and gender stereotypes on the integration of female migrant workers is to limit employment opportunities. Cultural and social norms play a significant role in shaping the professional avenues available to migrant women, often restricting the range of occupations they are encouraged or permitted to pursue. This situation contributes to the phenomenon of occupational segregation, leading many migrant women to cluster in lower-paying sectors with poor working conditions. Within the EU, gender-specific barriers exacerbate this issue, compelling migrant women towards informal labour markets and fields traditionally associated with women, such as domestic work, caregiving, and hospitality.³⁴¹ Notably, the COVID-19 pandemic has placed Vietnamese female migrant workers in health care services at significant risk, exposing them to both work overload and a heightened probability of infection, thereby profoundly affecting their lives and health. This is particularly evident in countries like Germany, where Vietnamese female workers play pivotal roles in hospitals and nursing centers, predominantly as nurses, making them particularly susceptible to the adverse effects of the pandemic.³⁴²

A noteworthy observation is the substantial representation of migrant women in household services within the EU. Statistics reveal that approximately 8% of migrant women are engaged in domestic work, a stark contrast to the mere 1% of native-born women in similar roles.³⁴³ These occupations are witnessing increased demand and frequent shortages of labour, yet they often lack adequate legal safeguards, rendering those employed in these positions susceptible to discrimination and exploitation, particularly among domestic workers. While there may be a lack of evidence regarding such occurrences within Europe, it is crucial to acknowledge that Vietnamese female domestic workers have, in certain instances, faced sexual harassment, violence, and isolation in other regions, notably in countries such as Saudi Arabia and Taiwan (China).³⁴⁴

³⁴¹ *Ibid.*, p. 2.

³⁴² D. T. A. Hong & H. T. T. Anh (2023). Impact of the Covid-19 pandemic on Vietnamese female migrant workers abroad - Current situation and solutions. *Democracy and law monthly review*, 2 (379).

³⁴³ OECD (2020a). *Op.cit.*, p. 5.

³⁴⁴ MOLISA (2015). Protect domestic workers working abroad (in Vietnamese: Bảo vệ lao động giúp việc ở nước ngoài). Available at <https://www.molisa.gov.vn/baiviet/23042?tintucID=23042> (Accessed on 29 December 2023).

Following the stage of searching and entering the labour market, discrimination and gender stereotypes persist, leading to workplace disparities for female migrant workers. Despite providing employment opportunities, jobs in “women migrant” sectors are characterized by job insecurity, a lack of professionalization, and substandard working conditions. Notably, migrant women employed in these roles frequently encounter barriers to career advancement, further perpetuating disparities within the workforce.³⁴⁵ In a study on workplace discrimination and the health of migrant workers in the Czech Republic, the research results indicated that the position of female migrant workers from Vietnam in the society and labour market of the Czech Republic is challenging and prone to various forms of discrimination, leading to compromised health conditions.³⁴⁶ In addition, the challenges extend to the realm of social benefits, as women migrant workers may encounter difficulties accessing contribution-based benefits and face limited availability of public services, including essential healthcare.³⁴⁷ The data indicates that the level of responsiveness to the healthcare needs of female migrants from third countries was almost lower than that of male migrants during the period from 2016-2020.³⁴⁸

4.2. Language and cultural differences

Language barriers were reported to be a significant challenge for migrant women in six Member States.³⁴⁹ Language acquisition is indeed a crucial component of successful integration for migrant women in the host country, and insufficient knowledge of the host country language can pose significant obstacles to their integration process. Language barriers can result in a range of challenges, including social isolation and difficulty accessing important information and services.³⁵⁰ In 2021, according to report from Eurostat on foreign-born people, the most common specific obstacle to securing a suitable job in the EU was the deficiency in language skills in the host country.³⁵¹ Migrant women tend to have lower levels of language skills in their host countries compared to men during

³⁴⁵ Agatiello, G., & Humer, L. (2018). *Op.cit.*, p. 8.

³⁴⁶ Drbohlav, D., & Dzúrová, D. (2017). Social hazards as manifested workplace discrimination and health (Vietnamese and Ukrainian female and male migrants in Czechia). *International journal of environmental research and public health*, 14(10), 1207.

³⁴⁷ European Parliament (2023). *Op.cit.*, pp. 5-6.

³⁴⁸ European Migration Network (2021). *Op.cit.*, p. 17.

³⁴⁹ *Ibid.*, p. 19.

³⁵⁰ Agatiello, G., & Humer, L. (2018). *Op.cit.*, p. 7.

³⁵¹ Eurostat (2023). Main obstacles for foreign-born people to enter the labour market. Available at https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Main_obstacles_for_foreign-born_people_to_enter_the_labour_market#Presence_of_obstacles:_an_overview_of_foreign-born_people (Accessed on 28 December 2023).

the initial two to three years after their arrival.³⁵² Research has indicated that migrant women often receive less integration support than men, particularly in terms of hours of language training.³⁵³ In addition, responsibilities for taking care of children and family are also seen as potential barriers to the participation of female migrants in language training.³⁵⁴

Regarding Vietnamese women migrant workers, language proficiency represents a significant and inherent weakness when venturing abroad for employment,³⁵⁵ particularly in the context of English.³⁵⁶ From my perspective, the significance of language proficiency cannot be overstated, as it directly impacts various facets of integration, ranging from social interactions to employment opportunities. In the EU, where multilingualism is a defining characteristic, English proficiency emerges as a crucial factor for effective communication and engagement with both local communities and the broader society. The linguistic challenges faced by Vietnamese women migrant workers, particularly in relation to English proficiency, indeed constitute a noteworthy and foundational impediment to their successful integration.

Besides foreign languages, in certain Member States, addressing cultural differences has been a prominent topic of public and policy debates. For instance, there have been debates among Member States concerning measures aimed at banning face or head coverings. In Belgium, a public swimming pool implemented restrictions by designating one hour per week for women-only access, which ignited a debate about the use of public spaces, particularly with regard to immigrant women.³⁵⁷ On the other hand, the integration of a migrant woman is also contingent on the host country's specific migrant community to which the woman belongs, and her willingness to embrace the socio-cultural norms of the mainstream society. Notably, women in certain migrant communities may face

³⁵² Radowicz, J. A. (2021). *Op.cit.*, p. 49.

³⁵³ Liebig, T. and K. Tronstad (2018). *Op.cit.*, p. 8.

³⁵⁴ European Commission (2018). Integration of migrant women – A key challenge with limited policy resources. Available at https://migrant-integration.ec.europa.eu/special-feature/integration-migrant-women_en (Accessed on 24 December 2023).

³⁵⁵ Phan Hoạt (2023). Improving the quality of Vietnamese workers working abroad. (in Vietnamese: Nâng cao chất lượng lao động Việt Nam xuất khẩu làm việc ở nước ngoài). *Cong An Nhan Dan Newspaper*. Available at <https://cand.com.vn/Xa-hoi/nang-cao-chat-luong-lao-dong-viet-nam-xuat-khau-lam-viec-o-nuoc-ngoai-i707433> (Accessed on 29 December 2023).

³⁵⁶ Trần Chung (2022). Warning about Vietnamese workers' poor English skills. (in Vietnamese: Báo động tình trạng lao động Việt Nam kém tiếng Anh). *Vietnametvn Newspaper*. Available at <https://vietnamnet.vn/dang-quan-ngai-phan-lon-lao-dong-viet-nam-kem-tieng-anh-2054677.html> (Accessed on 29 December 2023).

³⁵⁷ European Migration Network (2021). *Op.cit.*, p. 19.

marginalization and exclusion from the broader society. For instance, women from some devout Muslim communities may encounter discouragement from participating in training programs or might be unable to engage in unisex programs due to cultural or religious constraints.³⁵⁸

86% of Vietnamese people are classified as non-religious³⁵⁹ and mainly follow the belief of ancestor worship.³⁶⁰ While the absence of a pronounced religious divide may suggest a potential advantage compared to situations involving more substantial religious differences, it is essential to recognize that cultural disparities still pose unique challenges to the integration process. With 54 ethnic groups, Vietnam is considered one of the countries with high cultural diversity.³⁶¹ Each ethnic group has its own culture, contributing to enriching and diversifying Vietnamese customs and traditions. For instance, women of the Lự ethnic group in Lai Châu province have a tradition of blackening their teeth starting from the age of 13-14, believing that the darker their teeth, the shinier and more beautiful they appear.³⁶² Similarly, the Thai ethnic group adheres to a specific post-marital custom where women are obligated to tie their hair on the top of their heads and are prohibited from letting it down, even in daily activities or during sleep, symbolizing their commitment to marital fidelity.³⁶³ I argue that the impact of this diversity on the integration process into the host society cannot be understated. The distinct practices, such as tooth blackening and hair styling, may encounter varying degrees of acceptance or misunderstanding in a different cultural context. Marta Kindler & Monika Szulecka's study indicated that Vietnamese women in Poland have a lower integration potential compared to Ukrainian women due to differences in space, culture, language, and social capital.³⁶⁴ A 2015 study on young Vietnamese women in Poland also

³⁵⁸ European Parliament (2023). *Op.cit.*, p. 3.

³⁵⁹ Roszko, E. (2021). Controlled religious plurality: Possibilities for covenantal pluralism in Vietnam. *The Review of Faith & International Affairs*, 19(3), pp. 89-103.

³⁶⁰ Nguyen, D. X. V. (2016). Pauline Freedom: Idolatry and the Vietnamese Ancestor Cult [Master's thesis, Trinity Lutheran Seminary]. OhioLINK Electronic Theses and Dissertations Center. http://rave.ohiolink.edu/etdc/view?acc_num=trin1455712662

³⁶¹ Nguyen, T. T., et al. (2020). Influence of ethnic culture in choosing the learning type of ethnic minorities: Evidence from Northwest of Vietnam. *Cogent Social Sciences*, 6(1), 1753487.

³⁶² Hoài Dương (2020). Black teeth - The beauty of Lu ethnic women. (in Vietnamese: Răng đen - Nét đẹp của phụ nữ dân tộc Lự). *Ethnicity and Development Newspaper*. Available at <https://baodantoc.vn/rang-den-net-dep-cua-phu-nu-dan-toc-lu-1598624063207.htm> (Accessed on 30 December 2023).

³⁶³ Van T. C. (2021). The secret of "tàng cau" of Thai people - a sign to recognize a married woman. (in Vietnamese: Bí mật "tàng cau" của dân tộc Thái - dấu hiệu nhận biết phụ nữ có chồng). *Lao Dong Newspaper*. Available at <https://laodong.vn/van-hoa/bi-mat-tang-cau-cua-dan-toc-thai-dau-hieu-nhan-biet-phu-nu-co-chong-936437.ldo> (Accessed on 30 December 2023).

³⁶⁴ Kindler, M., & Szulecka, M. (2013). The economic integration of Ukrainian and Vietnamese migrant women in the Polish labour market. *Journal of Ethnic and Migration Studies*, 39(4), p. 651.

emphasized that cultural and social differences pose a barrier to adapting to the lifestyle in the host country.³⁶⁵

4.3. Recognition of qualifications and Recognition of skills

Recognition of qualifications and skills can play an important role in the integration of female migrant workers and all migrant in general. The ILO's research provided compelling evidence to underscore the crucial role of recognizing skills and qualifications for both migrant workers and employers, as well as for the overall economy.³⁶⁶ It helps migrant workers access employment opportunities that match their skills and expertise, thereby promoting effective integration into the labour market. It can also ensure the reasonable utilization of skills and minimizes the risk of mismatch between the skills provided and the skills demanded by employers. Moreover, the recognition of qualifications and skills can significantly contribute to the economies of destination countries by supplying essential labour and skills in areas where there is a shortage of workforce, such as agriculture, construction, domestic work, hospitality, healthcare, engineering, and information technology.³⁶⁷

It is imperative to draw a clear distinction between the recognition of skills and the recognition of qualifications within the EU framework. The process of recognizing skills involves acknowledging an individual's practical abilities and competencies gained through education, training, or work experience. On the other hand, the recognition of qualifications refers to the formal acknowledgment of academic or professional credentials attained by an individual.³⁶⁸ It is notable that skills recognition tends to be associated with low-skilled industries, including agriculture, fisheries, and the informal sector like domestic work. Conversely, qualification recognition is more commonly

³⁶⁵ Nowicka, E. (2015). Between the Devil and the Deep Blue Sea: Acculturation of Young Vietnamese Women in Poland. *Central and Eastern European Migration Review*, 4(1), pp. 67-80.

³⁶⁶ Braňka, J. (2016). Understanding the potential impact of skills recognition systems on labour markets. International Labour Office, Skills and Employability Branch, Geneva: ILO. Retrieved from https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/@ifp_skills/documents/publication/wcms_532417.pdf (Accessed on 30 December 2023).

³⁶⁷ ILO (2017), Addressing governance challenges in a changing labour migration landscape, Report IV, International Labour Conference, 106th Session, Geneva. Retrieved from <https://www.ilo.org/media/205641/download> (Accessed on 30 December 2023).

³⁶⁸ Rauhvargers, A. (2004). Improving the recognition of qualifications in the framework of the Bologna Process. *European Journal of Education*, 39(3), pp. 331-347.

linked to well-trained professionals with formal degrees, such as doctors, midwives, and nurses.

In numerous destination countries, migrant workers, particularly women, play a predominant role in sectors like healthcare and domestic work.³⁶⁹ This trend is particularly observable among female migrant workers from Vietnam, often possessing lower educational and professional qualifications compared to their male counterparts and migrants from other countries. Consequently, they frequently engage in occupations such as household assistance, factory workers, and healthcare personnel – roles traditionally associated with gender norms, requiring adeptness, diligence, and patience.³⁷⁰ In the context of the characteristics of the Vietnamese female migrant labour sector, I believe that receiving support in the recognition of skills and qualifications is essential to effectively access the labour market.

However, the European Commission affirmed in its Fitness Check on EU Legislation on Legal Migration in 2019 that TCNs encounter challenges when attempting to utilize their skills and qualifications within the Member States of the European Union.³⁷¹ In most EU member states, foreign credentials and work experience, particularly if acquired in third countries, often face a devaluation on the labour market.³⁷² The following section will scrutinize how the recognition of skills and qualifications for female migrant labour in the EU unfolds and the barriers it may pose for Vietnamese female migrant workers.

4.3.1. Recognition of qualifications

Migrant women in the EU are less likely to be employed and more likely to be overqualified for their jobs when compared to native-born women and men.³⁷³ The table below shows that both women who are EU citizens or non-EU citizens have a higher

³⁶⁹ Rakotonarivo, A. (2020). *Op.cit.*

³⁷⁰ Ngo T. N. A., Tran T. H., Nguyen T. H. (2019) Research paper: Vietnamese Migrant Domestic Workers - A new study focusing on experiences in Taiwan and Saudi Arabia. Retrieved from <https://www.rosalux.de/en/publication/id/40797/vietnamese-migrant-domestic-workers> (Accessed on 30 December 2023).

³⁷¹ European Commission (2019a). Fitness Check on EU Legislation on legal migration (Staff Working Document) SWD(2019) 1055 final, Part 2/2, Brussels, p. 130.

³⁷² Schuster, A., Desiderio, M. V., & Urso, G. (Eds), (2013). Recognition of qualifications and competences of migrants. Brussels: International Organization for Migration. p. 18. Retrieved from <https://publications.iom.int/books/recognition-qualifications-and-competences-migrants> (Accessed on 30 December 2023).

³⁷³ Agatiello, G., & Humer, L. (2018). *Op.cit.*, p. 6.

Over-qualification rate than men. Although women born outside the EU have similar proportions of higher education as native-born women and immigrant men, they are more likely to be in jobs that do not match their qualifications and have a lower likelihood of finding employment. The European Commission's estimation reveals that one in five highly educated non-EU migrant women is in a job for which they are overqualified. This phenomenon is referred to as 'deskilling.' In 2019, among the working-age population (aged 20-64), 40.7% of migrant women were more likely to be overqualified for their jobs, compared to 21.1% among native women.³⁷⁴ Deskilling represents a loss of human capital, as individuals with higher education and skills are not fully utilizing their potential. This can result in lower job satisfaction, reduced income, and hindered career progression. In Hungary, migrant women frequently find themselves in a situation of being overqualified for their jobs and may experience downward mobility and potential deskilling during the initial phase of migration.³⁷⁵ Despite a shortage of workers in certain occupations like the healthcare sector (midwives, nurses, doctors), education, and the IT sector, foreign-born women often face challenges in accessing these employment opportunities due to factors such as credential recognition, language barriers, and other barriers to skill utilization.³⁷⁶ Luxemburg and Malta acknowledged that recognition of professional qualifications poses a challenge for both male and female migrants integrating into the labour market.³⁷⁷

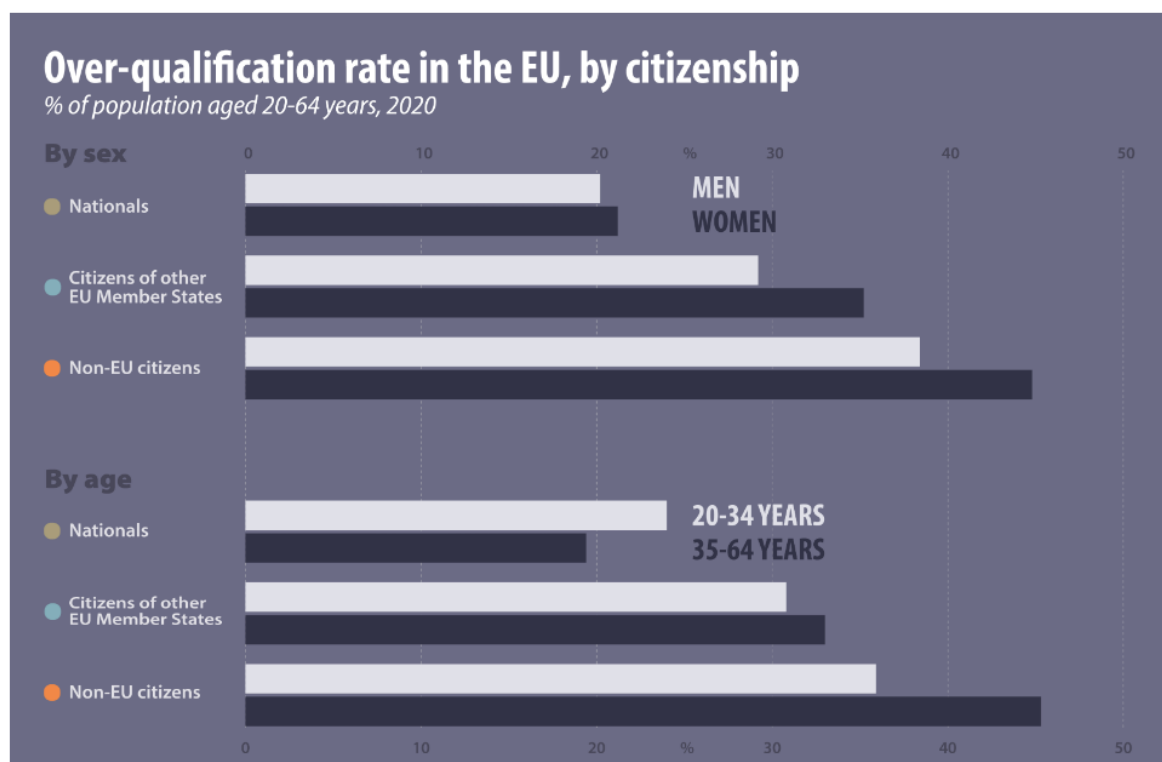
Table 8: Over-qualification rate in the EU by citizenship (% of population aged 20 to 64, 2020)

³⁷⁴ European Parliament (2023). *Op.cit.*, p. 2.

³⁷⁵ European Migration Network (2021). *Op.cit.*, p. 18.

³⁷⁶ *Ibid.*

³⁷⁷ *Ibid.*



Source: Eurostat, Migrants more likely over-qualified than nationals, July 2021.
<https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210721-1>

Female migrant workers from Vietnam may desire their qualifications to be recognized during the application process before departing Vietnam or upon arrival and throughout their stay in the EU. In the case of pre-departure, the European Commission has acknowledged that there is no standardized EU legal provision recognizing professional qualifications before departure. This implies that it entirely depends on the domestic laws of each member state. Consequently, female migrant workers from Vietnam may have to contend with "more onerous requirements" depending on the legal framework of the destination country.³⁷⁸ In the case of residence in an EU member state, female migrant workers from Vietnam falling within the scope of legal migration Directives may benefit from the equal treatment provisions related to the "recognition of professional diplomas, certificates, and other qualifications".³⁷⁹ This means that they can receive equal treatment in the recognition of qualifications similar to that afforded to EU citizens. The main EU instrument addressing this issue is Directive 2005/36/EC on the recognition of professional qualifications, as amended by Directive 2013/55/EU. This Directive is

³⁷⁸ European Commission (2019a). *Op.cit.*, p. 128.

³⁷⁹ SPD, Article 12(1)(d).

formulated with the objective of facilitating the transfer of qualifications and skills among EU citizens across Member States. Its underlying principle is predicated on the notion that an individual who holds professional qualifications in one Member State is deemed qualified to practice the same profession in another Member State. Although TCNs are not expressly encompassed within the ambit of the Professional Qualifications Directive, recital (10) of Directive 2005/36/EC clarifies that it "does not create an obstacle to the possibility of Member States recognizing, in accordance with their rules, the professional qualifications acquired outside the territory of the European Union by third-country nationals".³⁸⁰ Recital (1) of Directive 2013/55 provides additional clarity on the directive's scope concerning the recognition of qualifications for TCNs. It stipulates that "third-country nationals may also benefit from equal treatment with regard to recognition of diplomas, certificates, and other professional qualifications, in accordance with the relevant national procedures, under specific Union legal acts such as those on long-term residence, refugees, 'blue card holders,' and scientific researchers".³⁸¹ However, the challenge lies in the fact that a significant portion of the qualifications held by female migrant workers from Vietnam are not obtained within the EU. Therefore, I think it seems that they may not benefit substantially from the provisions on equal treatment during their residence and work in the EU. Conversely, the absence of unified EU regulations on qualification recognition during the application process could pose a barrier for female migrant workers from Vietnam.

While the overall qualification of female Vietnamese migrant workers tends to be lower, there are exceptions, particularly in the healthcare sector, specifically nursing. Evidence indicates that Vietnamese female workers are able to meet the demanding standards of stringent destinations such as Japan and Germany.³⁸² Additionally, Vietnam possesses a surplus of highly skilled labour, and exporting labour has been considered as a solution to this issue.³⁸³ However, the lack of convenient mechanisms for recognizing

³⁸⁰ Directive 2005/36/EC, Recital (10).

³⁸¹ Directive 2013/55, Recital (1).

³⁸² Thùy Anh (2019). Labour export for nursing and caregiving: High salary, hard work. (in Vietnamese: Xuất khẩu lao động điều dưỡng, hộ lý: Lương cao, công việc vất vả). *Người Lao Động Newspaper*. Available at <https://nld.com.vn/cong-doan/xuat-khau-lao-dong-dieu-duong-ho-ly-luong-cao-cong-viec-vat-va-20190521085717131.htm> (Accessed on 29 December 2023).

³⁸³ Vietnam Ministry of Finance (2017). Overseas work opportunities for highly qualified workers. (in Vietnamese: Cơ hội làm việc ở nước ngoài cho lao động có trình độ cao). Available at https://mof.gov.vn/webcenter/portal/ttpltc/pages_r/chi-tiet-tin-ttpltc?dDocName=MOFUCM097027 (Accessed on 30 December 2023).

qualifications could serve as a barrier for this labour group to access the EU market. They might end up working abroad in positions below their professional expertise; for example, a Vietnamese bachelor of English Studies came to Taiwan to work as a food processing worker due to the challenges in having their qualifications recognized.³⁸⁴ Within the EU, a study on Vietnamese women migrants in Poland reveals that, despite their high educational qualifications, they confront challenges as their foreign credentials are not recognized in Poland. Consequently, they find themselves compelled to work below their professional expertise.³⁸⁵ Among EU countries, Germany is the only nation with favorable policies regarding the recognition of Vietnamese qualifications. Recently, due to a shortage of nursing staff, Germany has implemented a program allowing equivalent qualification conversion to facilitate Vietnamese nurses to work in Germany.³⁸⁶ Not only in the nursing sector, but the recognition also extends to many other industries, including information technology, electronic engineering, food processing technology, restaurant and hotel management.³⁸⁷

In addition, it has been recorded that stringent qualification level prerequisites for obtaining a work-related residence permit can result in the exclusion of certain prospective highly skilled migrant workers.³⁸⁸ This exclusion may arise due to overly demanding requirements or procedures, the unavailability of recognition procedures from abroad, or a lack of awareness in the destination country regarding the value of non-EU qualifications. In general, I argue that the lack of favorable policies for credential recognition at both the EU and Member State levels may pose challenges for female Vietnamese migrant workers in accessing the labour market, potentially leading them to undertake jobs that are not commensurate with their qualifications.

4.3.2. Recognition of skills

³⁸⁴ Quỳnh Nguyễn (2023). Put away university degree to work abroad. (in Vietnamese: Cát bằng đại học đi xuất khẩu lao động). *Vnexpress Newspaper*. Available at <https://vnexpress.net/cat-bang-dai-hoc-di-xuat-khau-lao-dong-4605830.html> (Accessed on 30 December 2023).

³⁸⁵ Kindler, M., & Szulecka, M. (2013). *Op.cit.*, p. 664.

³⁸⁶ Giang Nam (2021). *Op.cit.*

³⁸⁷ Thu Cúc (2022). Germany pilots expansion of many occupations to receive Vietnamese workers. (in Vietnamese: Đức thí điểm mở rộng nhiều ngành nghề tiếp nhận lao động Việt Nam). *Government News*. Available at <https://baochinhphu.vn/duc-thi-diem-mo-rong-nhieu-nganh-nghe-tiep-nhan-lao-dong-viet-nam-10222111170230654.htm> (Accessed on 30 December 2023).

³⁸⁸ Donlevy, V., Curtarelli, M., McCoshan, A., & Meierkord, A. (2016). Study on obstacles to recognition of skills and qualifications. *Final Report, Directorate-General for Employment, Social Affairs and Inclusion, Luxembourg: Publications Office of the European Union.*; OECD and EU (2016). *Recruiting Immigrant Workers: Europe 2016*. OCED Publishing, Paris.

From my view, there are various methods to assess the level of skills and their value to employers during the recruitment process, with the most common being certificates obtained through formal education or training systems, such as vocational certificates, diplomas, or academic degrees. However, formal education and training systems are not the sole means for individuals to develop skills, and in many cases, people acquire these skills outside the country where they work. Employers may not easily recognize skills acquired in this manner, and individuals possessing such skills may face disadvantages when seeking employment, advancing in their careers, or negotiating salary increases.³⁸⁹ Therefore, the recognition of skills seems to play a significant role for female migrant workers from Vietnam, especially considering that the majority of them have low educational qualifications and work in fields deemed to be of low skill levels.

However, migrant women in the EU seem to have challenges in getting their skills recognized, as research highlights that women in developing countries are more likely than men to have skills which may not be officially recognized through formal degrees.³⁹⁰ These skills are often referred to as "informal" or "uncertified" skills, and they can include a wide range of practical and technical abilities, as well as soft skills and life experiences. While these skills may not be formally certified by diplomas or degrees but are nonetheless essential for the European labour markets.³⁹¹ In Sweden, there exists a discrepancy between the labour market requirements and the skills and experience of foreign-born women. A similar situation is observed in Germany, where women migrating from third countries face significant challenges in the realm of non-academic vocational training. These challenges are primarily attributed to their lack of qualifications and the absence of a structured system for recognizing their skills. As a result, migrant women from third countries find themselves trailing significantly behind in this domain, limiting their labour market participation to low-skilled job opportunities.³⁹²

In the context where nearly 80% of women in the labour force age in Vietnam have low or no skills, female migrant workers constitute a significant proportion of the workforce engaged in low-skilled economic sectors, the increasing trend of Vietnamese female

³⁸⁹ Braňka, J. (2016). *Op.cit.*, p. 7.

³⁹⁰ European Commission (2018). *Op.cit.*

³⁹¹ Agatiello, G., & Humer, L. (2018). *Op.cit.*, p. 8.

³⁹² European Migration Network (2021). *Op.cit.*, p. 18.

workers working as domestic helpers abroad,³⁹³ attention to this sector becomes imperative. The phenomenon of migrant women working as domestic workers in roles that are often considered low-skilled, despite their qualifications and expertise, is indeed a complex issue. It highlights the gendered dynamics of certain job sectors and the underappreciation of the skills and contributions of these workers. Domestic work encompasses a wide range of tasks, including cooking, cleaning, gardening, childcare, and more. While these tasks may not require formal qualifications, they often demand a high level of skill, experience, and knowledge. Migrant women who perform these roles may have expertise that goes unrecognized. Scholars claim that these women are not 'low-skilled' but 'low income' and they linked this phenomenon to the feminization of poverty theory which highlights the disproportionate poverty experienced by women in the context of low-paid domestic work and it remains relevant in the EU.³⁹⁴ Furthermore, as female migrant workers from Vietnam acquire new skills, knowledge, and competencies through their work experience in the EU, the recognition and acknowledgment of their informal learning upon their return to Vietnam become crucial. This is an important factor in ensuring their successful reintegration into the domestic labour market, thereby helping prevent job loss, unemployment, and skills wastage.³⁹⁵

In this domain, similar to the issue of degree recognition, there is no unified EU legal instrument for recognizing the skills of these migrant workers. Moreover, equal treatment under the legal migration directives pertains to the "recognition of diplomas, certificates, and other professional qualifications" and does not specifically address equal access to skills or work experience.³⁹⁶ Most policies are regulated at the national level, and the EU's intervention scope is primarily in the form of soft law, meaning Council recommendations and EU support through common coordination tools, funding sources, etc. The Council's recommendation on November 26, 2018 urges Member States to establish, by 2025, a framework for achieving the automatic mutual recognition of higher education

³⁹³ IOM Viet Nam (2023). International Women's Day 2023: International voices to promote innovation and technology for empowerment of migrant women to contributing to the achievement of gender equality. Available at <https://vietnam.iom.int/en/news/international-womens-day-2023-international-voices-promote-innovation-and-technology-empowerment-migrant-women-contributing-achievement-gender-equality-viet-nam> (Accessed on 30 December 2023).

³⁹⁴ European Parliament (2023). *Op.cit.*, p. 6.

³⁹⁵ ILO (2020). How to Facilitate the Recognition of Skills of Migrant Workers, Guide for Employment Services Providers. Retrieved from https://www.ilo.org/global/topics/labour-migration/publications/WCMS_748721/lang--en/index.htm (Accessed on 30 December 2023).

³⁹⁶ SPD, Article 12(1)(d).

qualifications among Member States. It also advocates for the automatic and complete recognition of study periods abroad, along with the automatic recognition of upper secondary education and training qualifications that grant access to higher education.³⁹⁷ A significant EU-level initiative in the field of recognition of skills is the Europass framework. Serving as the primary framework for recording qualifications, skills, and learning experiences, it enables the clear and organized presentation of acquired knowledge, skills, competencies, and qualifications.³⁹⁸ Additionally, the European Commission has developed a “Skills Profile Tool for Third Country Nationals” with the purpose of facilitating the early profiling of migrants’ skills and qualifications. This tool aids services to recognize and document the skills, qualifications, and experiences of newly arrived TCNs. Although primarily designed for refugees and asylum seekers, it can be applied to other groups of TCNs in need. Anticipated applications of the tool include providing guidance, identifying upskilling requirements, and supporting job searching and matching. Moreover, the tool assists in creating an overview of an individual's existing skills and qualifications, encompassing educational and training diplomas, language proficiency, numeracy/literacy, transversal skills (e.g., problem-solving and leadership), and driving skills.³⁹⁹ In summary, I argue that the aforementioned tools can provide support and opportunities for enhancing skills for TCNs. However, they remain soft law instruments, and Vietnamese female migrant workers still have to comply with the laws of each individual country. Furthermore, the issue of skill recognition is a new challenge for Vietnamese legal and policy makers. In its role as the country of origin, Vietnamese law regarding sending workers abroad lacks any provisions related to this issue. Consequently, female migrant workers from Vietnam receive minimal support in this regard.

4.4. Family and childcare responsibilities

One of the key factors believed to contribute to the differentiation in the migration paths of women and men is the balance between work and life.⁴⁰⁰ In this context, family and

³⁹⁷ Council Recommendation of 26 November 2018 on promoting automatic mutual recognition of higher education and upper secondary education and training qualifications and the outcomes of learning periods abroad, ST/14081/2018/INIT, OJ C 444, 10.12.2018.

³⁹⁸ Europass website. Available at <https://europa.eu/europass/en> (Accessed on 29 December 2023).

³⁹⁹ European Commission (n.d). EU Skills Profile Tool for Third Country Nationals Available at [https://ec.europa.eu/social/main.jsp?catId=1412&langId=en& https://europa.eu/europass/en](https://ec.europa.eu/social/main.jsp?catId=1412&langId=en&https://europa.eu/europass/en) (Accessed on 29 December 2023).

⁴⁰⁰ OECD (2020a). *Op.cit.*, p. 6.

childcare responsibilities emerge as a crucial factor that can impact the integration process of migrating women. Indeed, family obligations may impede the engagement of female migrant labour in significant steps of the integration process, such as accessing the labour market⁴⁰¹ and participating in introduction programs and language training.⁴⁰² Numerous migration studies have documented this issue, often referring to it as the "child penalty" or "motherhood penalty." This concept can be understood as the influence of children on the labour market trajectories of women, both in comparison to men and in comparison to women without children.⁴⁰³ In more detail, the mechanisms explaining the motherhood penalty encompass the depletion of human capital due to extended maternity leaves, discriminatory practices by employers, and the choice of industries or types of work that offer greater flexibility for family care but often come with lower wages.⁴⁰⁴ The motherhood penalty may arise post-childbirth due to difficulties in balancing work and childcare responsibilities, or it can occur even before becoming a mother, such as through discriminatory recruitment practices against women during pregnancy.⁴⁰⁵ The enduring impact of the motherhood penalty not only manifests in short-term challenges but also extends into the long-term careers of women,⁴⁰⁶ resulting in reduced participation in the labour market, individual income and experience loss, diminished family income, and the underutilization of human capital at the societal level.⁴⁰⁷

Data from the EU has evidenced the impact of having young children on the labour market access of migrant women, revealing a noticeable disparity in the employment rates of

⁴⁰¹ European Commission (2018). *Op.cit.*

⁴⁰² Valdivia, M., & Adsera, A. (2023). Labour market integration of migrant mothers. In OECD (2023), *International Migration Outlook 2023*, OECD Publishing, Paris, pp. 145-201.

⁴⁰³ See Kleven, H., Landais, C., & Sogaard, J. E. (2019). Children and gender inequality: Evidence from Denmark. *American Economic Journal: Applied Economics*, 11(4), pp. 181-209.; Kong, S., & Dong, H. (2024). The doubly disadvantaged: The motherhood penalty for internal migrants in China. *Journal of Marriage and Family*, 86(1), pp. 199-218.; Achouche, N. (2022). The Motherhood Penalty of Immigrants in France: Comparing the Motherhood Wage Penalty of Immigrants From Europe, the Maghreb, and Sub-Saharan With Native-Born French Women. *Frontiers in Sociology*, 7, 748826; Glass, C. M., Petrzalka, P., & Mannon, S. E. (2011). Mothers, Migrants and Markets: Re-thinking the Link between Motherhood and Work in the Global Economy. *Journal of the Motherhood Initiative for Research and Community Involvement*, pp. 129-145; Lee, R., Ruppner, L., & Perales, F. (2020). Making it work: Migration, motherhood and employment in Australia. *Social Science Research*, 88, 102429; Ishizuka, P. (2021). The motherhood penalty in context: Assessing discrimination in a polarized labor market. *Demography*, 58(4), pp. 1275-1300.

⁴⁰⁴ Bazen, S., X. Joutard and H. Périvier (2021). Measuring the Child Penalty Early in a Career: The Case of Young Adults in France. *IZA Discussion Paper Series*, No. 14763, IZA Institute of Labor Economics, Bonn.

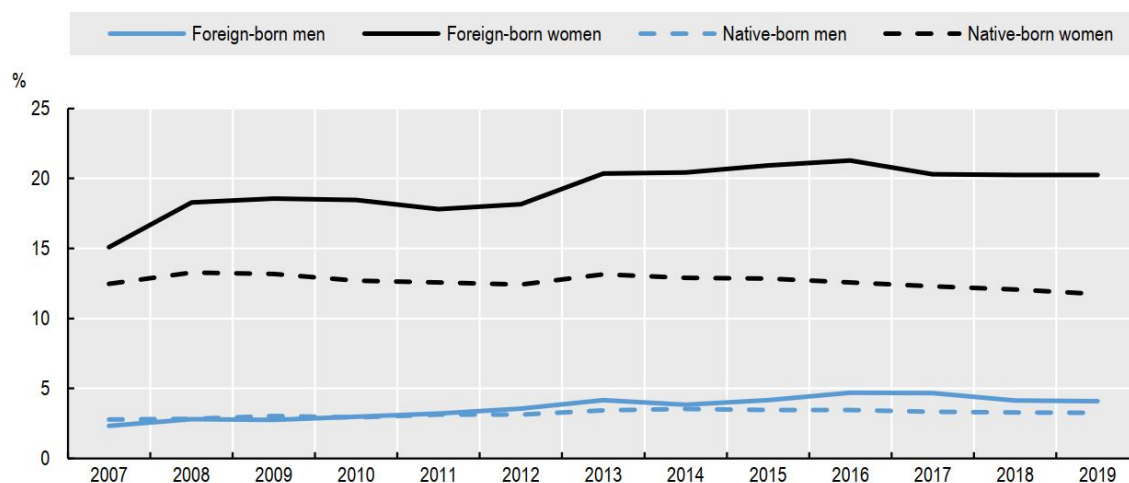
⁴⁰⁵ Roberto C., Lina V. & Helena W. (2023). *Op.cit.*, p. 14.

⁴⁰⁶ Bazen, S., X. Joutard and H. Périvier (2021). *Op.cit.*, p. 3.

⁴⁰⁷ Valdivia, M., & Adsera, A. (2023). *Op.cit.*, pp. 154-162.

migrant women with young children. There have been significantly lower rates when compared to non-migrant women within the EU.⁴⁰⁸ The employment rate for native-born women, both with and without young children, and foreign-born women without young children, is relatively consistent across Europe, ranging between 64% to 69% in 2018. However, the employment rate for migrant women with young children is notably lower, standing at only 46%. This substantial difference of over 18 percentage points in employment rates between migrant women with young children and their counterparts without children underscores a pronounced burden for having a child under the age of 6 among migrant women.⁴⁰⁹

Table 9: The incidence of involuntary inactivity in the European Union, by place of birth and gender, aged 15-64, 2007-2019⁴¹⁰



Source: OECD (2020a). How to strengthen the integration of migrant women?. No. 25, OECD Publishing, Paris, p. 8. Retrieved from https://www.oecd.org/en/publications/how-to-strengthen-the-integration-of-migrant-women_fbc7da3c-en.html (Accessed on 2 January 2024).

According to Table 9, the share of involuntary inactivity⁴¹¹ among foreign-born women has increased by more than five percentage points since 2007, contrasting with a one-

⁴⁰⁸ European Migration Network (2022). EMN Flash #4: Integration of migrant women in the EU. Retrieved from https://home-affairs.ec.europa.eu/system/files/2022-09/EMN_FLASH_2022-4.pdf (Accessed on 25 December 2023).

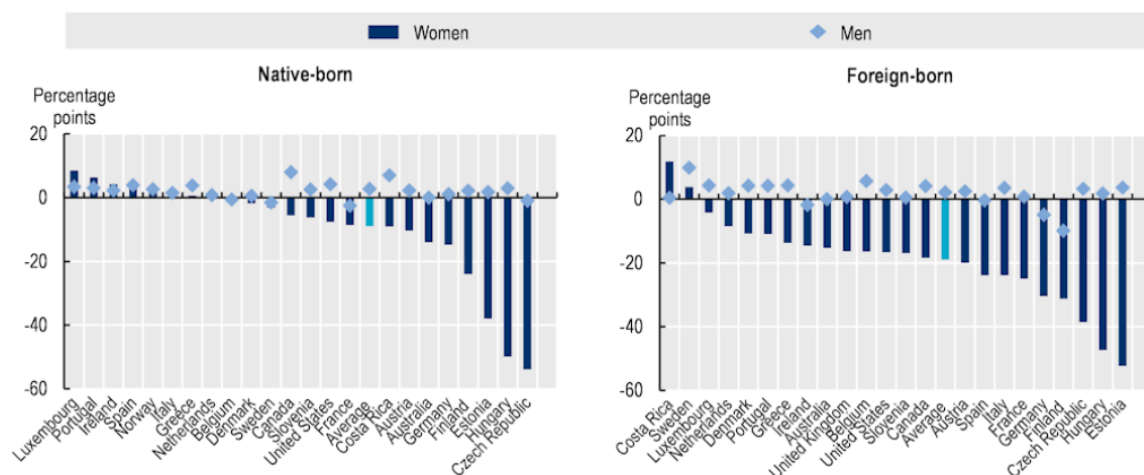
⁴⁰⁹ OECD (2020a). *Op.cit.*, p. 6.

⁴¹⁰ This measure excludes individuals who are retired or waiting to be recalled to work.

⁴¹¹ The term "involuntary inactivity" is defined as the percentage of individuals who are not employed and are not actively seeking work due to family responsibilities, the perception that no suitable work is available, or other reasons unrelated to illness, education, or training.

percentage-point decrease among native-born women. In 2019, a substantial proportion of foreign-born women, specifically 20.2%, found themselves in situations of involuntary inactivity. This is notably higher compared to native-born women, where only 11.7% experienced involuntary inactivity.⁴¹²

Table 10: Having young children disproportionately affects the employment of migrant women in some OECD countries in 2021



Source: Valdivia, M., & Adsera, A. (2023). Labour market integration of migrant mothers. In OECD (2023), *International Migration Outlook 2023*, OECD Publishing, Paris, p. 150.

Table 10 shows that differences in employment rates between partnered men/women with at least one child aged 0-4 and childless partnered men/women for native-born and foreign-born individuals. It can be seen easily that having children affects the employability of women in the EU, whether native-born women or foreign-born women. Evidence from European OECD countries further supports the aforementioned viewpoint. A recent OECD study indicates that the lingering gender gap is largely attributed to the impact of children.⁴¹³ In European OECD countries, one-fifth of migrant mothers with children under 14 express a willingness to work but face limitations due to childcare responsibilities.⁴¹⁴ Based on the 2019 EU Labour Force Survey, removing employment barriers for immigrant mothers could potentially add 1.5 million workers to OECD countries in Europe, this figure could increase to approximately 5 million if the

⁴¹² OECD (2020a). *Op.cit.*, p. 5.

⁴¹³ OECD (2023). *Joining Forces for Gender Equality: What is Holding us Back?*. OECD Publishing, Paris, <https://doi.org/10.1787/67d48024-en>.

⁴¹⁴ Valdivia, M., & Adsera, A. (2023). *Op.cit.*, p. 147.

employment rate of immigrant mothers with children under 14 increased to match that of their native-born counterparts.⁴¹⁵

Not only does childcare responsibility limit access to the labour market, but it also constitutes a primary obstacle preventing women from participating in language courses.⁴¹⁶ Language plays a crucial role in building community and a sense of belonging, but immigrant women who stay home for family responsibilities may experience isolation and have fewer opportunities to learn or practice the local language.⁴¹⁷ In France, among adult migrants from non-EU countries required to undergo language training, non-compliance is predominantly observed among women, often due to pregnancy and the responsibility of caring for children at home.⁴¹⁸

In my opinion, although there are no specific data or academic evidence regarding the labour of Vietnamese women in the EU due to research gaps in this area, general evidence on women's labour in the EU and common characteristics of Vietnamese migrant women indirectly suggest that they may encounter integration barriers related to family and childcare responsibilities. The gendered use of time by migrants is more pronounced than that of native-born individuals, indicating that immigrant women tend to allocate more time to household chores compared to their native-born counterparts of the same age.⁴¹⁹ In the case of Vietnamese female migrants, family responsibilities can become more pronounced when they migrate alongside their husbands and children.⁴²⁰ The ILO research in 2019 indicated that up to 93% of surveyed Vietnamese female migrants have

⁴¹⁵ *Ibid.*, p. 150.

⁴¹⁶ Roberto C., Lina V. & Helena W. (2023). *Op.cit.*, p. 31.

⁴¹⁷ OECD (2021). Language Training for Adult Migrants. Making Integration Work, OECD Publishing, Paris, <https://doi.org/10.1787/02199d7f-en>.

⁴¹⁸ Lochmann, A., H. Rapoport and B. Speciale (2019). The effect of language training on immigrants' economic integration: Empirical evidence from France. *European Economic Review*, Vol. 113/C, pp. 265-296.

⁴¹⁹ Fendel, T. (2021). The Effect of Housework on Wages: A Study of Migrants and Native-born individuals in Germany. *Journal of Family and Economic Issues*, Vol. 42, pp. 473-488.

⁴²⁰ There are no specific figures on family migration of Vietnamese female workers. However, there is non-academic evidence that Vietnamese female workers migrate with their families to a country in another region. (See Sơn Nguyễn (2022). Poor couple changes their life thanks to "risk" of going abroad to work (in Vietnamese: Đôi vợ chồng nghèo đổi đời nhờ "cú liều" đi xuất khẩu lao động). *Dan Tri Newspaper*. Available at <https://dantri.com.vn/lao-dong-viec-lam/doi-vo-chong-ngheo-doi-doi-nho-cu-lieu-di-xuat-khau-lao-dong-20221013065922685.htm> (Accessed on 24 December 2023); MOLISA (2018) Going to work illegally, losing both money and health (in Vietnamese: Đi xuất khẩu lao động 'chui', tiền mất tật mang). Available at <https://www.molisa.gov.vn/baiviet/27928?tintucID=27928> (Accessed on 24 December 2023). Based on existing non-academic evidence from reliable sources, the study implicitly assumes that, in one way or another, there is a certain number of Vietnamese female workers migrating with their families to the EU.

children, with an average of 1.97 children per woman.⁴²¹ For migrant women, gender norms include both destination country standards and those from their homeland, as the socialization process begins at a young age, leading migrants to carry norms and values from their home country during their journey.⁴²² As highlighted earlier, prevailing stereotypes about the role of women in Vietnam emphasize prioritizing the needs of their families over their own. This is reflected in the fact that 65.8% of the labour force engaged in unpaid family work comprises women, and women spend twice as many hours as men on housework (20.2 hours compared to 10.7 hours).⁴²³ Furthermore, the formation of a family and social integration is a parallel and mutually influential process in migration.⁴²⁴ Consequently, Vietnamese female migrants may marry and have children while living in the EU, thereby facing family responsibilities in the host country.

Access to affordable early childhood education and care services is recognized as a crucial tool for reconciling paid work and family life, thereby supporting employment for mothers and reducing gender inequality.⁴²⁵ Conversely, the lack of childcare support poses a specific barrier to accessing the labour market and maintaining a balance between work and private life.⁴²⁶ Limited access to childcare services, along with other family-related constraints, constitutes significant barriers to entering the labour market, is a concern underscored by ten Member States.⁴²⁷ While foreign-born women in the EU have, on average, more children (with a birth rate of 1.8 compared to 1.5 for native-born women), they are less likely to utilize childcare services by nearly 6 percentage points. The main reasons, as indicated in surveys, are the availability and cost of these services, which are double compared to native-born women.⁴²⁸ For instance, in France, despite the state providing childcare services, center-based services still face a supply shortage, with private childcare providers, particularly for children under three, dominating the sector. This limitation hinders individuals with lower incomes from utilizing private childcare

⁴²¹ ILO (2019). *Op.cit.*, p. 14.

⁴²² Valdivia, M., & Adsera, A. (2023). *Op.cit.*, p. 149.

⁴²³ See Chapter IV, 3.2.

⁴²⁴ Valdivia, M., & Adsera, A. (2023). *Op.cit.*, p. 149.

⁴²⁵ Alajääskö, L. and J. Fluchtmann (2023). Ensuring the availability, quality and affordability of childcare. In *Joining Forces for Gender Equality: What is Holding us Back?*, OECD Publishing, Paris.

⁴²⁶ Preston, K. and Grimes, A. (2019). Migration, gender, wages and wellbeing: Who gains and in which ways?. *Social Indicators Research*, 144(3), pp. 1415-1452.

⁴²⁷ European Migration Network (2021). *Op.cit.*, p. 19.

⁴²⁸ OECD (2020a). *Op.cit.*, p. 7.

services.⁴²⁹ In addition to the lower socioeconomic status of migrants, other studies also emphasize the unfamiliarity of migrants with the childcare system of the host country as a significant barrier to accessing formal childcare services.⁴³⁰ In Germany, a survey among parents with one- and two-year-old children revealed that migrant parents believe that cultural barriers are the main obstacle to accessing childcare services.⁴³¹

At the general EU level, I argue that the EU has not considered family and childcare responsibilities as a significant issue for the integration of migrant women. There were no mentions of this particular barrier in the 2016 Action Plan. Hence, it is challenging to identify a common EU policy tool to address this issue of migrant women. Related to the issue of work-life balance at a broader EU level, one may refer to the Directive (EU) 2019/1158, commonly known as The Work-life Balance Directive. This directive seeks to enhance support for parental and caregiving responsibilities, promote a more equitable distribution of parental leave between genders, and address the underrepresentation of women in the labour market.⁴³² The solutions outlined in the directive include providing paternity leave; ensuring that two out of the four months of parental leave are non-transferable between parents and compensated; implementing carers' leave; and extending the right to request flexible working arrangements for caregivers and working parents of children up to 8 years old.⁴³³ The directive does not specifically address migrant women, as it "applies to all workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements, or practice in force in each Member State".⁴³⁴ It focuses on a broader application to all workers, irrespective of migration status or gender, therefore, it is theoretically possible for Vietnamese women migrant workers to benefit through the principle of non-discrimination enshrined in legal migration directives. However, accessing the measures

⁴²⁹ Nieuwenhuis, R. and W. Van Lancker (eds.) (2020). *Family Policies and Family Outcomes in OECD countries*, Palgrave Macmillan Cham, <https://doi.org/10.1007/978-3-030-54618-2>.

⁴³⁰ Seibel, V. (2021). What do migrants know about their childcare rights? A first exploration in West Germany. *Journal of International Migration and Integration*, Vol. 22, pp. 1181-1202.

⁴³¹ Expert Council on Integration and Migration (2013). *Obstacle Course to Day Care: Why Parents with a Migrant Background are Less Likely to Send Their Children to Day Care*. Retrieved from https://www.svr-migration.de/wp-content/uploads/2023/02/Summary_Obstacles_Day-Care_-SVR-FB-2013.pdf (Accessed on 25 December 2023).

⁴³² European Commission (n.d). EU Work-life Balance Directive enters into force. Available at <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9438&furtherNews=yes> (Accessed on 27 December 2023).

⁴³³ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU PE/20/2019/REV/1 OJ L 188, 12.7.2019, p. 79–93.

⁴³⁴ Directive (EU) 2019/1158, Article 2.

outlined in this Directive is considered particularly challenging for migrant workers, especially women, as they predominantly engage in precarious and atypical work, including temporary employment, which may not meet the qualifying criteria set by Member States.⁴³⁵ Furthermore, a research of Arabadjieva acknowledges that this Directive alone is insufficient to address inequality. It will require an extensive journey to ensure that workers can genuinely enjoy their rights and needs to be supplemented by additional policy and legal measures.⁴³⁶

Similarly, at the national level, an OECD study reveals that very few countries among the 22 EU member states within the OECD prioritize migrant women with children in their integration policies. Only seven countries, including Austria, Belgium, the Czech Republic, Denmark, France, Germany, and Sweden, have specific integrated measures targeting women with children.⁴³⁷ The lack of supportive policies at both the EU and member state levels may lead to challenges and differential treatment for Vietnamese migrant women with children across member states. In Sweden, for instance, all parents on parental leave were counted as employed regardless of the length of the leave, as long as they had a regular job to return to. Conversely, in Estonia, all individuals on parental leave were considered inactive.⁴³⁸

4.5. Access to the labour market after family reunification

Vietnamese women migrating under family reunification are not the primary focus of this dissertation, as not all women in this category migrate for employment, and determining their true migration purpose is challenging. However, I believe that it is necessary to address this group because some women do enter the labour market after reuniting with their families, or their initial migration purpose was indeed to work. Therefore, this section will provide a brief analysis of this labour group. It will not examine deeply the family reunification aspect but will focus on their "labour market access" post-reunification.

⁴³⁵ Arabadjieva, K. (2022). Reshaping the Work–Life Balance Directive with Covid-19 lessons in mind. *ETUI Research Paper-Working Papers*, p. 29.

⁴³⁶ *Ibid.*, p. 35.

⁴³⁷ Valdivia, M., & Adsera, A. (2023). *Op.cit.*, p. 184.

⁴³⁸ *Ibid.*, p. 151.

For Vietnamese female migrant workers whose initial purpose is employment, they may have specific work contracts and legal documentation. Particularly for those who go abroad through brokerage businesses or government agencies, their employment is based on MOUs on labour, employment, and vocational education that the Vietnamese government has signed with several European countries such as Germany, Romania, the Czech Republic, and Bulgaria...⁴³⁹ Therefore, for this group, their jobs are often secured before departure. However, for female migrants under family reunification, accessing the labour market seems to be much more challenging.

The right to family reunification for TCNs is recognized under Directive 2003/86/EC (FRD) on the right to family reunification. This directive respects fundamental rights and observes the principles recognized, particularly in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in the Charter of Fundamental Rights of the European Union. This directive has long been controversial, partly due to its treatment of immigrant women.⁴⁴⁰ The Commission has received numerous complaints regarding the family reunification of TCNs, with one of the primary concerns being the waiting period for family members to access employment.⁴⁴¹ Article 14(2) of FRD establishes that Member States possess the authority to define, in alignment with their national legislation, the conditions under which family members can participate in employed or self-employed endeavors. These conditions are constrained by a specified time frame, capped at 12 months, during which Member States are allowed to evaluate their labour market conditions before authorizing family members to undertake employed or self-employed activities.⁴⁴² Consequently, in the longest scenario, a spouse admitted under the family reunification agreement might have to wait up to a year before entering the labour market. This waiting period can result in a loss of valuable time for early integration,⁴⁴³ potentially leading to skill deterioration and negatively affecting overall integration prospects.⁴⁴⁴ Additionally, women migrating under the family reunification directive are at a disadvantage compared to women who are family members of those

⁴³⁹ MOLISA (2022a). *Op.cit.*

⁴⁴⁰ Morris, E. (2015). Family reunification and integration policy in the EU: where are the women?. *Journal of International Migration and Integration*, 16, pp. 639-660.

⁴⁴¹ REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of Directive 2003/86/EC on the right to family reunification, COM(2019) 162 final, Brussels, 29.3.2019.

⁴⁴² FRD, Article 14(2).

⁴⁴³ European Commission (2018). *Op.cit.*

⁴⁴⁴ Agatiello, G., & Humer, L. (2018). *Op.cit.*, p. 8.

under the Blue Card directive and intra-corporate transfer, who do not face such waiting periods.⁴⁴⁵

Additionally, the inability to access the labour market early can result in women becoming economically and legally dependent on their husbands.⁴⁴⁶ Migration can reinforce or exacerbate dependencies and tensions within couples.⁴⁴⁷ Income requirements can prove especially taxing on a couple if the destination country's migration or labour market policies limit or prevent the migrant spouse or partner from access to paid work. In systems where residence permits are contingent on sustaining the relationship, this creates a further form of dependency on the sponsor, which may make them unwilling or unable to leave an abusive or exploitative relationship.⁴⁴⁸ In a study comparing the economic integration of migrant women from Ukraine and Vietnam in the Polish labour market in 2013, Marta Kindler & Monika Szulecka pointed out that the form of migration has a significant impact on the integration capabilities. Vietnamese women migrants who migrated initially for family reunification reasons faced limitations in accessing the labour market and had to depend on their husbands or partners, whereas those who migrated for other reasons were more independent and had a higher likelihood of economic integration.⁴⁴⁹

5. Summary

The analysis and results of this chapter have tried to answer Research Question 1 about potential challenges that Vietnamese women migrant workers may encounter during the integration process in the EU. Data and evidence from the EU demonstrate that female migrant workers face greater difficulties in accessing employment than any other demographic group, whether under normal conditions or in exceptional circumstances such as a pandemic. Considering the migration context, social context in Vietnam, and the characteristics of Vietnamese female migrant workers, it can be concluded that these workers, with disadvantages in education, language skills, professional skills, legal

⁴⁴⁵ BCD, Article 17(6); ICTD, Article 19(6).

⁴⁴⁶ Agatiello, G., & Humer, L. (2018). *Op.cit.*, p. 8.

⁴⁴⁷ Strasser, E., Kraler, A., Bonjour, S., & Bilger, V. (2009). Doing family: Responses to the constructions of 'the migrant family' across Europe. *The history of the family*, 14(2), pp. 165-176.

⁴⁴⁸ Bonjour, S., & Kraler, A. (2015). Family migration as an integration issue? Policy perspectives and academic insights. *Journal of Family Issues*, 36(11), pp. 1407-1432.

⁴⁴⁹ Kindler, M., & Szulecka, M. (2013). *Op.cit.*, p. 657.

knowledge, and cultural understanding, face numerous challenges in integrating into the EU labour market.

The primary challenges identified include:

- Discrimination and Gender Stereotypes
- Language and Cultural Differences
- Recognition of Qualifications and Recognition of Skills
- Family and Childcare Responsibilities
- Access To The Labour Market After Family Reunification

From my perspective, two key issues need to be thoroughly examined after identifying the challenges that Vietnamese female workers may face in the process of integration in the EU. First, it must be emphasized that Vietnamese female workers are not only currently facing difficulties but are also likely to continue encountering many obstacles in the future if appropriate support measures are not implemented. These challenges stem from various complex factors, including social, economic, cultural, and legal conditions, which significantly impact their ability to integrate. Therefore, I believe that legal and policy measures should not only provide formal equality but also focus on actively and effectively supporting those who are more vulnerable. True equality requires recognizing and addressing the specific challenges that Vietnamese female migrant workers face, and implementing targeted measures to address these issues effectively.

Second, the factors influencing the integration process of Vietnamese female workers are not only present during the time they live and work in the EU but also originate from various aspects of their home country, Vietnam. This means that the factors affecting the integration process are not solely derived from the environment in the host country but are also related to issues from their homeland, which in turn impact their ability to integrate. Therefore, I believe that developing policies and legal frameworks to support the integration process of Vietnamese female workers in the EU is not only the responsibility of the EU member states but also a task that Vietnam must undertake. The collaboration between Vietnam and the EU countries is crucial to ensuring that the integration process for female workers is not only smooth but also achieves sustainable success.

CHAPTER V: THE EU LEGAL FRAMEWORK ON INTEGRATION OF WOMEN MIGRANTS

1. Overview

After identifying the challenges facing Vietnamese female workers in the previous chapter to answer the first research question, this chapter will analyze the EU's legal framework to find ways to answer the second research question. This analysis will focus on how existing laws and policies address these challenges and what gaps remain, aiming to propose legal reforms and policy recommendations that better support the integration and rights of Vietnamese female migrant workers in the EU.

Before reviewing current laws and policies, this chapter will explore the process of formation and development of EU integration policies during the period 1999-2019 to be able to assess the extent to which considerations for gender and women migrants have been integrated into these policies. This historical overview will provide a comprehensive understanding of the EU's evolving stance on integration, especially in relation to gender-sensitive approaches and the unique challenges faced by women migrants.

The chapter then scrutinizes a number of selected legal migration directives. These are important legal tools directly related to the rights of Vietnamese female migrant workers who are the research subjects of this thesis. The analysis will highlight how these legal frameworks have addressed (or failed to address) the challenges of Vietnamese women migrants. Then, QDA will be used to analyze policy documents related to the integration of Vietnamese female migrant workers in the EU. Each document will be analyzed taking into account the barriers to the integration of Vietnamese female migrant workers. Each document will be evaluated based on its effectiveness in addressing these barriers and categorized as Limited Support, Partial Support, or Comprehensive Support, reflecting the extent to which they provide gender-specific measures and practical support for the integration of Vietnamese female migrant workers.

2. The development of the EU policy for integration of women migrants

This sub-chapter seeks to explore the evolution of EU integration policies over the past two decades and assess the extent to which considerations for gender and women migrant have been integrated into these policies. How has the EU's approach to migration evolved,

and to what extent have gender perspectives been woven into the fabric of these policies? To answer this question, the sub-chapter will first examine the historical context of EU migration policies, followed by an analysis of gender considerations at different stages.

As migration continues to be a structural feature of European society, integration remains a central and ongoing priority.⁴⁵⁰ In some European countries, the phenomenon of population growth has been intricately linked to the influx of migrants.⁴⁵¹ This demographic trend has proven instrumental in addressing challenges associated with aging populations and sustaining a balanced demographic structure, where migration serves as a catalyst for maintaining a robust working-age populace. Beyond their economic contributions, migrants play a transformative role in shaping the cultural landscape of European nations. Their presence facilitates cultural exchanges, fostering diversity that permeates various facets of society. Arts, sports, fashion, media, and cuisine all bear witness to the profound impact of migrants, enriching and broadening the cultural tapestry of the region.⁴⁵² If EU member states want to make the most of potential migration, integration is a key issue and one that they seem to have acknowledged.⁴⁵³ Migration management and integration has become a top issue on the political agenda of all EU Member States⁴⁵⁴ and are frequently among the top concerns of the population.⁴⁵⁵ The acknowledgment of the importance of integration reflects an awareness of the crucial role it plays in maximizing the potential benefits of migration. Recognizing the significance of integration signifies a commitment to addressing the multifaceted challenges and opportunities of migrant within the European Union.

In this context, it is clear that the EU not only needs a common policy to create an integration framework but also to provide incentives and support for migrants. Indeed, in the post-Cold War era, and especially in the last two decades, the EU's role in shaping

⁴⁵⁰ Van Wolleghem, P. G. (2019). *Op.cit.*, pp. 218-237.

⁴⁵¹ Murphy, M. (2016). The impact of migration on long-term European population trends, 1850 to present. *Population and Development Review*, pp. 225-244.

⁴⁵² Parliamentary Assembly of the Council of Europe (2017) Migration as an opportunity for European development. Retrieved from <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23745&lang=en> (Accessed in 27 December 2023).

⁴⁵³ Van Wolleghem, P. G. (2019). *Op.cit.*, pp. 218-237.

⁴⁵⁴ Gropas, R. (2021). Migrant Integration and the Role of the EU. In Federico, V., & Baglioni, S. (2021) *Migrants, refugees and asylum seekers' integration in European labour markets: A comparative approach on legal barriers and enablers*. Springer Nature. pp. 73-93.

⁴⁵⁵ Drazanova, L., et al. (2020). What are Europeans' views on migrant integration?: An in-depth analysis of 2017 Special Eurobarometer "Integration of immigrants in the European Union". *OECD Social, Employment and Migration Working Papers*, No. 238, OECD Publishing, Paris.

migration policies for the advancement of labour markets and broader integration of migrants, refugees, and asylum seekers has expanded significantly.⁴⁵⁶ To gain a clearer understanding of the EU's policy direction on migrant integration over the past 20 years, based on a report of the European Court of Auditors, this section will analyze the development of the common framework for migrant integration at the EU level over the following periods:

Table 11: Timeline of the EU framework for migrant integration 1999-2019

1999-2004	2005-2009	2010-2014	2015-2019
Tampere Programme	Hague Programme	Stockholm Programme	Strategic Guidelines
Calls for a common immigration policy that would include more dynamic policies for the integration of the migrants legally residing in the EU	Sets out ten priorities emphasizing the importance of evaluating integration policies and adopting an holistic approach to facilitate and encourage interaction from local to EU level	Calls for further progress in the evaluation and monitoring of the core indicators	Emphasises that the Union should support Member States' efforts to pursue active integration policies

Source: European Court of Auditors (2018). Briefing paper: The integration of migrants from outside the EU. Annex IV. Retrieved from <https://reliefweb.int/report/world/briefing-paper-integration-migrants-outside-eu> (Accessed on 17 March 2023).

A European perspective on the integration of migrants predates the formal acquisition of competence by the EU in the late 1990s. An examination of various Commission communications and reports spanning the 1970s–1980s reveals a consistent focus on ensuring the equal treatment of individuals within the EEC/EU concerning living and working conditions, social security provisions, vocational training, adult education, and notably, the education of migrant workers' children. Aspects such as nationality acquisition, unemployment, education, housing, living conditions, and the participation of TCNs in local elections are emphasized as pivotal elements contributing to the social

⁴⁵⁶ Gropas, R. (2021). *Op.cit.*, p. 73.

integration of permanent and lawfully residing third-country migrants in the Member States.⁴⁵⁷ Notably, going beyond the endeavor to guide Member States toward a unified approach to migration and integration, both the Commission and the European Parliament have adopted a prescriptive stance. This approach involves delineating specific measures aimed at fostering fair treatment, preventing discrimination, and ensuring the effective integration of both male and female TCNs.⁴⁵⁸ In my evaluation, this prescriptive approach reflects a recognition of the nuanced challenges faced by migrants, including gender-specific considerations. This is particularly crucial in promoting gender equality and ensuring that the integration process is tailored to the diverse experiences and needs of both male and female TCNs.

2.1. Tampere Programme (1999-2004)

It can be said that the entry into force of the Treaty of Amsterdam 1997 in May 1999 marked a significant turning point in the collective evolution of migration and asylum policies within the European Union. This milestone laid the foundation for the establishment of the EU's common framework for integration, leading to the gradual development of legal residence for TCNs.⁴⁵⁹ Indeed, while the Amsterdam Treaty did not explicitly mention integration or articulate a dedicated integration policy, Article 13 represented a pivotal provision that laid the groundwork for addressing discrimination within the European Union. Article 13 stated that the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, could take appropriate action to combat discrimination based on various grounds, including sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation.⁴⁶⁰ From my viewpoint, this provision demonstrated a clear commitment to combating discrimination across a spectrum of factors, acknowledging the importance of fostering equality and non-discrimination within the EU. While the article did not specifically focus on integration, the efforts to combat discrimination were integral to creating an environment conducive to the inclusive integration of individuals from diverse backgrounds, including TCNs.

⁴⁵⁷ *Ibid.*, p. 74

⁴⁵⁸ *Ibid.*

⁴⁵⁹ *Ibid.*

⁴⁶⁰ European Union: Council of the European Union, Treaty of Amsterdam Amending the Treaty on European Union, The Treaties Establishing the European Communities and Related Acts, 10 November 1997, Retrieved from <https://www.refworld.org/docid/51c009ec4.html> (Accessed on 1 January 2024).

The special meeting of the European Council in Tampere in October 1999 represented a crucial milestone in the evolution of European Union policies on integration. During this meeting, a significant political impetus was provided, and the 1999 Tampere European Council Presidency made a declaration emphasizing the importance of a robust integration policy. The declaration stated:

"The European Union must ensure fair treatment of TCNs who reside legally on the territory of its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia."⁴⁶¹

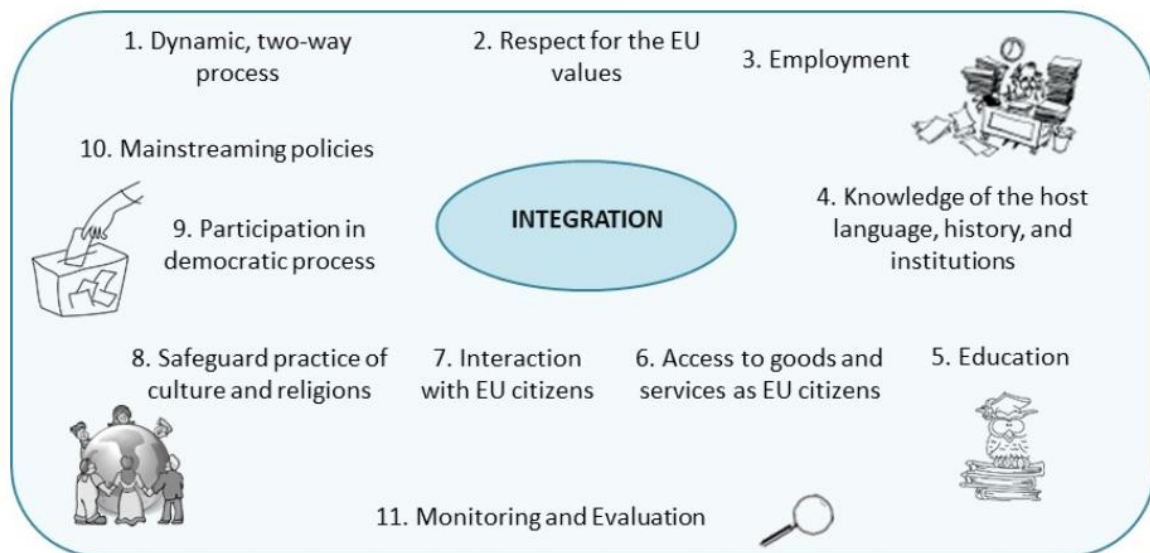
I argue that this declaration highlighted a clear commitment to advancing the rights and status of TCNs, emphasizing the need for a proactive and comprehensive integration policy. The objective is to establish a framework that not only ensures fair treatment but also grants rights and obligations to legal residents comparable to those of European Union citizens. Additionally, the emphasis on enhancing non-discrimination across economic, social, and cultural dimensions, as well as developing measures against racism and xenophobia, underscores a holistic approach to fostering inclusion and combating prejudice.

In November 2004, the Common Basic Principles for Immigrant Integration Policy were endorsed by the Council of the European Union. These principles represent a set of guidelines that aim to provide a common framework for the integration of immigrants across EU Member States.⁴⁶² CBPs provided a foundational but broad perspective on various aspects, however, there was a lack of specificity regarding women migrants.

Figure: Common Basic Principles for the integration of migrants

⁴⁶¹ European Parliament (2000). LEGAL OPINION on extending the scope of Regulation 1408/71 to nationals of third-Community countries. Retrieved from https://www.europarl.europa.eu/meetdocs/committees/empl/20000918/403515_en.doc (Accessed on 1 January 2024).

⁴⁶² Council of the EU (2004). *Op.cit.*



Source: European Court of Auditors (2018). Briefing paper: The integration of migrants from outside the EU. p. 9. Retrieved from <https://reliefweb.int/report/world/briefing-paper-integration-migrants-outside-eu> (Accessed on 17 March 2023).

2.2. Hague Programme (2005-2009)

The introduction of "A Common Agenda for Integration" in September 2005 demonstrates a deliberate effort by the Commission to translate the CBPs into actionable strategies. This agenda served as a crucial strategy document, outlining a framework for the practical implementation of the CBPs. Importantly, it recognized the need for a gender perspective, emphasizing the incorporation of migrant women into the discourse on integration. The Agenda highlighted that a gender perspective should be incorporated into all relevant actions, emphasizing the significance of recognizing and addressing the specific challenges and potentials of immigrant women in the labour market.⁴⁶³

TFEU was signed in 2007, represented a significant development in the legal framework governing the integration of TCNs within the EU. The Treaty of Lisbon granted European institutions the mandate to provide incentives and support for the actions of Member States aimed at promoting the integration of legally residing TCNs. Article 79(4) of the Treaty specifically outlines this authority, excluding any harmonization of laws and

⁴⁶³ European Commission (2005). Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union, COM/2005/0389 final.

regulations among Member States.⁴⁶⁴ It can be seen that the Treaty of Lisbon marked a turning point by establishing an explicit legal basis for EU initiatives related to the integration of migrants. From my point of view, this was a notable shift from previous treaties and frameworks. However, the primary responsibility for integration policies remained with the Member States, recognizing the diversity of national contexts and the need for tailored approaches. The explicit legal basis in the Treaty provided a foundation for EU incentive and support initiatives in the field of integration. While the EU gained the authority to encourage and assist Member States in their integration efforts, it did not entail harmonizing national laws and regulations.

2.3. Stockholm Programme (2010-2014)

The focus of this period is The Zaragoza declaration and The European Agenda for the Integration of Third-Country Nationals. The Declaration of the European Ministerial Conference on Integration was adopted in 2010 by the European Ministerial Conference on Integration. This declaration acknowledged a number of policy areas relevant to migrant integration and established a set of common indicators (known as ‘Zaragoza indicators’) for monitoring the situation of migrants and the outcomes of integration policies.⁴⁶⁵ The Zaragoza declaration aims to advance the fundamental concept of integration as a catalyst for both development and social cohesion. This involves systematically integrating issues related to integration across various policy domains, particularly emphasizing three key areas: employment and education, comprehensive participation, and the assessment of integration policies.⁴⁶⁶ In July 2011, the European Agenda for the Integration of Third-Country Nationals was adopted. This agenda underscored the difficulties associated with the integration of migrants and proposed avenues for intervention by both the Commission and Member States to promote integration policies. The central focus was on enhancing migrants' engagement in economic, social, cultural, and political spheres, alongside combating discrimination, with a particular emphasis on localized initiatives.⁴⁶⁷ Significantly, the agenda explicitly identified challenges pertaining to the engagement of migrant women in the labour

⁴⁶⁴ Consolidated version of the Treaty on the Functioning of the European Union.

⁴⁶⁵ Declaration of the European Ministerial Conference on Integration (Zaragoza, 15 & 16 April 2010). Retrieved from https://migrant-integration.ec.europa.eu/sites/default/files/2010-04/doc1_13055_519941744.pdf (Accessed on 27 May 2023).

⁴⁶⁶ *Ibid.*

⁴⁶⁷ European Commission. (2011). *Op.cit.*, p. 8.

market. The document underscored the importance of recognizing the professional qualifications and language skills of female migrants. It advocates for Member States to establish initiatives tailored to address the distinctive needs of migrant women, aiming to foster their active involvement in the labour market and enhance their economic autonomy.⁴⁶⁸ In my assessment, the inclusion of gender-specific considerations in the agenda aligns with the broader recognition of the importance of a gender perspective in integration policies. This approach acknowledges that the experiences and challenges of migrant women may differ from those of migrant men and underscores the need for tailored strategies.

2.4. Strategic Guidelines (2015-2019)

The 2016 Action Plan on the Integration of Third-Country Nationals serves as a comprehensive framework aimed at supporting Member States in the development and reinforcement of their integration policies. This plan delineates concrete measures for implementation by the Commission, addressing key policy areas crucial for the successful integration of TCNs.⁴⁶⁹ Within this Action Plan, the European Commission committed to establishing a dialogue with Member States, aiming to incorporate considerations related to the gender dimension and the specific situation of migrant women into planned policies and funding initiatives.⁴⁷⁰

The 2016 Action Plan on the Integration of Third-Country Nationals emphasized that "Women tend to have particularly low employment and activity rates and a special focus on their labour market integration is therefore indispensable."⁴⁷¹ I argue that by acknowledging that women tend to have particularly low employment and activity rates, the action plan recognized the existence of gender disparities in the labour market. This recognition is crucial for addressing the unique challenges that women, especially TCNs, may face in accessing employment opportunities. The declaration that a special focus on the labour market integration of women is indispensable indicates an understanding that a one-size-fits-all approach to integration may not adequately address the specific needs

⁴⁶⁸ *Ibid.*, p. 7.

⁴⁶⁹ European Commission (n.d). Action plan on integration and inclusion. Available at https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration/integration/action-plan-integration-and-inclusion_en (Accessed on 11 January 2024).

⁴⁷⁰ COM(2016) 377 final.

⁴⁷¹ *Ibid.*

and barriers faced by women. However, the evaluation of the action plan highlighted certain limitations. While it acknowledged the specific needs of certain categories, it did so only to a limited extent. Furthermore, the assessment noted oversights in recognizing potential intersections between an individual's migrant status and other forms of discrimination, particularly in relation to gender.⁴⁷²

2.5. Finding and discussion

Expanding on my earlier finding, two issues warrant discussion regarding the EU's policy framework for integration. The first issue pertains to the gender dimension within policies, specifically focusing on migrant women. The second issue concerns the legal capacity of the EU in the context of integration. It can be asserted that the period from 1999 to 2019 witnessed a development in the EU's perspective on integration policies for migrant women. Initially, gender aspects were only marginally addressed through principles combating discrimination. Subsequently, distinctions in the experiences and challenges of migration between genders were acknowledged, leading to a specific focus on policies tailored for migrant women.

Despite the appreciation for the EU's efforts to focus attention on migrant women, the issue of legal competence remains an entirely different narrative. During the period before the Lisbon Treaty, the EU, lacking explicit legal competence in the field of integration, initiated the creation of policies that formed a distinctive framework. Integration policies were described as a "patchwork" forming a "fragmented but coherent framework".⁴⁷³ The Lisbon Treaty, which entered into force in 2010, represented a landmark development by providing the EU with a clear and explicit legal basis for its integration policy. It expanded the competences of the EU while also clarifying the division of competences between the EU and Member States.⁴⁷⁴ Article 4 of the TFEU delineates the distribution of competences between the European Union and its member states in a number of areas such as environment; consumer protection; energy; energy; area of freedom, security and justice;...⁴⁷⁵ This shared competence signifies a cooperative approach where both the EU

⁴⁷² European Commission (2020). COMMISSION STAFF WORKING DOCUMENT Accompanying the document COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Action Plan on Integration and Inclusion 2021-2027, SWD(2020) 290 final.

⁴⁷³ Van Wolleghem, P. G. (2019). *Op.cit.*, p. 219.

⁴⁷⁴ Gropas, R. (2021). *Op.cit.*, p. 78.

⁴⁷⁵ TFEU, Article 4.

and Member States can legislate and adopt legal measures but it does not include integration. In this area, Article 79(4) of the TFEU clearly underscores that the European Union's role in the integration of TCNs is circumscribed by supporting competences.⁴⁷⁶ The exclusion of harmonization underscores the principle that integration policies fundamentally fall within the sovereign competence of the Member States.

There is a view that the Lisbon Treaty acknowledges the sovereignty of Member States in shaping their own integration policies and this has worked towards creating a more level playing field across Member States.⁴⁷⁷ However, in my opinion, the fact that the EU's role in integration is limited to supporting capacity rather than having a directive capacity does raise legitimate concerns about the effectiveness and consistency in implementing common goals of integration. The absence of a more assertive role may lead to variations in the implementation of integration policies across Member States, potentially hindering the achievement of common outcomes. Evidence from the implementation of the 2016 Action Plan shows that the effective implementation of the measures in the Plan in relation to Member States depends on their commitment.⁴⁷⁸ The table below shows that many Member States have not taken action in some integration areas:

Table 12: Member States do not develop integration measures in all areas⁴⁷⁹

	Education	Social inclusion	Employment	Health	Housing	Vocational training
Number of Member States that have measures (% of total)	23 (82 %)	22 (79 %)	18 (64 %)	18 (64 %)	17 (61 %)	14 (50 %)

Source: European Court of Auditors (2018). Briefing paper: The integration of migrants from outside the EU. p. 24. Retrieved from <https://reliefweb.int/report/world/briefing-paper-integration-migrants-outside-eu> (Accessed on 17 March 2023).

Regarding migrant women, policy deficiencies in member states are further evident in a survey carried out with the support of the European Integration Network (EIN). The table

⁴⁷⁶ TFEU, Article 79(4).

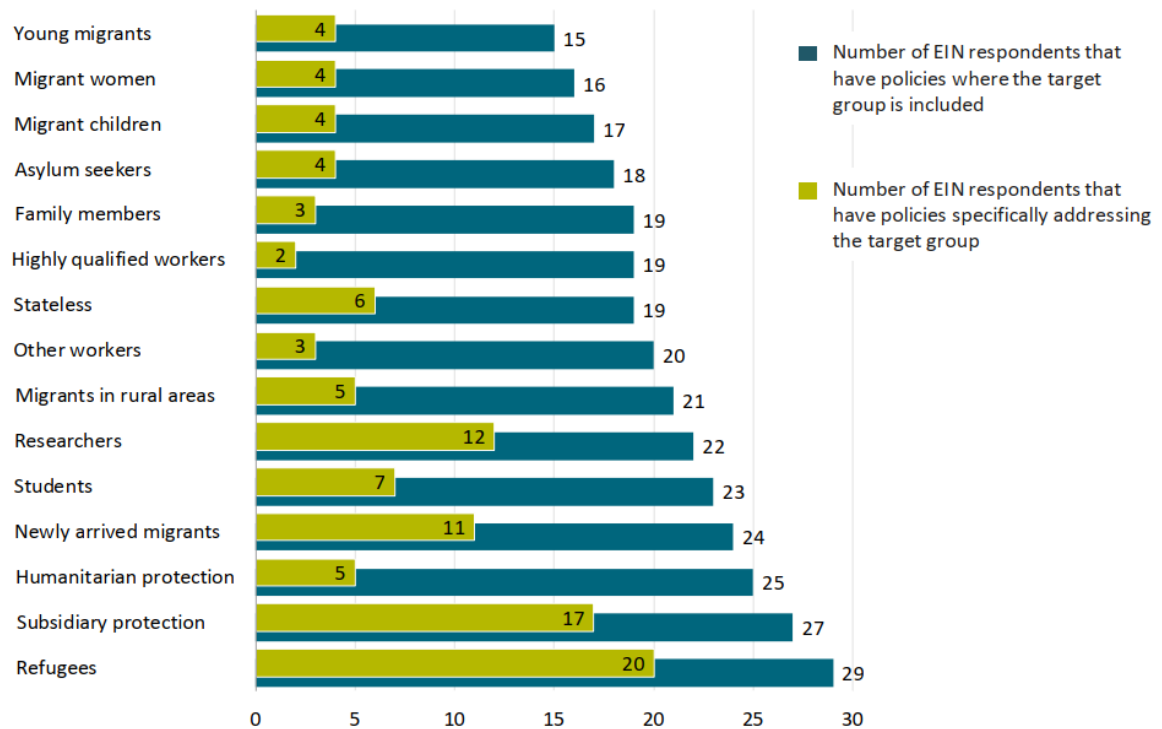
⁴⁷⁷ Gropas, R. (2021). *Op.cit.*, pp. 80-81.

⁴⁷⁸ European Court of Auditors (2018). *Op.cit.*, p. 22

⁴⁷⁹ 4 Member States did not respond.

below shows that out of 32 responses from the EU28,⁴⁸⁰ only 4 countries have policies specifically for women migrants.

Table 13: Many Member States do not have policies relating to particular groups of migrants



Source: European Court of Auditors (2018). Briefing paper: The integration of migrants from outside the EU, p. 23. Retrieved from <https://reliefweb.int/report/world/briefing-paper-integration-migrants-outside-eu> (Accessed on 17 March 2023).

In summary, from the analysis of the development of the EU's integration policy between 1999 and 2019, I also agree that the policy space available to the EU for integration is a narrow one. The perspective on women has made significant strides towards migration policies focused on migrant women. However, I believe that the limitation of the EU's actions to merely "encouraging and supporting Member States' actions" can be a significant hindrance to the effectiveness of these policies in practice.

3. EU set of directives

⁴⁸⁰ 32 replies: 4 from Belgium (Brussels region, German-speaking community, Flemish region and Walloon region), one for each of the other 27 Member States and one from Norway.

Article 79 of the TFEU stipulates that: "The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings."⁴⁸¹ The need for a common EU framework for legal migration emerged in the late 1990s with the abolition of internal border controls within the EU and the establishment of the Schengen Area. In this new context, the migration decisions of one Member State could impact other Member States, necessitating the establishment of a set of minimum guarantees concerning the conditions and procedures for admitting TCNs into the EU and defining their rights after admission. Common EU rules in this area are intended to ensure that Member States apply similar or equivalent rules, such as security checks, grounds for refusal and withdrawal of permits, and working conditions.

The competences to legislate on the immigration of TCNs have led to a set of directives. These directives cover various categories of TCNs and regulate admission and residence conditions in the EU. This set of seven directives is known as the "EU legal migration policy".⁴⁸² Legal migration is part of the EU's overall policy framework on asylum and immigration established under Title V, Chapter 2 of the TFEU. Based on Article 79(2)(a) and (b) TFEU, these seven directives stipulate the conditions and procedures for entry and stay for long-term periods, and for different purposes such as work, study, research, and family reunification.\

Table 14: EU set of directives in integration

Directive	Purpose
Council Directive 2003/109/EC of 25 November 2003 as amended by Directive 2011/51/EU (LTRD)	Long-term residents - All migrants residing legally in the territory of an EU country for at least five years of continuous legal residence, are granted "long-term resident" status

⁴⁸¹ TFEU, Article 79(1).

⁴⁸² European Commission (n.d). Legal migration fitness check. Available at https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration/legal-migration-fitness-check_en (Accessed on 15 January 2024).

Council Directive 2003/86/EC of 22 September 2003 (FRD)	Family Reunification - Sets the rules and conditions under which migrants who are legally residing in the EU and bring their non-EU national spouse, under-age children and children of their spouse to the Member State in which they are residing
Directive 2011/98/EU of 13 December 2011 (SPD)	Single Permit - Single application procedure for a single permit for migrants to reside and work in the territory of a Member State and on a common set of rights for migrant workers legally residing in a Member State
Directive 2014/66/EU of 15 May 2014 (ICTD)	Intra-corporate transferees - Conditions of entry and residence of migrants to facilitate intra-corporate transferees
Directive 2014/36/EU of 26 February 2014 (SWD)	Seasonal workers - Minimum rules for the admission of low skills migrant workers.
Directive 2016/801 of 11 May 2016 ⁴⁸³ (S&RD)	Students and researchers - New rules for the entry and residence of migrant students and researchers as well as for school pupils, trainees, volunteers and au pairs
Directive (EU) 2021/1883 of 20 October 2021 (BCD)	EU Blue Card - the conditions of entry and residence of TCNs for the purpose of highly qualified employment, repealing Council Directive 2009/50/EC

Source: Author compiled from website of European comission. Available at https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration_en (Accessed 1 Janurary 2024).

Based on the scope of this dissertation, the following four Directives will be examined: the Single Permit Directive (SPD), the Blue Card Directive (BCD), the Family Reunification Directive (FRD), and the Seasonal Workers Directive (SWD). In light of the barriers analyzed in the previous chapter, these four Directives will be scrutinized to determine whether, as key legal instruments at the EU level regulating the entry and stay

⁴⁸³ The recast Directive on Students and Researchers repealed and replaced the old Students and Researchers Directives. (Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service and Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research).

of migrant workers from third countries, they alleviate or exacerbate the challenges faced by Vietnamese female migrant workers.

3.1.Discrimination

Not being subject to unjustified discrimination is a crucial aspect for integration: Most legal migration Directives include provisions on equal treatment of TCNs with respect to nationals of the Member State concerned. For instance, Article 12 of the SPD ensures equal treatment for TCNs compared to nationals of the respective Member State in areas such as working conditions, freedom of association, education, recognition of qualifications, social security, tax benefits, access to goods and services, and employment advice services.⁴⁸⁴ Similarly, Article 23 of the SWD establishes the right to equal treatment for seasonal workers in a host Member State. This provision ensures that seasonal workers are entitled to equality with nationals of the host country, at least in terms of various aspects, including working conditions, freedom of association, the right to strike, social security, access to public goods and services (excluding housing), education, guidance on seasonal work, recognition of qualifications, tax benefits, and pension rights.⁴⁸⁵

Article 18 TFEU (interdiction of any discrimination on grounds of nationality) has been interpreted by the Court of Justice of the European Union (CJEU) as allowing for different treatment of EU citizens and TCNs.⁴⁸⁶ Article 21 of the Charter (non-discrimination on other grounds than nationality.) does not mention discrimination based on nationality and the EU anti-discrimination Directives (2000/78/EC and 2000/43/EC) both contain a provision according to which the Directives do not cover differences of treatment based on nationality and are without prejudice to provisions and conditions relating to the entry into and residence of TCNs in the territory of Member States. It results that different treatment of TCNs is not per se illegal (unless such differing treatment constitutes

⁴⁸⁴ SPD, Article 12.

⁴⁸⁵ SWD, Article 23.

⁴⁸⁶ See Judgment of the Court of Justice (CJEU) of the 4 June 2009, *Athanasios Vatsouras and Josif Koupatantze v Arbeitsgemeinschaft (ARGE) Nürnberg 900*, C-22/08 and C-23/08, para. 51-52: "The first paragraph of Article 12 EC prohibits, within the scope of application of the EC Treaty, and without prejudice to any provisions contained therein, any discrimination on grounds of nationality. That provision concerns situations coming within the scope of Community law in which a national of one Member State suffers discriminatory treatment in relation to nationals of another Member State solely on the basis of his nationality and is not intended to apply to cases of a possible difference in treatment between nationals of Member States and nationals of non-member countries."

discrimination based on race or ethnic origin). However, according to the CJEU case-law, the principle of equality enshrined in Article 20 of the Charter is still applicable to TCNs, which implies that any different treatment of third country nationals in respect to nationals of Member States must be justified by a legitimate objective and be proportionate.⁴⁸⁷ While it can be understood and accepted that migrants do not enjoy the same level of rights than citizens, it is important that the differentiation of rights can be explained and justified by legitimate considerations and that it is done in a proportionate manner.⁴⁸⁸ Therefore, Article 20 is a crucial standard for monitoring human rights concerning the equal treatment provisions in all EU migration Directives. It is important to note that TCNs benefit from the general rights guaranteed by constitutional and international law applicable to any person. In all instances where equal treatment has been ensured by existing and binding legal instruments (e.g., freedom of association, equal working conditions), references to the right to equal treatment in the legal migration Directives are essentially a declarative affirmation of the rights already available to everyone present within the EU territory.

However, as previously stated, legal instruments can play a role in addressing and mitigating the challenges faced by women. In the context where Vietnamese female workers experience dual discrimination as both women and migrants, these Directives only partially address the issue. The equal treatment provisions in the Directives are aimed at helping them overcome barriers related to discrimination as migrants, but they do not address the issues related to gender discrimination.

Additionally, there are differences in the equal treatment provisions across the various Directives. While these differences may reflect distinctions between different categories of TCNs as outlined in the Directives, as well as the duration of their stay within a Member State,⁴⁸⁹ this differentiation does not seem justified in all cases. For instance, the

⁴⁸⁷ EU Charter of Fundamental Rights, Article 20.

⁴⁸⁸ See Judgment of the Court of Justice (CJEU) of 22 May 2014, *Wolfgang Glatzel v Freistaat Bayern*, C-356/12, para. 43: "The principle of equal treatment is a general principle of EU law, enshrined in Article 20 of the Charter, of which the principle of non-discrimination laid down in Article 21(1) of the Charter is a particular expression. According to settled case-law, that principle requires the EU legislature to ensure, in accordance with Article 52(1) of the Charter, that comparable situations must not be treated differently and that different situations must not be treated in the same way unless such treatment is objectively justified (....). A difference in treatment is justified if it is based on an objective and reasonable criterion, that is, if the difference relates to a legally permitted aim pursued by the legislation in question, and it is proportionate to the aim pursued by the treatment concerned (....)."

⁴⁸⁹ European Commission (2019a). *Op.cit.*, pp. 56-58.

FRD lacks provisions on equal treatment and even imposes different waiting periods compared to the family members of Blue Card holders.⁴⁹⁰ Moreover, the SWD uniquely includes provisions for monitoring, evaluation, and inspection⁴⁹¹ while the other Directives do not contain such provisions or any mechanisms to ensure enforcement. Furthermore, the equal treatment provisions in the EU legal migration Directives have limitations and are sometimes presented as optional for Member States. For example, under the SPD, Member States may restrict equal treatment by imposing specific prerequisites, including language proficiency and the payment of tuition fees, in accordance with national law.⁴⁹²

3.2. Language and cultural differences

Most of the Directives do not specifically address language and cultural differences for migrants. The FRD stipulates that Member States may require TCNs to comply with "integration measures" in accordance with national law.⁴⁹³ Currently, most Member States do not require TCNs to undertake any specific integration measures for family reunification. In cases where integration measures are required before family reunification, countries like Austria, Germany, and the Netherlands often require family members to demonstrate basic language proficiency, corresponding to A1 level of the Common European Framework of Reference for Languages, or to pass a civic integration exam.⁴⁹⁴ Austria and the Netherlands also require family members to further improve their language skills after admission, usually to A2 or B1 levels.⁴⁹⁵ In addition to language proficiency, Member States' integration programs may include courses on history and values, and social orientation (e.g., Belgium, Estonia, Germany, the Netherlands, Sweden). Failure to comply with these integration measures can sometimes lead to the withdrawal or non-renewal of residence permits, or denial of long-term permits.⁴⁹⁶

⁴⁹⁰ See Chapter IV.

⁴⁹¹ SWD, Article 24.

⁴⁹² SPD, Article 12(a)(iv).

⁴⁹³ FRD, Article 7(2).

⁴⁹⁴ European Commission (2019a). *Op.cit.*, p. 68.

⁴⁹⁵ *Ibid.*

⁴⁹⁶ European Migration Network (2016). Synthesis Report for the EMN Focussed Study 2016: Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices. Retrieved from https://emnbelgium.be/sites/default/files/publications/FINAL_00_family_reunification_synthesis_report_final_en_print_ready.pdf (Accessed on 14 January 2024).

However, these are isolated examples from certain Member States, and generally, there is no common EU-wide measure found in the Directives.

3.3. Recognition of qualifications and Recognition of skills

3.3.1. Recognition of qualifications

Except for the FRD, the recognition of qualifications is addressed in all EU legal migration Directives. Both SPD and BCD include provisions requiring Member States to recognize professional qualifications acquired by TCNs in another Member State in the same way as those of Union citizens and to take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC.⁴⁹⁷ The SWD does not have a similar provision, but it does stipulate that in cases where a third-country national will be performing a regulated profession, as defined in Directive 2005/36/EC, a Member State may require the applicant to provide evidence that the third-country national meets the conditions set out in national law for the practice of the regulated profession concerned.⁴⁹⁸ Additionally, all Directives include provisions on equal treatment concerning the recognition of diplomas, certificates, and other professional qualifications in accordance with relevant national procedures,⁴⁹⁹ which implies that the Directive applies to them in the same way as it applies to EU nationals in term of professional qualification.

It can be observed that there is no shortage of provisions regarding the recognition of qualifications in the Directives. However, equal treatment under the Directives only applies once authorization has been granted. This poses challenges for Vietnamese female workers seeking recognition of their qualifications during the application process and makes them dependent on the laws of each individual Member State. Additionally, there is another scenario where a TCN who has had an EU or non-EU professional qualification recognized in one Member State might decide to move to another Member State and may need to seek recognition of the professional qualification again. As mentioned earlier, TCNs enjoy the right to equal treatment and can rely on the application of Directive 2005/36 only once they have obtained legal status in the second Member State, not during the preparation of their mobility. This presents a gap that could pose a significant obstacle to the exercise of intra-EU mobility for TCNs, as the recognition of a qualification can be

⁴⁹⁷ SPD, Recital 23; BCD, Recital 48.

⁴⁹⁸ SWD, Article 5(4) & Article 6(6).

⁴⁹⁹ SPD, Article 12(1); SWD, Article 18(2)(b); BCD, Article 16(1)(d).

a condition for obtaining a work contract or job offer, which in turn can be a condition for obtaining a residence permit in the second Member State.⁵⁰⁰

3.3.2. Recognition of skills

While most Directives include provisions on the recognition of formal qualifications, only the BCD specifically addresses this issue. Member States are encouraged to facilitate the use of "relevant professional experience" as a substitute for "higher education qualification" such as a degree or certificate. For applicants in shortage occupations, a minimum of 3 years of relevant professional experience is required, whereas for those in non-shortage occupations, 5 years of relevant professional experience is needed.⁵⁰¹ Furthermore, lower salary thresholds and recognition of experience as an alternative to formal qualifications have made the EU Blue Card accessible to a wider range of migrant workers. This means that more migrant workers who meet the qualifications can become EU Blue Card holders, potentially leading to a higher-skilled migrant workforce and consequently allowing them to enjoy various rights and benefits associated with the Blue Card.⁵⁰²

3.4. Family & childcare responsibilities

There is no Directive addressing this issue.

3.5. Access to the labour market after family reunification

As analyzed before, while the FRD hinders the early integration of family members, the BCD creates differential treatment by offering significantly more benefits to their family members. The BCD stipulates that "By way of derogation from Article 14(2) of FRD, Member States shall not apply any time limit in respect of access to the labour market for family members."⁵⁰³ The 2019 study by the FRA was highly critical of the 'labour market protection periods' under the FRD, which prevent migrant women and men from taking

⁵⁰⁰ European Commission (2019a). *Op.cit.*, p. 129.

⁵⁰¹ BCD, Recitals 10, 11 and 13.

⁵⁰² Luu T. A. (2023a). AN ANALYSIS OF THE NEW BLUE CARD DIRECTIVE: IMPLICATIONS FOR THE INTEGRATION OF HIGHLY QUALIFIED MIGRANT WORKERS IN THE EU POST-COVID-19. *Text, context, and subtext in law - International conference of doctoral students in Law 15th Edition*, Universul Juridic Publishing, Bucuresti. p. 136.

⁵⁰³ BCD, Article 17(6).

up actual employment within one year of their arrival.⁵⁰⁴ The FRD recognizes the need to create socio-cultural stability that facilitates the integration of TCNs, however, it actually can contribute to a situation where women are unemployed and socially excluded, maintaining a harmful relationship out of fear of deportation. The legal status of the incoming spouse or unmarried person depends on their sponsor (inviting person). Only after 5 years will that person be granted an autonomous residence permit. It can be refused if the family relationship has ended (e.g. divorce).⁵⁰⁵ Although, in essence, different treatment of TCNs is not per se illegal (unless such differing treatment constitutes discrimination based on race or ethnic origin), there seems to be no reasonable explanation for this preferential treatment. It appears to show a certain bias towards highly skilled workers. Vietnamese female migrant workers, who are predominantly low-skilled, hardly benefit from the provisions of the BCD.

3.6. Finding and discuss

Given that the primary aim of these Directives is to set the conditions for entry and residence, it is not surprising that they lack provisions specifically addressing female migrant workers. However, it is evident that the Directives not only fall short in tackling existing challenges but also introduce several potentially contentious issues.

The first point that can be easily seen is the varying treatment between Directives. The conditions set forth in the EU's current legal migration Directives are based on a sectoral and worker-specific approach. Consequently, the level of rights and socio-economic integration depends on the category of migration under the EU framework. It appears that 'highly qualified' TCNs with Blue Cards have more opportunities for integration, and from my view, this does not provide significant benefits for Vietnamese women migrant workers.

For Vietnamese female migrant workers, who are primarily low and medium-skilled migrant workers, the SPD seems to be the most commonly applied and generally offers fewer benefits compared to the BCD. The SPD provides an encompassing definition of a

⁵⁰⁴ EU Agency for Fundamental Rights (2019). Second European Union Minorities and Discrimination Survey: Migrant women – selected findings. Luxembourg: Publications Office of the European Union. Retrieved from https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-eu-midis-ii-migrant-women_en.pdf. (Accessed on 20 January 2024).

⁵⁰⁵ European Parliament (2023). *Op.cit.*, p. 3.

third-country worker as "a third-country national who has been admitted to the territory of a Member State, is legally residing, and is allowed to work in the context of a paid relationship in that Member State in accordance with national law or practice".⁵⁰⁶ However, within the legal migration framework, there is no explicit definition of "medium and low-skilled workers." Such definitions have been developed by international organizations. For instance, the IOM defines low and medium-skilled TCNs based on their educational attainment. According to the IOM, low-skilled workers are those with pre-primary and lower-secondary education (ISCED 0-2), while medium-skilled workers are those with upper and post-secondary education (ISCED 3-4).⁵⁰⁷ The new BCD includes a range of definitions related to "highly qualified employment," such as "higher professional qualifications," "higher education qualifications," and "higher professional skills," along with a specific system for the Blue Card itself.⁵⁰⁸ On this basis, medium and low-skilled workers can be considered those whose qualifications (or skills) do not meet the requirements under the BCD. Although the SPD has introduced certain rights (including equal treatment with nationals) and procedural guarantees,⁵⁰⁹ there is no harmonized EU instrument for the admission of medium and low-skilled workers.

In addition, the contrast in labour market access between family reunification under the BCD and the FRD illustrates a critical point. Immediate labour market access for family members of BC holders facilitates early integration, enhancing both social and economic integration. Conversely, the 12-month waiting period for family members under the FRD represents a significant barrier. This delay not only impedes their ability to contribute economically but also hinders their social integration, as employment is a crucial factor in building social networks and gaining a sense of belonging in a new country. From an integration policy perspective, these disparities are particularly problematic. Successful integration requires early and equitable access to labour markets, which is crucial for immigrants to become self-sufficient and integrate into their host societies. Restrictions and waiting periods can exacerbate social isolation, economic dependency, and potential marginalization, particularly for women who may already face additional barriers due to gender discrimination and familial responsibilities. Economically, these limitations can

⁵⁰⁶ SPD, Article 2(b).

⁵⁰⁷ IOM (2012b). Labour Market Inclusion of the Less Skilled Migrants in the European Union. Brussels: IOM. Retrieved from https://publications.iom.int/system/files/pdf/labour_market_inclusion_in_eu.pdf (Accessed on 11 February 2024).

⁵⁰⁸ BCD, Article 2.

⁵⁰⁹ SPD, Article 3(2).

also be counterproductive. Delayed access to the labour market means a loss of potential contributions from skilled and motivated individuals ready to work. For Vietnamese women migrants, who often possess valuable skills and a strong work ethic, these barriers can result in a waste of human capital and potential economic growth. Furthermore, when immigrant families face prolonged periods of inactivity, it can lead to increased reliance on social welfare systems, thereby straining public resources. One could argue that in some cases, these differences logically reflect the specific situations of the categories of TCNs each Directive covers. When considering the perspective of migration managers, while some restrictions may be justified by the necessity to protect national labour markets and control migration flows, they nonetheless pose substantial challenges to the integration of Vietnamese women migrants in the EU.

I think that the provisions in the above Directives do not fully demonstrate the EU's competence in integration. It is important to recognize the significance of directives that establish regulations on reception conditions and procedures for third-country migrant workers. These directives play a crucial role in shaping the legal status of migrant workers and ensuring their access to certain rights similar to those of EU citizens, contingent upon meeting specified conditions and requirements outlined in the directives. They attain these rights based on authorization, such as the right to work, access to the labour market, and the right to equal treatment with nationals in other areas. Article 79(2)(a) TFEU (conditions of entry and residence) and Article 79(2)(b) TFEU (rights of TCNs) allow for the adoption of binding legislation at the EU level, setting out admission conditions and rights of TCNs.⁵¹⁰ Regarding the relationship between Articles 79(2) TFEU and 79(4) TFEU, it must be emphasized that the exclusion of harmonization under Article 79(4) pertains only to the incentives and support measures mentioned therein,⁵¹¹ not to measures adopted under other legal bases, such as Article 79(2) TFEU. Therefore, whenever the interpretation of Article 79(2) TFEU allows for legally binding measures concerning immigrant integration, Article 79(4) TFEU does not prevent recourse to Article 79(2) TFEU. This implies that EU migration legislation can include rules on immigrant integration, such as the requirement for integration measures in Article 7(2) of the FRD⁵¹² or integration conditions in Article 5(2) of the LTRD.⁵¹³ Even provisions not

⁵¹⁰ TFEU, Article 79(2)(a) & (b).

⁵¹¹ TFEU, Article 79 (4).

⁵¹² FRD, Article 7(2).

⁵¹³ LTRD, Article 5(2).

explicitly labeled as integration instruments have a profound impact on immigrant integration, such as those concerning labour market access, access to education, and non-discriminatory treatment in other fields. Additionally, selective immigration rules (requiring a certain level of education, skills, or income) may influence integration outcomes by fostering the admission of individuals with a higher chance of successful integration. By establishing binding rules related to integration, these Directives can become key factors in the integration process.

Legal migration is an area of shared competence between the EU and its Member States, and this shared responsibility can lead to inconsistencies and barriers to the integration of migrant workers. The clearest evidence of this is the failure of the previous Blue Card Directive as well as concerns about the effectiveness of the new Blue Card Directive.⁵¹⁴ The new BCD sets minimum standards for the treatment of migrant workers, but Member States still have some discretion in how they implement and interpret these standards. The Directive also allows Member States to apply optional and flexible clauses, which means that Member States can add additional conditions or requirements to the Directive's minimum requirements. The decision-making power ultimately rests with the Member States means that the rules and policies that apply to migrants may differ from one country to another, depending on national laws and practices.⁵¹⁵ Furthermore, the effectiveness of the EU Blue Card Directive will depend on how well it is implemented by Member States. If the directive is not enforced properly, or if Member States do not provide adequate support and resources to migrant workers and employers, the integration of migrant workers may still face significant barriers. While these optional and flexible clauses are intended to give Member States some flexibility to tailor the Blue Card system to their specific needs, they can also create uncertainty and confusion for employers who are looking to hire highly qualified workers. Employers may not be sure what additional conditions or requirements a particular Member State has added, or how these conditions will affect their ability to hire and retain highly qualified workers. In such cases, employers may choose to use available national programs that provide more favorable conditions for them. These programs may be more familiar and transparent for employers and may offer more legal certainty than the optional and flexible clauses in the Blue Card

⁵¹⁴ Luu T. A. (2023). *Op.cit.*, p. 140.

⁵¹⁵ Gropas, R. (2021). *Op.cit.*, p. 82.

Directive.⁵¹⁶ It is important to note, however, that while national programs may offer more favorable conditions for employers, they may not provide the same benefits and protections for highly qualified workers as the Blue Card system. For example, national programs may not offer the same level of mobility within the EU as the Blue Card system or may not provide access to the same social and labour protections. This can lead to variations in the treatment and opportunities available to migrant workers in different Member States, which may affect their integration.

4. Common EU Policy on the Integration of migrant

This subchapter will employ Qualitative Data Analysis to evaluate key EU policy documents on integration. These documents have been selected based on their significance and role at the EU level in relation to the integration of Vietnamese female migrant workers, both currently and in the upcoming time. Given that these documents do not uniformly address the same issues but rather different aspects related to integration, I will use two separate measures in the document analysis. This approach is necessary because the documents may not only identify the barriers faced by female workers, as outlined above, but may also propose other measures to enhance the integration of Vietnamese female workers. The following policy documents will be selected for analysis:

1. The EU Gender Equality Strategy 2020–2025
2. The New Pact on Migration and Asylum
3. Action plan on Integration and Inclusion 2021-2027

First, I will analyze and assess the extent to which the documents mention or emphasize the integration of migrant women. If the content in these documents is insufficient, I will not proceed with the second analytical measure to rank the documents, but will instead provide commentary.

If there is sufficient reference to these three topics, I will then use the second analytical measure. Based on the barriers faced by Vietnamese female migrant workers in their

⁵¹⁶ De Lange, T., & Vankova, Z. (2022). The Recast EU Blue Card Directive: Towards a Level Playing Field to Attract Highly Qualified Migrant Talent to Work in the EU?. *European Journal of Migration and Law*, 24(4), pp. 489-515.

integration process in the EU, I will evaluate whether these policy documents support the integration of Vietnamese female workers in the EU at the following three levels:

- **Limited Support:** This level indicates that the policy document provides minimal or no explicit support for the integration of Vietnamese female migrant workers. It may lack specific provisions, initiatives, or considerations addressing their unique needs and challenges.
- **Partial Support:** At this level, the policy document recognizes the integration needs of Vietnamese female migrant workers to some extent. It might contain partial provisions, initiatives, or considerations, but there may still be gaps or areas where the support could be strengthened.
- **Comprehensive Support:** This highest level signifies that the policy document extensively and explicitly supports the integration of Vietnamese female migrant workers. It should encompass a broad range of provisions, initiatives, and considerations that address the diverse aspects of their integration, ensuring a holistic and effective approach.⁵¹⁷

4.1. The EU Gender Equality Strategy 2020–2025

The appointment of Ursula von der Leyen as President is significant for promoting gender equality in the European Union. Promoting ‘a Union of Equality’ is one of the key priorities of Ursula von der Leyen’s Commission, as outlined in her political guidelines.⁵¹⁸ The European Commission presented the strategy for equality between women and men in Europe on 5 March 2020. The Gender Equality Strategy 2020-2025 sets out key actions for the next five years and commits to ensuring that the Commission incorporates the perspective of equality into all EU policy areas.

The EU Gender Equality Strategy delivers on the von der Leyen Commission’s commitment to achieving a Union of Equality. The strategy outlines policy objectives and actions aimed at making significant progress by 2025 towards a gender-equal Europe. The goal is a Union where women and men, girls and boys, in all their diversity, are free

⁵¹⁷ Author’s own source.

⁵¹⁸ Von der Leyen, U. (2019). A Union that strives for more. My agenda for Europe. *Political guidelines for the next European Commission, 2019-2024*. Retrieved from https://commission.europa.eu/document/download/063d44e9-04ed-4033-act9-639ecb187e87_en?filename=political-guidelines-next-commission_en.pdf (Accessed on 10 February 2024).

to pursue the path they choose in life, have equal opportunities to thrive, and can participate in and lead our European society on an equal footing.⁵¹⁹

The main objectives are to end gender-based violence; challenge gender stereotypes; close the gender gap in the labour market; achieve equal participation across different sectors of the economy; address the gender pay and pension gap; narrow the gender care gap; and achieve gender balance in decision-making and politics. The strategy pursues a dual approach of gender mainstreaming combined with targeted actions, with intersectionality as a cross-cutting principle for implementing the strategy.⁵²⁰ Within the scope of this dissertation, several notable points in the strategy can be identified as follows:

- The strategy acknowledged that promoting equality between women and men is a task of the Union, in all its activities, as required by the Treaties. Gender equality is a core value of the EU, a fundamental right, and a key principle of the European Pillar of Social Rights.⁵²¹
- Despite progress in closing the gender gap in education, disparities in employment, pay, care, power, and pensions remain. Many individuals still undermine the principle of gender equality through sexist hate speech and by obstructing efforts to combat gender-based violence and stereotypes.⁵²²
- Gender-based violence – violence targeted at women because of their gender or that disproportionately impacts women – continues to be a major societal challenge deeply embedded in gender inequality. This violence, in all its forms, is often under-reported and overlooked both within and outside the EU. The EU is committed to preventing and combating gender-based violence, providing support and protection for victims, and ensuring perpetrators are held accountable for their actions.⁵²³

⁵¹⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Union of Equality: Gender Equality Strategy 2020-2025, COM/2020/152 final.

⁵²⁰ Gender equality strategy, Achievements and key areas for action. Retrieved from https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en (Accessed on 20 February 2024).

⁵²¹ COM(2020) 152 final, p. 1.

⁵²² *Ibid.*

⁵²³ *Ibid.*, p. 3.

- Gender stereotypes are a fundamental cause of gender inequality and influence all areas of society. Fixed norms and stereotypical expectations for women and men, girls and boys, restrict their aspirations, choices, and freedoms, necessitating their elimination. For instance, 44% of Europeans believe that a woman's primary role is to care for her home and family, while 43% view a man's primary role as earning money.⁵²⁴ These stereotypes significantly contribute to the gender pay gap. Additionally, they often intersect with other stereotypes based on race, ethnicity, religion, belief, disability, age, or sexual orientation, thereby amplifying their detrimental effects.⁵²⁵
- The strategy acknowledged many women still face obstacles to entering and staying in the labour market. Certain groups of women are consistently underrepresented in the workforce, often due to the intersection of gender with additional vulnerabilities or marginalization factors, such as belonging to an ethnic or religious minority or having a migrant background.⁵²⁶
- Improving the work-life balance of workers is essential for addressing gender gaps in the labour market. It is important for both parents to feel responsible and entitled to family care duties. The Work-Life Balance Directive sets minimum standards for family leave and flexible working arrangements, promoting equal sharing of caregiving responsibilities between parents. The Commission will ensure that Member States correctly transpose and implement this directive, enabling both men and women to thrive personally and professionally. Additionally, the Commission urges Member States to exceed these minimum standards when reviewing their policies and to ensure the availability of quality solutions, such as childcare, that also reach less populated areas in Europe. Within its administration, the Commission will encourage and monitor the equal use of flexible working arrangements by all employees.⁵²⁷
- While women make up the majority of university graduates in Europe, they are still underrepresented in higher-paid professions. More women than men occupy low-paid jobs and sectors, often in lower positions. Contributing factors include

⁵²⁴ *Ibid.*, p. 6.

⁵²⁵ *Ibid.*, p. 5.

⁵²⁶ *Ibid.*, p. 7.

⁵²⁷ *Ibid.*, p. 8.

discriminatory social norms and stereotypes about the skills of women and men, as well as the undervaluation of women's work.⁵²⁸

- Achieving an equal distribution of caregiving responsibilities at home is essential, alongside ensuring the accessibility of childcare, social care, and household services, especially for single parents. The lack of access to high-quality and affordable formal care services is a significant driver of gender inequality in the labour market. Investing in care services is thus crucial to facilitate women's engagement in paid employment and their career advancement. Moreover, it presents opportunities for job creation for individuals of all genders.⁵²⁹
- The intersectionality of gender with other forms of discrimination will be systematically addressed throughout EU policies. Women comprise a diverse group and may encounter intersecting forms of discrimination based on various personal characteristics. For example, a migrant woman with a disability may experience discrimination based on three or more factors. Consequently, EU legislation, policies, and their execution should be tailored to address the distinct needs and situations of women and girls from different demographic groups.⁵³⁰

This strategy has articulated some ambitious commitments towards achieving an 'Equality Union'. In practice, the Commission has also demonstrated efforts through deliverables such as the binding pay transparency measures on 4 March 2021,⁵³¹ a new EU-wide proposal for a directive to combat violence against women and domestic violence on 8 March 2022,⁵³² and a campaign to challenge gender stereotypes on 8 March 2023.⁵³³ However, it is assessed to face challenges arising from consistent opposition from conservative Member States, which puts commitments on gender equality at risk of being rolled back and consistent gender mainstreaming in all EU policy areas remains far away.⁵³⁴ Indeed, in the past few years, the governments of Hungary and Poland,

⁵²⁸ *Ibid.*, p. 9.

⁵²⁹ *Ibid.*, p. 12.

⁵³⁰ *Ibid.*, p. 16.

⁵³¹ European Commission (n.d). EU action for equal pay. Available at https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/equal-pay/eu-action-equal-pay_en (Accessed on 20 February 2024).

⁵³² Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating violence against women and domestic violence, COM/2022/105 final.

⁵³³ #EndGenderStereotypes. Available at <https://europa.eu/end-gender-stereotypes> (Accessed on 17 January 2024).

⁵³⁴ Debusscher, P. (2022). The EU Gender Equality Strategy 2020-2025: the beginning of a new season?. In *Social policy in the European Union: state of play 2022, Policymaking in a permacrisis* (pp. 91-110). ETUI and OSE.

sometimes supported by Bulgaria and Slovakia, have systematically attempted to remove the words 'gender' and 'gender equality' from key EU policy documents previously agreed by Member States, thereby undermining the progress of the gender equality agenda.⁵³⁵

Overall, I argue that while this strategy does not specifically address female migrant labour and integration, and its effectiveness remains to be seen in the future, it does acknowledge some significant issues regarding women's inequality in the EU that I consider highly relevant to the challenges faced by Vietnamese female migrant workers. The issues addressed by this strategy can be seen as a rationale for the need for stronger policies focusing on female migrant labour.

4.2. The New Pact on Migration and Asylum

The New Pact on Migration and Asylum is a set of regulations and policies aimed at creating a fairer, more efficient, and sustainable migration and asylum process for the European Union. Proposed in September 2020 and agreed upon by the European Parliament and the Council in December 2023, the Pact is designed to manage and normalize migration in the long term, providing certainty, clarity, and decent conditions for people arriving in the EU. It also establishes a common approach to migration and asylum based on solidarity, responsibility, and respect for human rights.⁵³⁶ However, the New Pact on Migration and Asylum is not yet a "treaty", it consists of a series of proposed measures subject to negotiation between the Council and the Parliament. These negotiations present a significant opportunity to advance the Common European Asylum System based on human rights.

The agreement covers five key proposals of the Pact:

- Screening Regulation: creating uniform rules concerning the identification of non-EU nationals upon their arrival, thus increasing the security within the Schengen area.

⁵³⁵ *Ibid.*, p. 106.

⁵³⁶ European Commission (2024). Pact on Migration and Asylum, A common EU system to manage migration. Available at https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en (Accessed on 30 May 2024).

- Eurodac Regulation: developing a common database gathering more accurate and complete data to detect unauthorised movements.
- Asylum Procedures Regulation: making asylum, return and border procedures quicker and more effective.
- Asylum Migration Management Regulation: establishing a new solidarity mechanism amongst Member States to balance the current system where a few countries are responsible for the vast majority of asylum applications, and clear rules on responsibility for asylum applications.
- Crisis and Force majeure Regulation: ensuring that the EU is prepared in the future to face situations of crisis, including instrumentalisation of migrants.⁵³⁷

The Pact does not specifically address female migrant workers or set particular integration goals for them. However, Chapter 8 of the Pact acknowledges the importance of successful integration that “Successful integration benefits both the individuals concerned, and the local communities into which they integrate. It fosters social cohesion and economic dynamism. It sets positive examples for how Europe can manage the impacts of migration and diversity by building open and resilient societies”.⁵³⁸ The Pact also highlights several challenges related to unemployment, lack of educational or training opportunities, and limited social interaction. It emphasizes that “the integration of migrants and their families is therefore a key part of the broader EU agenda to promote social inclusion” and notes that although “integration policy is primarily a Member State responsibility, the EU has stepped up its support to Member States and other relevant stakeholders since the adoption of the 2016 Action Plan”.⁵³⁹ Therefore, the Commission announced its intention to adopt an Action Plan on Integration and Inclusion for the period 2021-2024. This plan was adopted two months later, with a timeframe extending from 2021 to 2027.

Overall, I argue that while the Pact includes some promising elements towards inclusion, the significance of labour migration for European economies and societies is not

⁵³⁷ Commission welcomes the major progress achieved by Parliament and Council on the New Pact on Migration and Asylum. Available at https://ec.europa.eu/commission/presscorner/detail/en/statement_23_6708 (Accessed on 20 March 2024).

⁵³⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, Brussels, 23.9.2020, COM(2020) 609 final. p. 26

⁵³⁹ Ibid., p. 27.

adequately reflected in the Pact, whether in political messaging, resources, proposals, actions, or even word count. On balance, the plans in the area of labour migration are timid and overshadowed by the focus on returns. Moreover, the legislative proposals within this Pact have faced significant criticism and skepticism regarding asylum issues,⁵⁴⁰ however, this particular issue will not be explored in depth within the scope of this dissertation. The mention of a "legitimate public policy reason to make this work" suggests that addressing these challenges is not just a matter of social justice but is also crucial for shaping effective public policies. However, the Pact still asserts that "integration policy is primarily a Member State responsibility" and merely acknowledges the EU's supportive role. This appears contradictory, as the lack of legislative capacity limits the EU's actions to support and coordination, meaning that the mentioned objectives and planned initiatives can only serve as recommendations for Member States.⁵⁴¹ Consequently, the effectiveness of these policies is not guaranteed.

In summary, I believe that this Pact does not address or resolve any integration challenges faced by Vietnamese female migrant workers. Moreover, it does not devote sufficient attention to labour migration and integration—key issues in the migration process. The only notable success might be the foundation for the Action Plan 2021-2027, which is essentially a continuation of the Action Plan 2016.

4.3. The Action plan on Integration and Inclusion 2021-2027

The Action Plan on Integration and Inclusion 2021-2027 outlined specific measures to assist Member States and other relevant stakeholders in addressing integration challenges faced by migrants and EU citizens with a migrant background. Building upon the successes of the 2016 action plan on the integration of TCNs, the Action Plan focuses on

⁵⁴⁰ See Bendel, P. (2021). 22. Fresh Start Or False Start? The New Pact on Migration and Asylum. In *The EU Pact on Migration and Asylum in light of the United Nations Global Compact on Refugees*, pp. 251-261; Gazi, T. (2021). The New Pact on Migration and Asylum: Supporting or Constraining Rights of Vulnerable Groups?. *European Papers-A Journal on Law and Integration*, 2021(1), pp. 167-175; De Bruycker, P. (2022). The New Pact on Migration and Asylum: What it is not and what it could have been. In *Reforming the Common European Asylum System*, Nomos Verlagsgesellschaft mbH & Co. KG, pp. 33-42.

⁵⁴¹ Brandl, U. (2022). Integration in the New Pact on Migration and Asylum: A Key Element of a Successful Migration Policy, but no EU Legislative Competence. In *Reforming the Common European Asylum System*, Nomos Verlagsgesellschaft mbH & Co. KG, pp. 289-299.

overcoming integration barriers in key policy areas: housing, education, employment, and healthcare.⁵⁴²

Before examining whether the solutions proposed in this action plan contribute to addressing the challenges faced by female migrant workers from Vietnam, the dissertation will examine the extent to which it focuses on women migrants. Initial findings indicate that female migrants are mentioned 11 times. This can be considered an improvement compared to the 2016 Action Plan, as the Action Plan on Integration and Inclusion 2021-2027 acknowledges the multifaceted challenges faced by female migrants in the European Union.

The plan acknowledged the disparities and risks of migrant women in the labour market, “migrant women are at particularly high risk of being over-qualified for their job”, which can lead to skill depreciation and limited career advancement opportunities.⁵⁴³ It also highlighted that migrant girls and young women are significantly more likely to be “neither in employment nor in education and training” compared to their native counterparts, underscoring the urgency of targeted interventions to address this disparity.⁵⁴⁴ The plan also acknowledged the importance of promoting the integration of migrant women by emphasizing that “stronger action is needed to promote the integration of migrant women”, indicating that previous efforts have not been sufficient.⁵⁴⁵

The plan acknowledged the specific barriers that female migrants face in accessing healthcare services, including administrative hurdles, discrimination, and language and cultural barriers. It highlighted that “migrant women face additional challenges as they tend to have lower proficiency in the host country language, weaker social networks, and greater responsibilities for childcare and family”.⁵⁴⁶ Notably, the plan asserts that migrant women and girls face more obstacles in the integration process compared to migrant men and boys, they “often having to overcome structural barriers linked to their being both a migrant and female, including facing stereotypes”.⁵⁴⁷ This is a significant

⁵⁴² European Commission (n.d). Action plan on integration and inclusion. Available at https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration/integration/action-plan-integration-and-inclusion_en (Accessed on 11 January 2024).

⁵⁴³ COM(2020) 758 final, p. 11.

⁵⁴⁴ *Ibid.*, p. 5.

⁵⁴⁵ *Ibid.*

⁵⁴⁶ *Ibid.*, p. 13.

⁵⁴⁷ *Ibid.*, p. 7

acknowledgment as it directly reflects the EU's recognition of the greater disadvantages faced by female migrants. This recognition can be seen as a rationale for developing more effective integration strategies to address gender-related and migration-related barriers, ensuring that female migrants receive the necessary support to achieve equitable integration outcomes. Targeted support where needed is also considered a principle when the plan recognized it that “while mainstream social policies should be inclusive for all and mindful of the needs of a diverse society, certain groups and certain areas in host countries will need targeted support to overcome specific challenges”⁵⁴⁸ and therefore, “within each policy area, policymakers should design targeted and tailored support mechanisms to help newcomers quickly integrate”.⁵⁴⁹

Given that this document has extensively mentioned female migrants, the second analytical measure will now be used. Based on the challenges faced by Vietnamese female migrant workers, this dissertation will explore the solutions provided by this action plan and evaluate them:

4.3.1. Discrimination and stereotype

It can be seen that the Action Plan is quite concerned with the issue of discrimination. Mainstreaming gender and anti-discrimination priorities is one of 5 key principles and values of this document. The Action Plan stated that it will “take into account the combination of personal characteristics, such as gender, racial or ethnic origin...”.⁵⁵⁰

A list of recommendations for Member States have been made by the Action Plan in various areas. In the field of Employment and skills, Member States are encouraged to “raise awareness of discrimination in the recruitment process and in the workplace and reinforce anti-discrimination measures”.⁵⁵¹ In the field of Health, Member States are encouraged to “facilitate migrants’ access to general health services, including mental health, by providing services adapted to their needs and tackling discrimination”.⁵⁵² In the field of Housing, the Commission will “promote mutual learning between Member States, cities, villages and regions on fighting discrimination on the housing market and

⁵⁴⁸ *Ibid.*, p. 6.

⁵⁴⁹ *Ibid.*

⁵⁵⁰ *Ibid.*

⁵⁵¹ *Ibid.*, p. 13.

⁵⁵² *Ibid.*, p. 14.

reducing residential segregation through the European Integration Network, the Urban academy for integration and dedicated funding under the Asylum and Migration Fund”.⁵⁵³ In Fostering participation and encounters with the host society, Member States are encouraged to “align national integration strategies with national action plans against racism and racial discrimination”.⁵⁵⁴ Additionally, in using EU funding for integration, Member States are encouraged to “make full use of EU funds to promote integration, according to identified needs at national and regional level. This can include investments in education, employment, housing, health and social care services, together with capacity building actions and measures tackling segregation and discrimination”.⁵⁵⁵

4.3.2. Language and cultural difference

This is also an important issue acknowledged by the Commission in the plan, stating that “learning the language of the host country is crucial in order to successfully integrate. However, this should not stop a few months after arrival”.⁵⁵⁶ In addition, “gaining an understanding of the laws, culture and values of the receiving society as early as possible, for example through civic orientation courses, is crucial for migrants to fully participate in the receiving society”.⁵⁵⁷ Therefore, the Commission set an objective as “more migrants participate in comprehensive language training and civic orientation programmes which start upon arrival and accompany them along their integration journeys”.⁵⁵⁸

To achieve this objective, the Committee proposed two specific actions: "work with Member States to further develop comprehensive and accessible language learning programs, including intermediate and advanced courses, through funding and exchanges of experiences" and “promote exchanges between Member States on successful approaches to civic orientation courses”.⁵⁵⁹ In this area, Member States are encouraged to “include managing multicultural and multilingual classrooms and valuing and mobilising learners’ individual linguistic backgrounds as key skills in teaching curricula and provide teachers with the necessary resources to address these issues; Ensure support

⁵⁵³ *Ibid.*, p. 15.

⁵⁵⁴ *Ibid.*, p. 22.

⁵⁵⁵ *Ibid.*, p. 19.

⁵⁵⁶ *Ibid.*

⁵⁵⁷ *Ibid.*, p. 9.

⁵⁵⁸ *Ibid.*, p. 10.

⁵⁵⁹ *Ibid.*

for language learning after an initial integration period to promote it beyond initial or intermediary proficiency levels; Make full use of EU funding, in particular the European Social Fund Plus, the Asylum and Migration Fund and the European Regional Development Fund, to support programmes and measures related to education, skills and language training, in accordance with identified needs at national and regional level.”⁵⁶⁰

4.3.3. Recognition of Qualification and Recognition of Skills

With regard to qualifications, the Commission set an objective that “qualifications acquired in non-EU countries are recognised faster and more easily”.⁵⁶¹ The Commission recommended a series of actions to improve the recognition of qualifications such as: “-fostering cooperation between national authorities in charge of integration and national centres for the recognition of qualifications (ENIC-NARIC networks); -Supporting transparent recognition practices of qualifications of refugees through the Erasmus Programme; -promoting exchanges between Member States on providing complementary/bridging courses for migrants; -providing information on recognition practices and on skills and qualifications for migrants using the full potential of the Europass portal; -promoting the transparency of qualifications systems, including through the European Qualifications Framework”.⁵⁶² In addition, Member States are encouraged to “ensure that procedures for recognising foreign qualifications are quick, fair, transparent and affordable”.⁵⁶³

In the field of Skill, the Commission acknowledged that “migrant women are at particularly high risk of being over-qualified for their job, which may lead to depreciation of their skills. They tend to face greater obstacles and more limited access to support”.⁵⁶⁴ The Commission also set objectives that “more migrant women participate in the labour market” and “assessment of migrants’ skills is more effective and faster. Upskilling and reskilling are continuously supported, including through validation procedures for non-formal and informal learning”.⁵⁶⁵ To achieve those objectives, the Commission proposed to facilitate assessment and validation of skills through “sharing and scaling up practices

⁵⁶⁰ *Ibid.*, p. 11.

⁵⁶¹ *Ibid.*, p. 10.

⁵⁶² *Ibid.*

⁵⁶³ *Ibid.*, p. 11.

⁵⁶⁴ *Ibid.*

⁵⁶⁵ *Ibid.*, p. 12.

on skills assessment through the European Integration Network, the European Network of Public Employment Service and the updated Europass platform” and “further developing the EU Skills Profile Tool for Third Country Nationals and promoting its use among public authorities and other organisations, including before arrival, particularly in the case of resettlement and complementary pathways”.⁵⁶⁶ In this area, Member States are encouraged to “make use of the EU Skills Profile Tool for Third Country Nationals at an early stage, in particular for asylum seekers, refugees and migrants, and strengthen procedures for validation of non-formal learning”.⁵⁶⁷

4.3.4. Family and childcare responsibilities

The Commission acknowledged “They are more likely to come to the EU to join a family member, bringing with them domestic responsibilities that can prevent them from fully participating in the labour market and in integration programmes, skills assessments, re-training and other measures when these do not cater for such caring responsibilities” and “migrant women face additional challenges as they tend to have lower proficiency in the host country language, weaker social networks, and greater responsibilities for childcare and family”.⁵⁶⁸ Clearly, the Commission has acknowledged and recognized this as a challenge for female migrant workers. However, this seems to be a significant oversight as the subsequent proposals in this plan fail to address this issue.

4.3.5. Access to the labour market after family reunification

This Action Plan does not mention this issue.

4.3.6. Evaluation

It is evident that, compared to other related policy documents, the Action Plan on Integration and Inclusion 2021-2027 has devoted a significant amount of attention to female migrants. It acknowledges the greater disadvantages faced by women during the migration process and highlights the need for policies focused on female migrants. This

⁵⁶⁶ *Ibid.*

⁵⁶⁷ *Ibid.*

⁵⁶⁸ *Ibid.*, p. 7

is not only a progressive stance compared to other policies but also holds significant importance for developing future policy strategies centered on female migrants.

For Vietnamese female migrant workers, this Action Plan has mentioned 4 out of 5 challenges they may encounter during the integration process and proposed many solutions to address 3 of them. However, it is worth noting that all of the Commission's proposals for Member States stated in the Action Plan are only at the recommendation level, and therefore their effectiveness remains uncertain. The lack of binding measures raises concerns about the practical implementation and enforcement of these recommendations, potentially limiting the impact of the proposed solutions on improving the integration of Vietnamese female migrant workers. Therefore, I only evaluate this document as Partial Support for Vietnamese female migrant workers.

5. Summary

The analysis results of this chapter are the answers to Research question 2. After analyzing and exploring the EU legal framework on the integration of female migrant workers, it can be concluded that the EU legal framework only partially supports the integration of Vietnamese female migrant workers. This is primarily due to two reasons: first, it lacks sufficient focus on female migrant workers, and second, it lacks adequate competence.

First, throughout the history of the development and evolution of perspectives on the integration of migrant workers, as well as the legal framework in this field, it is clear that EU laws and policies have been predominantly gender-neutral. Although there has been significant progress in perspectives, from acknowledging gender equality to specifically focusing on women migrants, this is still not sufficient. Perspectives on female migrant workers have only recently been developed, making it difficult to find a focus on this demographic group in many documents within the EU's migration legal framework. The Action Plan on Integration and Inclusion 2021-2027 appears to be the only document that acknowledges the disadvantages faced by female migrant workers and highlights the need for targeted policies.

Second, a long-standing and acknowledged issue is that the EU lacks legislative competence in the field of integration.⁵⁶⁹ Generally, the European Union shares competence in developing a common immigration policy. Article 79(4) of the TFEU refers to the establishment of measures to encourage and support Member States' actions to promote the integration of legally residing TCNs within their territories.⁵⁷⁰ Therefore, only supportive measures can be applied, and harmonization of laws and regulations is explicitly excluded. The Union also cannot use Article 352 TFEU as a legal basis, as Article 352(3) again excludes the harmonization of Member States' laws or regulations.⁵⁷¹ The EU's capacity to act is limited to support and coordination. Thus, the mentioned objectives and planned initiatives can only serve as recommendations for Member States. Consequently, I argue that a truly common integration policy in the European Union does not yet exist, as the integration of immigrants remains a national competence of the Member States. For Vietnamese female migrant workers specifically, while good recommendations to address challenges and support integration may exist, their implementation and effectiveness are not guaranteed due to these limitations. Therefore, despite the EU's efforts, the practical impact on the integration of Vietnamese female migrant workers largely depends on the willingness and capacity of individual Member States to adopt and enforce these recommendations.

⁵⁶⁹ Neframi, E. (2011). *Division of Competences between the European Union and its Member States Concerning Immigration*, EPRS: European Parliamentary Research Service. Belgium. Retrieved from <https://coiilink.org/20.500.12592/wt8n5v> (Accessed on 11 April 2024).

⁵⁷⁰ TFEU, Article 79.

⁵⁷¹ TFEU, Article 352(3).

CHAPTER VI: VIETNAMESE LEGAL FRAMEWORK FOR THE INTEGRATION IN THE EU

1. Overview

This chapter will attempt to explore the Vietnamese legal framework regarding the integration of Vietnamese female workers in the EU. However, integration is still a relatively new concept, and Vietnamese law is already considered gender-neutral,⁵⁷² focusing solely on female migrant workers and their integration for analysis seems almost impossible. Vietnamese migration law primarily functions as a state management tool for legal migrant workers rather than being designed to support their integration abroad. Moreover, as the law of the country of origin, Vietnamese law plays a supportive role rather than directly participating in the integration process of workers overseas. Therefore, this chapter will adopt a different approach with a broader perspective compared to the previous chapter. This means that not only migration laws but also various relevant legal documents and policies will be searched and analyzed. The analysis will focus not only on female migrant workers but also on the overall capacity of Vietnamese law to support the integration process of Vietnamese migrant workers in the EU.

2. General policies on integration for Vietnamese migrant workers

The primary legal framework governing migrant workers in Vietnam is the Law on Vietnamese Guest Workers 69/2020/QH14,⁵⁷³ which outlines the rights, duties and responsibilities of Vietnamese workers, enterprises and government entities involved in overseas labour. This Law also aims to enhance workers' skills and knowledge, including foreign language proficiency, and establishes the Fund for Overseas Employment Support. In addition, it sets policies towards workers and the state's management of Vietnamese workers seeking employment abroad. Five sub-law documents to enforce the provisions of the Law No. 69/2020/QH14 were also signed in December 2021 and entered into force in January 2022. These five documents stipulate a Fund for Overseas

⁵⁷² ILO (2019). *Op.cit.*, p. XV.

⁵⁷³ In some other official documents, it is also known as Law on Contract-Based Vietnamese Overseas Workers 69/2020/QH14. See https://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=208.

Employment Support (Decision No. 40/2021/QĐ-TTg);⁵⁷⁴ penalties for administrative violations in the fields of labour, social insurance, and overseas manpower supply under contract (Decree No. 12/2022/ND-CP);⁵⁷⁵ detailed regulations on the implementation of the Law (Decree No. 112/2021/ND-CP);⁵⁷⁶ a database system of Vietnamese guest workers (Circular No. 20/2021/TT-BLĐTBXH);⁵⁷⁷ and detail a number of articles of the Law (Circular No. 21/2021/TT-BLĐTBXH).⁵⁷⁸ The ILO has lauded the Law on Vietnamese Guest Workers for reinforcing the safeguards for migrant workers as compared to earlier Vietnamese legislation.⁵⁷⁹ ⁵⁸⁰ However, it should be noted that this Law does not have a specific provision on integration issues for Vietnamese workers during their time working abroad. Rather, it focuses only on the encouragement and support for workers to reintegrate into Vietnamese society upon their return home.

While the issue of integration for migrant workers in the destination country is not explicitly mentioned in the most significant legal document governing the sending of Vietnamese workers to work abroad, it has long been acknowledged in the policy documents of the Politburo of the Communist Party of Vietnam.⁵⁸¹ Resolution No. 36/NQ-TW on overseas Vietnamese affairs, promulgated by the Politburo on 26 March 2004, recognizes overseas Vietnamese⁵⁸² as an integral part and resource of the Vietnamese community. The resolution emphasizes the policy of the Party and State to create favourable conditions and encourage overseas Vietnamese to integrate into the

⁵⁷⁴ Decision No. 40/2021/QĐ-TTg dated 31 December 2021 of the Prime Minister on the Fund for Overseas Employment Support.

⁵⁷⁵ Decree No. 12/2022/ND-CP dated 17 January 2022 of the Government on providing penalties for administrative violations in the fields of labour, social insurance, and overseas manpower supply under contract.

⁵⁷⁶ Decree No. 112/2021/ND-CP dated 10 December 2021 of the Government on Detailing a number of articles of, and providing measures for implementing, the Law on Vietnamese Guest Workers.

⁵⁷⁷ Circular No. 20/2021/TT-BLĐTBXH dated 15 December 2021 of the The Ministry of Labour - Invalids and Social Affairs on the Database system of Vietnamese guest workers.

⁵⁷⁸ Circular No. 21/2021/TT-BLĐTBXH dated 15 December 2021 of The Ministry of Labour - Invalids and Social Affairs on detailing a number of articles of the Law on Vietnamese Guest Workers.

⁵⁷⁹ Law on Vietnamese Guest Workers No. 69/2020/QH14 was issued to replace the Law on Vietnamese Guest Workers No. 72/2006/QH11.

⁵⁸⁰ ILO (2020). ILO commits to supporting Viet Nam to enforce new law on Vietnamese migrant workers. Available at <https://www.ilo.org/resource/news/ilo-commits-supporting-viet-nam-enforce-new-law-vietnamese-migrant-workers> (Accessed 12 April 2024).

⁵⁸¹ The legal system of Vietnam exhibits characteristics of socialism, with the Political Bureau of the Central Committee of the Communist Party of Vietnam serving as the highest authority of the Party. This bureau possesses the authority to provide directives on the overall direction of the government and issue top-level policy documents.

⁵⁸² Overseas Vietnamese (“Người Việt Nam ở nước ngoài”) is the term used for the community of migrants who go abroad to study or unite with their families.

society of the host country while maintaining close ties to the home country.⁵⁸³ Throughout the past twenty years, this policy has been maintained and implemented in an increasingly strong and comprehensive way through various documents such as Directive No.45-CT/TW dated 19 May 2015;⁵⁸⁴ Conclusion No.12-KL/TW dated 12 August 2021;⁵⁸⁵ and especially Resolution No. 69/NQ-CP of the Government on promulgating the Action Plan for the period 2021–2026.⁵⁸⁶

3. Policies related to integration for migrant workers

3.1. Citizenship regime

The Law No. 24/2008/QH12 on Vietnamese Nationality embodies the fundamental tenet of Vietnamese nationality, in which the Socialist Republic of Vietnam recognizes individuals with singular citizenship as possessing Vietnamese nationality.⁵⁸⁷ According to Articles 13, 19, 23 and 37 of the Law on Vietnamese Nationality, in a few exceptional scenarios, Vietnam permits the holding of dual citizenship, including for those individuals authorized by the State President to naturalize or restore Vietnamese nationality, Vietnamese expatriates who have not forfeited their Vietnamese nationality before 1 July 2009, and adopted children.⁵⁸⁸ Additionally, according to Article 2 and Article 31, Vietnamese legislation does not explicitly forbid the possession of dual citizenship by Vietnamese citizens, and only acts that threaten the independence or reputation of Vietnam would lead to the deprivation of Vietnamese nationality.⁵⁸⁹

The legal framework in Vietnam demonstrates a strong connection between the State and its diaspora, including migrant workers. Article 18 of the 2013 Constitution of the Socialist Republic of Vietnam unequivocally asserts that the State of the Socialist

⁵⁸³ Resolution No. 36/NQ-TW dated 26 March 2004 of the Politburo on overseas Vietnamese affairs.

⁵⁸⁴ Directive No.45-CT/TW dated May 19 2015 of the Politburo on continuing to step up the implementation of the Politburo's Resolution No.36-NQ/TW dated March 26, 2004 on overseas Vietnamese affairs.

⁵⁸⁵ Conclusion No.12-KL/TW dated August 12, 2021 of the Politburo on the overseas Vietnamese affairs in the new situation.

⁵⁸⁶ Resolution No. 69/NQ-CP dated December 31 2021 of the Government on promulgating the Government's action plan on continuing to promote the implementation of the Resolution No. 36/NQ-TW, Directive No.45-CT/TW and Conclusion No.12-KL/TW of the Politburo on the overseas Vietnamese affairs for the period 2021 – 2026.

⁵⁸⁷ Law on Vietnamese Nationality, Law No. 24/2008/QH12 dated 13 November 2008 of the XIIth National Assembly of the Socialist Republic of Vietnam.

⁵⁸⁸ Law No. 24/2008/QH12, Article 13, 19, 23 & 37.

⁵⁸⁹ Law No. 24/2008/QH12, Article 2 & 31.

Republic of Vietnam protects Vietnamese citizens residing overseas.⁵⁹⁰ Moreover, the Article 6 of the Law on Vietnamese Nationality explicitly stipulates that the State of the Socialist Republic of Vietnam safeguards the legitimate interests of Vietnamese citizens abroad. State authorities both in Vietnam and overseas, including Vietnamese representative offices abroad, are obligated to employ all necessary measures in accordance with relevant national and international laws and regulations to ensure the protection of overseas Vietnamese citizens.⁵⁹¹

3.2. Remittances

The burgeoning number of Vietnamese nationals seeking employment, education, and habitation abroad underscores the crucial role of remittances in the socio-economic development of developing countries such as Vietnam. To this end, the Vietnamese government has adopted a set of favourable policies aimed at encouraging and facilitating the process of repatriating foreign currencies. Among these policies, Decision No.170/1999/QĐ-TTg provides incentives to overseas Vietnamese to remit foreign currency in accordance with Vietnamese laws.⁵⁹² Furthermore, the Law No.04/2007/QH12 on Personal Income Tax exempts recipients of remittances (with income from remittances) from paying income tax on foreign currencies remitted from abroad.⁵⁹³ In recognition of the rights of Vietnamese guest workers, Article 6 (1)(c) of the Law on Vietnamese Guest Workers recognizes their right to repatriate wages, salaries, income and other property of individuals in accordance with Vietnamese law and the law of the receiving country.⁵⁹⁴

3.3. Training programme

According to Article 6 (1) of the Law on Vietnamese Guest Workers, workers are entitled to access information regarding Vietnam's policies and laws concerning Vietnamese guest workers, as well as the policies, laws, customs and practices of the host country that are relevant to workers, and the rights and obligations of both parties.⁵⁹⁵ At the same time,

⁵⁹⁰ The 2013 Constitution of the Socialist Republic of Vietnam, Article 18.

⁵⁹¹ Law No. 24/2008/QH12, Article 6.

⁵⁹² Decision No.170/1999/QĐ-TTg dated 19 August 1999 of the Prime Minister on encouraging money transfer of overseas Vietnamese.

⁵⁹³ Law No.04/2007/QH12 dated December 05, 2007 of the National Assembly on personal income tax.

⁵⁹⁴ Law No. 69/2020/QH14, Article 6 (1)(c).

⁵⁹⁵ Law No. 69/2020/QH14, Article 6 (1).

according to Articles 6 (2), 44 (4, 5) and 45 (4, 5), employees are also obliged to complete orientation education course and must have diplomas and certificates in foreign languages, expertise, qualifications and skills before working abroad.⁵⁹⁶ For Vietnamese guest worker service, Article 9 (4) of the Law also stipulates the obligation to organize vocational skills training, foreign languages and orientation education for workers before going to work abroad.⁵⁹⁷

The Law on Vietnamese Guest Workers includes a separate chapter (IV) dedicated to refresher training in occupational skills, foreign language and orientation education for workers. The chapter outlines the purpose of this training in Article 62, which is to equip workers with the necessary skills and knowledge required by the foreign market.⁵⁹⁸ According to Article 64, the government has implemented policies to support investment in vocational education institutions that provide vocational skills and foreign language training for Vietnamese workers.⁵⁹⁹ Additionally, under Decree No. 61/2015/ND-CP, workers belonging to some specific categories such as ethnic minorities or individuals from economically challenged households, who wish to work abroad, will receive support for their tuition fees, meals and travel expenses during their training.⁶⁰⁰

The content of the training program for workers is specified in detail in Article 65 of the Law on Vietnamese Guest Workers,⁶⁰¹ Decision No. 18/2007/QĐ-BLĐTBXH⁶⁰² and Circular No. 21/2021/TT-BLĐTBXH.⁶⁰³ The programme covers various topics, including the cultural identity and traditions of the Vietnamese nation, Vietnamese and host country laws, employment contracts, financial management, labour discipline, occupational safety and hygiene, local customs and cultures, communication and transportation skills, human trafficking prevention, gender equality, citizen protection, access to job

⁵⁹⁶ Law No. 69/2020/QH14, Article 6 (2), 44 (4, 5) & 45 (4, 5).

⁵⁹⁷ Law No. 69/2020/QH14, Article 9 (4).

⁵⁹⁸ Law No. 69/2020/QH14, Article 62.

⁵⁹⁹ Law No. 69/2020/QH14, Article 64.

⁶⁰⁰ Decree No. 61/2015/ND-CP dated 9 July 2015 of the Government on Job Creation Policies and the National Employment Fund.

⁶⁰¹ Law No. 69/2020/QH14, Article 65.

⁶⁰² Decision No. 18/2007/QĐ-BLĐTBXH dated 18 July 2007 of The Ministry of Labour - Invalids and Social Affairs on the promulgation of the essential supplemental training program for workers prior to overseas employment.

⁶⁰³ Circular No. 21/2021/TT-BLĐTBXH dated 15 December 2021 of The Ministry of Labour - Invalids and Social Affairs on detailing a number of articles of the Law on Vietnamese Guest Workers.

opportunities upon return, and contact information for support when facing difficulties abroad.

3.4. Network of government agencies supporting migrant workers

To provide maximum support for the overseas Vietnamese community, the government issued the Decision No. 119/2007/QĐ-TTg to establish the Fund for Protection of Overseas Vietnamese Citizens and Legal Persons.⁶⁰⁴ According to Article 2, this fund is a financial institution under the Ministry of Foreign Affairs.⁶⁰⁵ It is intended to assist citizens in extremely difficult situations, after accidents, or at serious risk, when they are unable to overcome them alone. Additionally, the fund will cover expenses for activities of diplomatic missions, consular offices, or authorized agencies of Vietnam in foreign countries that are aimed at protecting Vietnamese citizens and legal entities. In special cases recognized in Article 4, the fund may also provide advance funds to purchase tickets back home or to pay for hospital or hotel expenses for Vietnamese citizens.⁶⁰⁶

With regards to migrant workers in particular, the government issued Decision No. 144/2007/QĐ-TTg, which establishes the Overseas Employment Support Fund.⁶⁰⁷ The regulations for this fund are also recognized in the Law on Vietnamese Guest Workers and Decision No. 40/2021/QĐ-TTg on the Overseas Employment Support Fund.⁶⁰⁸ According to Articles 11-14 of the Decision No. 40/2021/QĐ-TTg, workers going abroad for work will receive support from this fund for the development of necessary skills, foreign language acquisition, and general knowledge. The fund will also provide support in the event of risks such as early returns due to illness, natural disasters, epidemics, wars, mistreatment, coercion, or in the resolution of labour-related disputes.⁶⁰⁹

Concerning government agencies providing direct support to Vietnamese citizens residing abroad, according to the Decision No. 227/QĐ-BNG⁶¹⁰ and Decision No.

⁶⁰⁴ Decision No. 119/2007/QĐ-TTg dated 25 July 2007 of the Prime Minister of Government on Setting up the Fund for Protection of Overseas Vietnamese Citizens and Legal Persons.

⁶⁰⁵ Decision No. 119/2007/QĐ-TTg, Article 2.

⁶⁰⁶ Decision No. 119/2007/QĐ-TTg, Article 4.

⁶⁰⁷ Decision No. 144/2007/QĐ-TTg dated 31 August 2007 of the Prime Minister of Government on setting up, management and use of the overseas employment support Fund.

⁶⁰⁸ Decision No. 40/2021/QĐ-TTg dated 31 December 2021 of the Prime Minister on the Fund for Overseas Employment Support.

⁶⁰⁹ Decision No. 40/2021/QĐ-TTg, Article 11-14.

⁶¹⁰ Decision No. 227/QĐ-BNG dated 21 January 2014 of the Minister of Foreign Affairs defining the functions, tasks, powers and organizational structure of the Consular Department.

11/2019/QĐ-TTg,⁶¹¹ the Consular Department and the State Committee for Overseas Vietnamese, which fall under the Ministry of Foreign Affairs, are tasked with the responsibility of safeguarding and protecting the welfare of Vietnamese nationals abroad. Meanwhile, under the Law on Overseas Representative Missions of the Socialist Republic of Vietnam, Vietnamese representative agencies abroad directly perform consular and support duties, as well as protect the Vietnamese community residing overseas. In the field of labour migration, the Department of Overseas Labour Management under the Ministry of Labour -, Invalids and Social Affairs is responsible for implementing the state management function regarding Vietnamese workers who work abroad. The Labour Management Boards within Vietnamese representative agencies, established jointly by the Ministry of Labour - Invalids and Social Affairs, the Ministry of Foreign Affairs and the Ministry of Home Affairs, manages and support the Vietnamese workforce in countries and regions with a large number of Vietnamese workers. Currently, Vietnam has labour management boards in six such countries and territories: Japan, South Korea, Taiwan, Malaysia, United Arab Emirates and Saudi Arabia. In countries where labour management boards have not yet been established, Vietnamese representative agencies in those countries will act on behalf of the State to manage and support in resolving issues related to Vietnamese workers working in those countries.⁶¹²

4. EU-Vietnam bilateral agreements

In cooperation with the European Union, PCA and EVFTA are two crucial agreements that expand the scope of Vietnam-EU relations towards equal, comprehensive, and long-term cooperation. The agreements cover a wide range of cooperation in many fields, not limited to trade and economic cooperation, but also extending to other areas such as the environment, energy, technology, tourism, culture, migration, security, anti-corruption, and organized crime.

The Vietnam-EU Partnership and Cooperation Agreement.

⁶¹¹ Decision No. 11/2019/QĐ-TTg dated 18 February 2019 of the Prime Minister defining the functions, tasks, powers and organizational structure of the State Committee for Overseas Vietnamese.

⁶¹² MOLISA (2021). Strengthening the protection of Vietnamese workers working abroad (in Vietnamese: Tăng cường công tác bảo hộ người lao động Việt Nam làm việc ở nước ngoài). Available at <http://www.molisa.gov.vn/Pages/tintuc/chitiet.aspx?tintucID=228701> (Accessed on 12 September 2022).

The PCA was signed on June 27, 2012, marks a significant milestone in the transformation of the Vietnam-EU relationship. The PCA creates a new legal framework and expands the scope of cooperation between Vietnam and the EU. Compared to the cooperation agreement signed between the European Community and Vietnam in May 1996, it has significantly expanded the scope of cooperation between the two sides. New areas such as energy, good governance and migration have been added, and Vietnam's interests in human rights and labour have also been added.⁶¹³

Regarding cooperation in Labour, Employment, and Social Affairs, Article 50 of the PCA makes a significant contribution to creating a legal framework for cooperation and labour exchange between Vietnam and EU countries, as follows:

- The parties agree to strengthen cooperation in the field of labour, employment, and social issues.
- The parties reaffirm the importance of promoting decent work as a crucial factor for sustainable development and poverty reduction.
- The parties reaffirm their commitment to respect, promote, and implement internationally recognized labour standards, as set forth in the ILO Conventions.
- The parties shall ensure that nationals of the other party lawfully employed in the territory of the host country shall not be subject to discrimination in matters such as working conditions, remuneration, dismissal, etc., based on their nationality compared to the conditions for nationals of other third countries.
- Forms of cooperation may include programs and specific projects.

The EU-Vietnam Free Trade Agreement

The EVFTA is a trade agreement between Vietnam and the twenty-seven member states of the European Union. On 26 June 2018, the EVFTA was divided into two agreements: the Trade Agreement and the Investment Protection Agreement. Both agreements were signed on 30 June 2019, and were agreed upon by the European Commission and the European Council. They were ratified by the Vietnamese parliament in 2020 and officially took effect on 1 August 2020. While the EVFTA does not contain provisions that are

⁶¹³ European Parliament (2015). EU-Vietnam Partnership and Cooperation Agreement - At a Glance. Retrieved from [https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA\(2015\)572810](https://www.europarl.europa.eu/thinktank/en/document/EPRS_ATA(2015)572810) (Accessed: 12 September 2022).

directly related to migrant workers, it does have commitments to respect, promote, and effectively implement basic principles and rights at work. This indirectly contributes to improving labour quality and strengthening labour cooperation between Vietnam and EU countries.⁶¹⁴

5. Findings and discuss

5.1. Positive Developments of Vietnam's policies

Drawing from the preceding analysis, it may be asserted that Vietnam has attained noteworthy milestones with respect to policies concerning the integration of Vietnamese migrant worker into the countries of destination:

Firstly, it can be asserted that despite the lack of explicit provisions in the Law on Vietnamese Guest Workers, the encouragement of overseas workers to integrate into the social fabric of the host country to attain a stable livelihood is a policy that has been acknowledged in numerous Communist Party and government documents of Vietnam over the last two decades. The Communist Party of Vietnam, in its leading role, has ensured that the work of dispatching workers overseas adheres to this policy and other relevant guidelines. It can be observed that Vietnamese workers are partially entitled to certain benefits related to the integration process through these policies.

Secondly, despite Vietnam's principle of single nationality, it is regarded as a 'flexible' principle,⁶¹⁵ and in reality, numerous instances have arisen where Vietnamese migrant workers have the capacity to acquire the nationality of the host country where they reside and work while still retaining their Vietnamese nationality. Additionally, Vietnamese legislation exhibits a robust perspective in upholding the bond and safeguarding the interests of the state towards Vietnamese citizens residing abroad. Therefore, Vietnamese migrant workers living and working abroad can rest assured that their rights and interests are always recognized and protected by the Socialist Republic of Vietnam.

⁶¹⁴ WTO Center Vietnam. (n.d). Summary of Vietnam-EU Free Trade Agreement (EVFTA). Available at <https://wtocenter.vn/chuyen-de/12781-summary-of-vietnam-eu-free-trade-agreement-evfta> (Accessed on 12 September 2022).

⁶¹⁵ Vietnam Ministry of Justice (2017). Nationality principle: Continuing to be 'flexible' or following the general trend (in Vietnamese: Nguyên tắc quốc tịch: Tiếp tục 'mềm dẻo' hay chuyển hướng theo xu thế chung?). Available at <https://moj.gov.vn/qt/tintuc/Pages/hoat-dong-cua-cac-don-vi-thuoc-bo.aspx?ItemID=2865> (accessed: 12 February 2023).

Thirdly, Vietnam's remittance policy has established a supportive legal framework for migrant workers to send money home. As a result of these policies, Vietnam's remittances have increased dramatically, from US\$1.4 billion in 2000 to US\$17.2 billion in 2020, accounting for approximately 5% of the country's GDP. This impressive growth rate has propelled Vietnam to become the twelfth highest recipient of remittances worldwide.⁶¹⁶ By offering beneficial conditions, such as tax exemptions for personal income related to remittances, Vietnamese overseas workers can work confidently, integrate into the host society, and still have the ability to remit money back to their homeland to improve their families' standard of living or make investments.

Fourthly, Vietnam's labour training policy has exhibited a focus on labour quality, which is deemed one of the critical factors for effective integration into the labour market in the host country. Along with policies that encourage training, Vietnam has established comprehensive regulations regarding the essential knowledge training program for workers before embarking on overseas work. This programme necessitates that workers learn about the law, culture, customs and practices of the host country, in addition to obtaining knowledge about money management, communication and travel. These competencies are essential to help workers adjust promptly to life in a foreign country.

Lastly, it can be asserted that the two accords (PCA and EVFTA) have made significant contributions to establishing the groundwork for labour collaboration between Vietnam and the EU. Especially, Article 50 of the PCA has a certain influence on the integration process of Vietnamese workers in the EU; it contains crucial clauses pertaining to migrant workers, mandating that EU member states guarantee the equitable treatment of Vietnamese workers in areas such as job conditions, remuneration, termination of employment, and other related aspects while they are employed in the host country. Equal treatment in the host country is one of the important factors for the successful integration of migrant workers.

5.2. Limitations of Vietnam's policies

⁶¹⁶ WB (n.d.). Personal Remittances Received (Current US\$). WB Data. Retrieved from <https://data.worldbank.org/indicator/BX.TRF.PWKR.CD.DT> (Accessed on 12 May 2024).

The topic of integration for migrant workers is a nascent concern in Vietnam. There are limited legal documents and studies that specifically address this issue, and as such, Vietnam's legal and policy framework is still incipient in this domain.⁶¹⁷

Firstly, the Vietnamese legal framework lacks specific concepts and regulations regarding the integration of migrant workers. The term ‘integration’ is only acknowledged in the overarching policy document of the Communist Party of Vietnam for all overseas Vietnamese, rather than specifically targeting Vietnamese migrant workers. Consequently, there is a dearth of policies dedicated to promoting the integration of Vietnamese workers abroad.

Secondly, a significant challenge faced by Vietnamese migrant workers is the language barrier which can impact the quality of their work.⁶¹⁸ Improved foreign language skills can not only enhance the employability and earning potential of migrant workers but also facilitate their effective participation in the social, economic and cultural aspects of the host country. However, Vietnam's policies for enhancing the foreign language skills of its workforce are limited. Additionally, under Article 45 of the Law on Vietnamese Guest Workers, the dossier requirements for employees working overseas only necessitate diplomas and certificates in foreign languages as per the demands of the receiving country. Consequently, migrant workers may leave Vietnam without adequate knowledge of the host country's language.

Thirdly, there is a dearth of policies aimed at training and developing high-quality workers, as well as establishing common standards to enhance the competency of Vietnamese migrant workers to meet the demands of the international labour market. Presently, Vietnamese workers are reliant on each market to determine the appropriate profession to pursue the level of foreign language proficiency needed. The absence of a coordinated approach to worker training and development may contribute to a lack of consistency in the skills and knowledge base of Vietnamese migrant workers, hindering their ability to compete effectively on the global stage.

⁶¹⁷ Luu T. A. (2023b). Vietnam's policies and the role of the country of origin in the integration process of migrant workers in the EU. *South East Asia Research*, 31(4), pp. 359-376.

⁶¹⁸ MOLISA (2023). Improving the quality of Vietnamese labour (in Vietnamese: Nâng cao chất lượng lao động Việt Nam). Available at: <http://www.molisa.gov.vn/Pages/tintuc/chitiet.aspx?tintucID=235402> (Accessed on 20 February 2023).

Fourthly, migrant workers hailing from countries with long-standing migrant communities in the destination country, as well as social support networks, are more likely to have access to employment opportunities and integrate into society more easily than their counterparts from countries without such networks. Despite this, the network of migrant support agencies in Vietnam remains relatively limited, with labour management boards only established in six countries hosting significant numbers of Vietnamese migrant workers; no such agency exists in Europe, and labour support can only be accessed through diplomatic missions.

Fifth, despite the existence of two framework agreements on cooperation, namely PCA and EVFTA, and the recent increase in demand for Vietnamese workers in EU countries, Vietnam has yet to establish any bilateral agreement with the EU as a whole for cooperation in the field of labour, having only some cooperation agreements with individual member states such as Germany, Romania, Czech and Bulgaria in the form of memoranda of understanding.⁶¹⁹

6. Summary

The analysis results of this chapter are the answers to Research question 3. This chapter has examined Vietnam's legal framework for Vietnamese migrant workers in the EU based on the approach of the sending country's role in the integration process of migrant workers. The policies and regulations related to citizenship, remittances, labour training, and migration support networks have been reviewed, as have bilateral agreements related to the integration of migrant workers between Vietnam and other countries. Based on the evaluation results, I argue that Vietnam's policies still need to be supplemented and improved. Vietnam's legal framework on migrant workers has not specifically and directly addressed the issue of integrating Vietnamese migrant workers into the host countries or the problems of Vietnamese women migrant workers.

The related policies seem to have the potential to support some issues related to integration. The flexible citizenship regime, as well as policies that encourage remittances, may create conditions for workers to live and work with confidence while

⁶¹⁹ MOLISA (2022b). Promoting cooperation on labour export between Vietnam and Hungary (in Vietnamese: Thúc đẩy hợp tác về xuất khẩu lao động giữa Việt Nam - Hungary). Available at: <http://www.molisa.gov.vn/Pages/tintuc/chitiet.aspx?tintucID=231271> (Accessed 20 February 2023).

maintaining their ties to their homeland. However, regarding the challenges faced by Vietnamese female workers in the EU, as discussed in this dissertation, Vietnam's current legal framework is unlikely to help address any challenges. Specifically, as the country of origin, Vietnam's role in pre-departure language and cultural training is significant, but the labour training policies are ineffective. Moreover, with almost no bilateral agreements on labour with EU countries, issues such as recognition of qualifications or creating support networks for workers are very difficult to achieve.

In summary, I argue that Vietnam's legal framework provide some foundational support, however, they fall short in addressing the specific integration challenges Vietnamese female migrant workers face in the EU. I believe that strengthening labour training policies, enhancing pre-departure preparation, and negotiating more bilateral agreements with EU countries are necessary steps to better support these workers' integration and ensure their rights and well-being abroad.

CHAPTER VI: CONCLUSION AND DE LEGE FERENDA PROPOSALS

1. Conclusion

This dissertation presents a study focusing on the legal aspects of the integration of Vietnamese female migrant workers in the EU. The research examines and evaluates two legal frameworks in supporting the integration of Vietnamese female workers in the EU: the legal framework of Vietnam, as the country of origin, and the legal framework of the EU, as an independent entity with the authority to establish migration policies and influence the laws of its 27 Member States.

In this dissertation, integration theories are first employed to elucidate the role of the country of origin in migration. It can be reaffirmed that migration and integration are not solely the concerns of the migrants and the destination countries. In the modern world, theories of "transnational space" illustrate that migrants maintain connections with their home countries throughout the migration process. The perspectives on integration within the EU have also evolved, recognizing that integration has become a three-way process involving migrants, destination countries, and countries of origin. In this process, the country of origin can play a crucial role in facilitating and supporting the integration of migrant workers. Through its policies and legislation, the country of origin can influence the integration process of migrants abroad by providing vocational, cultural, and language training prior to departure. Additionally, it can establish support networks for workers during their stay abroad or enter into bilateral or multilateral agreements on related issues, such as the recognition of qualifications and skills.

The dissertation also attempts to clarify various theoretical and practical issues related to female migrants to address the question of why policies focusing on female migrants are necessary. The significance of migration in empowering women, the motivations and forms of female migration, and the contributions of female migrant workers to both the destination and origin countries have been elucidated to highlight the roles, positions, and relationships of women in migration. Women today migrate not only in dependent roles, such as for family reunification or marriage, but also for various other reasons, including education and employment. Through migration, women can find economic opportunities, acquire knowledge, and contribute to both their home and host countries by filling labour shortages, sharing experiences, cultural exchange, and remittances. Migration can

significantly empower women and elevate their status in society; however, it also brings numerous challenges. The dissertation also explores and highlights the vulnerabilities of female migrants. They often face greater disadvantages compared to male migrants and native women during migration, encountering multiple forms of discrimination. These women frequently suffer from dual disadvantages as both women and migrants. Gender stereotypes often confine female migrants to traditionally feminine jobs, which tend to lack legal and social protections, such as those in the entertainment industry or domestic work. Additionally, issues related to reproductive health and access to healthcare services pose significant challenges for women during migration.

The demographic group selected for this dissertation comprises Vietnamese female migrant workers who legally migrate to the EU for employment, governed by the Law on Vietnamese Guest Workers 2020 and supported by the migration policies of the Vietnamese Government. To identify the challenges faced by this group during their integration process in the EU, the study examines the context of the EU labour market to highlight the disadvantages faced by female workers in general within this market. Furthermore, it clarifies the situation of Vietnamese female migrant workers by exploring the migration context and the specific characteristics of this demographic.

Through both direct and indirect evidence, the research identifies the integration challenges that Vietnamese female migrant workers may encounter in the EU. These challenges are summarized in the table below:

Table 15: The integration challenges that Vietnamese female migrant workers may encounter in the EU

Challenges	Main manifestations
Discrimination and Gender stereotypes	<ul style="list-style-type: none"> - Double-discrimination, being discriminated for being both a woman and a migrant. - Limited job opportunities and wages. - Feminine jobs, lack of good working conditions and legal protection.
Language and cultural differences	<ul style="list-style-type: none"> - Difficulty accessing information, social services, and health care services.

	<ul style="list-style-type: none"> - Difficulty adapting to lifestyle. - Social isolation.
Recognition of qualifications and Recognition of skills	<ul style="list-style-type: none"> - Limited job opportunities. - Must do work that is not commensurate with their abilities and professional qualifications. - Wage is lower than ability.
Family and childcare responsibilities	<ul style="list-style-type: none"> - Maternity leave can lead to job loss or loss of skills. - Lack of time to participate in language, culture, or skill improvement courses.
Access to the labour market after family reunification	<ul style="list-style-type: none"> - Must wait a long time and may result in loss of skills. - Dependent on the husband economically and legally.

Source: Author's own source.

Based on the identified challenges, the dissertation examines the legal frameworks of both the EU and Vietnam to assess the extent of support provided to Vietnamese female migrant workers during their integration process in the EU. It can be concluded that while both the EU and Vietnamese legal frameworks offer some support to these workers, it is insufficient. Both legal frameworks have inherent shortcomings that need to be addressed to better support the integration of Vietnamese female migrant workers in the EU.

The issues with the EU legal framework can be summarized as: a lack of focus on female migrant workers and insufficient competence. Firstly, regarding Vietnamese female migrant workers under the management of the legal migration directives, none of these directives focus on female migrant workers. The directives are largely unable to address the challenges that Vietnamese female workers might face. The issue of equal treatment seems to be the only aspect mentioned in the directives. However, the provisions on equal treatment aim to eliminate barriers to discrimination based on residency status but do not address gender-based discrimination. As a result, achieving actual equal treatment remains distant. Secondly, although the EU has shifted its perspective to recognize the need for policies focusing on female migrant workers, this recognition is insufficient. It

is only an initial acknowledgment in some policy documents and has not yet resulted in specific policies. Thirdly, even when specific policies are in place, their effectiveness is questionable as they often remain mere recommendations. The EU grants member states too much autonomy, leading to inefficiencies in the implementation of common migration policies. For instance, the failure of some directives, such as the FRD⁶²⁰ or the old BCD 2009, is due to member states maintaining and prioritizing parallel national programs.⁶²¹ Consequently, Vietnamese female migrant workers may still face unequal treatment in different Member States.

The issues with the Vietnamese legal framework stem not only from its gender-neutral migration law but also from its nascent state. Vietnamese migrant workers are primarily governed by the Law on Vietnamese Guest Workers and several related decrees and circulars. However, this law has only 18 years of development history, with one amendment and the most recent issuance in 2020. As such, it primarily addresses the state's need to manage legal migration flows. The issue of "integration" for workers abroad, as well as the role of the country of origin, has not been adequately considered by Vietnamese lawmakers. The role of policies in language, cultural, and skill training for workers prior to departure is crucial for a successful integration process, yet Vietnam's policies in this regard remain rudimentary and practically inadequate. Additionally, the network of state entities established to support workers during their time abroad is minimal, and there is currently no such agency in the EU.

In summary, both the EU and Vietnamese legal frameworks need to be reviewed and amended to facilitate the successful integration of Vietnamese female migrant workers. For the EU legal framework, since its laws and policies are not specifically designed for Vietnamese female migrant workers, these amendments would not only benefit this group but also have significant implications for female migrant workers in general within the EU.

2. De lege ferenda proposals and recommendations

2.1. Proposals for the EU legislation and recommendations

⁶²⁰ Morris, E. (2015). *Op.cit.*

⁶²¹ Luu T. A. (2023a), *Op.cit.*, p. 136.

The European Commission's acknowledgment of the need for policies focusing on migrant female workers in the Action Plan on Integration and Inclusion 2021-2027 provides an excellent legal foundation for proposals related to migration and integration frameworks. This dissertation proposes the implementation of a series of new EU policies based on specific needs rather than gender-blind policies. Gender mainstreaming strategies should not overlook the distinct set of obstacles that impact migrant women's inclusion due to their migratory status.⁶²² Even that the primary focus of this dissertation is on Vietnamese female migrant workers, the proposals aim initially to address the challenges faced by Vietnamese migrant women during their integration process in Europe. However, the significance and scope of these proposals will extend beyond the integration of Vietnamese female workers to encompass migrant women and third-country migrant workers in the EU.:

- Discrimination and gender prejudice are complex and challenging issues because laws and policies cannot compel an individual or a group to change their mindset. Societal attitudes towards gender equality are not shaped primarily by origin or educational background but by the prevailing values within the society.⁶²³ Therefore, completely eradicating discrimination and prejudice is nearly impossible. Instead, the EU should implement policies that promote the integration of female migrant workers who are often victims of discrimination and gender prejudice, such as domestic workers, ensuring they are not rendered invisible in protective policies.
- Policies aimed at enhancing or encouraging participation in language and cultural training for female workers appear ineffective, as participation often depends on their voluntary will and is hindered by objective conditions such as family caregiving responsibilities. Therefore, to achieve effectiveness in this matter, the EU should adopt more robust measures. For instance, Article 79(2)(a) of the TFEU allows the EU, acting in accordance with the ordinary legislative procedure, to establish certain conditions and standards for entry and residence.⁶²⁴ The EU can use this authority to impose specific standards regarding language proficiency and general cultural knowledge. Although this measure might reduce

⁶²² Roberto C., Lina V. & Helena W. (2023). *Op.cit.*, p. 61.

⁶²³ OECD (2020a). *Op.cit.*, p. 8.

⁶²⁴ TFEU, Article 79(2)(a).

the number of migrant workers entering the EU in the short term, it could, in the long run, increase the rate of successful integration of migrant workers.

- The EU should establish a specific mechanism to swiftly recognize the qualifications and skills of migrant workers to avoid the waste of expertise and unequal skill levels among member states. For example, Germany can recruit skilled nursing professionals from Vietnam because it is the only country that facilitates the recognition of nursing qualifications obtained in Vietnam while other EU countries, despite potentially having similar needs in this field, lack appropriate policies.⁶²⁵
- The EU should implement a specific policy to support migrant women who have young children or are pregnant. This policy should include measures to alleviate the burdens of family care and pregnancy for migrant women, such as ensuring maternity leave benefits, access to maternal healthcare services, and providing subsidies and access to childcare services.
- The EU should review and seriously reconsider the regulation requiring a one-year waiting period to access the labour market as stipulated in the FRD.
- Additionally, the EU should consider the role of trade unions in supporting the integration of migrant workers. The European Trade Union Confederation (ETUC) pointed out in its resolution that the inclusion of migrants requires improvements in EU trade unions.⁶²⁶ In Europe, the principle of organizing trade unions is based on industry unions, meaning that workers are organized in unions related to their field of work or related to their skills and education. Company-based unions, such as those in Asian countries, are rare. This type of union organization creates relationships among employees both vertically and horizontally and is considered to be very robust.⁶²⁷ A widespread network of trade unions, including both company-based and community-based unions, can serve as a model for addressing the concerns of migrant workers. These unions act as critical bridges, addressing even the smallest issues faced by migrant workers. With their deep understanding of their members, they can identify the needs and

⁶²⁵ Giang Nam (2021). *Op.cit.*

⁶²⁶ ETUC (2020). Resolution for the integration of migrants and the consolidation of the UnionMigrantNet. Retrieved from <https://www.etuc.org/en/document/etuc-resolution-integration-migrants-and-consolidation-unionmigrantnet> (Accessed on 7 May 2024).

⁶²⁷ Jensen, C. S. (2006). Trade unionism: differences and similarities-a comparative view on Europe, USA and Asia. *Journal of Industrial Relations*, 48(1), pp. 59-81.

challenges that migrant workers face and provide direct support to address them. Moreover, these unions serve as important links between migrant workers and national and industry-specific unions. With a thorough understanding of the unique circumstances migrant workers encounter, these unions can offer practical solutions that inform policy-making and legislative activities aimed at protecting migrant workers' rights.⁶²⁸

Besides the need for specific and focused policies on female labour, I believe that a more critical issue is the EU's authority in this domain. The so-called common integration policy of the EU can only be achieved by either reducing the autonomy of member states or increasing the self-governance of the EU.⁶²⁹ If member states retain excessive autonomy, establishing parallel national programs, and the EU's policies, despite focusing on migrant women, remain merely recommendations, the effectiveness of EU policies seems negligible.

2.2. Proposals for Vietnamese legislation and recommendations

As analyzed above, the effectiveness of the EU's common policy remains a complex issue because it is not easy for member states to relinquish or reduce their autonomy to enhance the EU's authority. Therefore, to support Vietnamese female workers in their integration process in Europe, the Vietnamese legal framework must focus more on its role as the country of origin. Governments and policymakers can enact several laws and regulations to simplify emigration procedures, create more avenues for safe and legal migration, ensure the portability and protection of migrant rights and their full participation in societies of origin and destination, and lower remittance transfer costs.⁶³⁰ Subsequently, they can support and recognize existing migrant associations, cooperate with regional and local authorities, and collaborate with NGOs, multilateral institutions, and other stakeholder. Moreover, for labour migration to contribute to economic and social development in labour-exporting countries, it must be addressed through grassroots policies and programs starting at the community level and globally recognized as a phenomenon capable of promoting gender equality. Government practices and policies

⁶²⁸ Luu T. A. (2022). The Role of Trade Unions in the Protection of Migrant Workers in the EU. *Rev. Fac. Drept Oradea*. pp. 193-203.

⁶²⁹ Van Wolleghem, P. G. (2019). *Op.cit.*, p. 219.

⁶³⁰ Sinatti, G., & Alvarez Tinajero, S. (2011). *Op.cit.*, p. 48.

need to address the social drivers of female migration through 'return migration' plans, legally protect the rights of migrant women, facilitate skill and knowledge transfer through exchange platforms, and promote entrepreneurship and solidarity within migrant women groups. Through such policies and practices, countries can contribute to economic growth while empowering women in their societies both economically and socially.⁶³¹

The following recommendations are directed towards Vietnamese lawmakers and government agencies in the field of migration. Some of these recommendations can be implemented almost immediately, while others are more long-term in nature, aimed at building a sustainable legal and policy framework to facilitate the best conditions for Vietnamese female migrant workers:

- Firstly, it is imperative that Vietnam conducts in-depth research and supplements the concept and specific provisions of 'integration' in legal documents pertaining to the field of labour migration. Such efforts will serve to protect and recognize the rights and obligations of migrant workers related to their integration, as successful integration plays a critical role in the process of labour migration. Moreover, the recognition of this concept will enable Vietnam to set targets for the development and implementation of policies that are directly relevant to the process of migrant worker integration.
- Secondly, to fill the gaps in migration data in Vietnam, the Ministry of Labour, Invalids and Social Affairs, in collaboration with other ministries, should establish a unified database. This database should categorize data by gender, destination, and occupation.
- Thirdly, it is imperative to establish policies that focus on foreign language training for Vietnamese migrant workers. This is particularly critical since workers who relocate to different EU member states may encounter language barriers that extend beyond the official language of the host country. Proficiency in English, in particular, would confer significant advantages, enabling them to quickly acclimate to their work and lifestyle.⁶³² Therefore, incorporating language training programs within the overall framework of labour policies is crucial to equip Vietnamese migrant workers with the necessary language skills that are

⁶³¹ Bachan, A. (2018). *Op.cit.*, p. 15.

⁶³² Guldenmund, F., Cleal, B., & Mearns, K. (2013). An exploratory study of migrant workers and safety in three European countries. *Safety science*, 52, pp. 92-99.

essential for their successful integration and participation in the host country's social, economic, and cultural fabric.

- Fourthly, it is imperative for Vietnam to formulate policies that focus on the development of labour quality standards aligned with the international standards in order to enhance the overall quality of the Vietnamese migrant workers. Labour quality is a vital aspect of the integration process of migrant workers as it directly influences their competitiveness in the labour market. This is particularly critical for female migrant workers, especially those who are ethnic minorities and those from rural areas, who often face additional barriers and discrimination. Unfortunately, by the end of 2022, the percentage of highly skilled professional and technical workers in the Vietnamese labour force was a mere 11%, and the labour productivity of the country is comparatively lower than many other countries in the ASEAN region.⁶³³ Therefore, enhancing labour quality standards and ensuring they comply with international standards can result in significant gains in the overall quality of Vietnamese migrant workers. This will also improve the prospects for female migrant workers, enabling better integration and economic contributions from this vulnerable group.
- Fifthly, Vietnamese female migrant workers often lack information and access to reliable support when encountering problems abroad,⁶³⁴ so it is important for Vietnam to establish more migrant support agencies in destination countries where Vietnamese migrant workers are employed. These support agencies could provide a range of services to migrant workers, including assistance with finding employment, housing, healthcare, and legal services. They could also help to connect workers with other members of the Vietnamese migrant community and provide language and cultural training to help them adapt to their new environment.⁶³⁵ To establish these agencies, Vietnam could work with its diplomatic missions in destination countries to identify areas where support is needed and establish partnerships with local organizations and government agencies to provide services to migrant workers.

⁶³³ Dang Cong San Newspaper (2022). Labour Market Trends in the Digital Era (in Vietnamese: Xu hướng thị trường lao động trong kỷ nguyên số). Available at <https://dangcongsan.vn/kinh-te/xu-huong-thi-truong-lao-dong-trong-ky-nguyen-so-623914.html> (Accessed on 12 September 2022).

⁶³⁴ Thanh, V. T. (2021). *Op.cit.*, p. 73.

⁶³⁵ MOLISA (2021). *Op.cit.*

- Finally, achieving a common and effective legal framework in both the EU and Vietnam will take considerable time. The EU's need to cooperate with other countries in managing migration flows has steadily increased in recent years, placing migration at the forefront of the EU's foreign relations agenda with key origin and transit countries.⁶³⁶ However, a comprehensive agreement between the EU and Vietnam specifically on migration is not easily attainable in the short term. Therefore, in the near future, to support the integration process of Vietnamese women migrant workers, it is imperative for Vietnam to reinforce its efforts in establishing more bilateral agreements and other collaborative arrangements with the EU Member States. These agreements can cover a range of issues related to the employment and integration of Vietnamese workers, including labour standards and regulations, workplace safety, recognition of qualifications and skills, access to social services, and the protection of migrant workers' rights. Additionally, when negotiating agreements, the principles of gender equality and non-discrimination based on gender must be ensured. By establishing clear guidelines and regulations for the treatment of Vietnamese migrant workers, these agreements can help ensure that workers are treated fairly and have access to the support and services they need to integrate into their new communities. To strengthen the signing of these agreements, Vietnam could work with its diplomatic missions in EU countries to identify areas where cooperation is needed and engage in negotiations with host governments to develop formal agreements. Vietnam could also work with EU institutions and member states to promote greater awareness and understanding of the issues faced by Vietnamese migrant workers and to advocate for policies that protect their rights and well-being.

Table 16: De lege ferenda proposal for Viet Nam and EU legislation

	De lege ferenda proposal
EU	<ul style="list-style-type: none"> - To implement policies that promote the integration of female workers who are likely to be victims of gender discrimination and stereotypes, such as domestic workers, it is essential to ensure that they are not rendered invisible in protective policies.

⁶³⁶ Commission and European External Action Service Communication on A new partnership framework with third countries under the European agenda on migration, COM(2016) 385 final.

	<ul style="list-style-type: none"> - Based on Article 79(2)(a) of the TFEU to impose specific standards on language proficiency and general cultural knowledge. - Establish a specific and unified policy in the EU to quickly recognize the qualifications and skills of migrant workers. - Establish a specific policy to support immigrant women with young children or who are pregnant. - Consider amending regulations requiring a 1-year waiting period to access the labor market in FRD.
Viet Nam	<ul style="list-style-type: none"> - In-depth research and supplementation of concepts and specific regulations on "integration" in legal documents related to the field of labor migration. - Establish a specific policy focusing on foreign language training for Vietnamese migrant workers. - Establish a policy focuses on building labor quality standards in accordance with international standards to improve the overall quality of Vietnamese migrant workers.

Source : Author's own source.

The findings from this research not only shed light on the current conditions and challenges faced by Vietnamese migrant women during their integration into the EU but also highlight the urgent issues that need to be addressed within the existing legal framework. Given the complexity and diversity of migration phenomena, the improvement and enhancement of laws and policies are essential to ensure the rights and equality of migrant women. This dissertation aspires to be a significant stepping stone, sparking future research and contributing to positive changes in the legal framework of both the EU and Vietnam, ultimately advancing the rights and well-being of Vietnamese women migrants in the EU.

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