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FIZ MAGAZINE

● Advocacy and support
for migrant women and
victims of trafficking



Migrant Women
in Switzerland

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Dear readers,

«My boss does not pay me my wages». «I have to get away from my husband». «I don't know what to do anymore». Women, who ask for advice in the counseling center for migrants or FIZ Makasi, are desperate. And often we can help them. But also, sometimes not. Because the legal framework is tight. FIZ therefore combines supporting women with political work – and has done so for almost 35 years. Not only do we want to support women directly, we also want to change structures. In order that migrant women will no longer be victims in the future – and if they still do, they should receive the support they need. Migrant women are often portrayed as helpless and oppressed. But they are not: they organize themselves, fight back, and they contribute greatly to the social and cultural development of Switzerland.

This issue of the FIZ magazine is about women's migration. How are migrant women treated in Switzerland? What hurdles must they overcome? This magazine tells about the lives of our clients. We asked Janine Dahinden and Carolin Fischer, both migration researchers at the University of Neuchâtel, to give us some insights about the connection of Gender and migration laws.

We also show photos of FIZ's actions at the Women's Strike 2019. They reflect the power of this overwhelming day!

We wish you an inspiring read!

Best wishes

Lelia Hunziker and Doro Winkler



Migrant Women in Switzerland

«Nothing would work without migrants», ran the headline in a major daily newspaper in Switzerland recently. To this we add: «Especially not without migrant women». Migrant women in Switzerland care for our children and elderly parents, they work in hospitals as surgeons or nurses, they design clothes, clean up waste, work at the cash register of retail stores or do people's taxes. They drive trams, run businesses, stand at the conveyor belt in a factory, offer sexual services, sell at the kiosk or serve in a restaurant.

Why do women migrate? Because they look for a livelihood for their families and themselves. Because they want to widen their children's future prospects. Because they come to Switzerland for family reunification. Because they want to study here. Or because they seek protection – from persecution or gender-based violence. Migrant women take their destiny into their own hands – courageous, self-determined, active, and curious.

Oppressed and weak?

Nevertheless, in many minds, migrant women are only perceived as «oppressed» and «weak» women. Women's migration was invisible for a long time, as women were perceived only as an appendage to men. The situation of migrant women today is often (mis)used as an example of the supposed «backwardness» of their countries of origin, their culture and their husbands. But: Not infrequently it is the backwardness of the Swiss migration laws and the prejudices in Swiss society that oppress and discriminate against migrant women.

Isolation and control

Hardly a day passes in which Swiss newspapers or politics do not warn about migration. Density stress, global warming, housing shortage, social security crisis, or unemployment – everything is blamed on migration. There prevails a spirit of defense and fear; the aim appears to be to isolate and control migrants. What are the consequences of these discourses in the lives of migrant women in Switzerland?

Bureaucratic hurdles

At FIZ we counsel migrant women, whose lives are being made difficult, on a daily basis. Many migrant women have to fight for their basic rights, and if they do not have trained lawyers at their side, they hardly have any chance. What is conveyed to them is: you are not wanted here. Authorities mistrust them and put bureaucratic stones in their way. The revised Federal Law on Foreigners and on Integration (AIG), which came into force on 1 January 2019, has led to serious aggravations of the residency situation of migrant women from third-countries.

Uncertainties about the residency status as well as the dependencies on spouses have noticeably increased. New stricter requirements and integration criteria apply for residence permits. A new regulation determines: If a person who has been granted a settlement permit not subject to any time restrictions or conditions (permit C) becomes dependent on social welfare, her permit will be downgraded to a permit to be regularly renewed (permit B). Thus the often very vulnerable situation of migrant women has further deteriorated. Women from third-countries have little chance of gaining a foothold in Switzerland, as the case study of Kanita on the next pages illustrates.

Many migrant women who turn to FIZ are completely at a loss. And FIZ consultants sometimes have only little scope for action to support them. Because appropriate laws are missing or because no institution is ready to pay for the help. That is why FIZ also works at the political level and fights for general improvements for migrant women.

Kanita: Undocumented

Kanita* (25) lived with her mother, younger brother, and little daughter in Bangkok. Her mother worked as a hairdresser in their small apartment. Kanita worked as a domestic servant. Both women earned little. When her mother became ill and could not work anymore, the situation got worse. Kanita was deeply concerned: how would she support her family, let alone provide her daughter and her brother with a better perspective for the future? She looked for a better-paying job.

Then she met Lawan. Lawan had gone to Europe and regularly sent home money. Lawan asked Kanita if she wanted to come to Zurich with her. She runs a salon there where she offers sexual services and erotic massages. Kanita considered her (limited) options. Factory work? Maid in a hotel? She decided on Zurich and travelled to Switzerland on a tourist visa. Lawan paid for her plane ticket. Kanita will repay Lawan's expenses in installments. In a Zurich backyard, Lawan, Kanita, and a third woman share two rooms for work. Expenses for rent, advertising, taxes, and toiletries are divided into three. The salon is doing well. The three women have an agreement about working hours and standard prices. Each runs her own account. Kanita regularly transfers money home. Time passed. The tourist visa has expired. Kanita knows that she is living and working illegally in Switzerland. She is afraid she will be checked by the police on the street or on the tram and she avoids contacts outside her working environment. She makes herself invisible. On one occasion, a customer did not want to pay, and when she insisted, he threatened to turn her in to the police. Kanita turned to FIZ to find out about her rights. But: As a Thai sex worker she has no chance for a legal residence permit.

Emely: domestic violence

Emely* comes from the Dominican Republic. Her residence status is linked to the residence permit of her spouse. Her husband comes from Italy and has a residence permit in Switzerland. Emely never lived three years in a row with her husband in Switzerland – a prerequisite for receiving an independent residence status. After each longer stay abroad the count starts again. Her husband had sent her and her children abroad in between, so that the duration of their joint residence started back at zero when she came back to Switzerland. Emely has experienced violence from her husband for many years. She returned to him repeatedly after several separations – because he threatened to kill her and her children. Finally, in spite of the threats, she decided to divorce him.

«When did your marriage become defunct (date as accurate as possible)?» «How do you spend time together with your children?» These and 26 similar questions Emely had to answer in writing to the Migration Office. Within 10 days. And in German. After answering all questions, she received another list with 20 further questions from the Migration Office. Emely was only able to answer with the help of the FIZ counselor. Furthermore she had to add a vast number of reports to the form: reports from women's shelters, counseling centers, and the police. Based on this correspondence, the Migration Office will decide whether Emely may continue to stay in Switzerland after the divorce. Emely is standing in front of a shambles. Her self-confidence is utterly destroyed. Her husband had deliberately kept control over all administrative and financial matters during the marriage. Now she learned that she has debts with her health insurance. She needs support from the social services. But her husband did not de-register from their shared apartment, although he has moved out and the judicial separation is completed. As long as he is not de-registered, Emely couldn't receive any social assistance. Although the community knew that he no longer lived in the marital home, they did not want to de-register him without his consent. Only after intervention by the FIZ counselor did the community move away from the rigid scheme and pay Emely the social assistance due to her. As a result, Emely can indeed afford to support her children and herself, but: As a migrant dependent on social welfare, she has poorer chances of getting her residence permit renewed.

FIZ's political work for migrant women

Hard Work in the Background

Political work is hard work. FIZ participates in working groups, develops expertise, pores over and interprets laws, makes arguments, uncovers gaps, and works out suggestions.

FIZ has, for example, been campaigning for right of residency independent of the civil status for more than 20 years. What lies behind this technical, barely comprehensible term is shown in the story of Emely (page 4). Because she has never stayed with her violent husband in Switzerland for a full three years, she has to fear for her residence permit in Switzerland when she divorces him. Instead of being protected and supported as a victim of domestic violence, she must justify and explain herself to the Migration Office, provide evidence, and is suspected of abuse of migration laws. An untenable condition that FIZ, together with other women's rights organizations, has been trying to change for years. Small steps have been taken: a marriage must no longer have lasted for five years, but only three years, in order to obtain a separate permit. In addition, the Aliens and Integration Act (AIG) has for some years stated that domestic violence can be an «important personal reason» for an extension of the residence permit – even if the marriage lasted less than three years. But the key word is «can». The decision is at the discretion of the cantonal migration authorities. And different cantonal migration authorities set the hurdles for migrant women at different levels.

Also Ayana (page 7), who seeks protection against exploitation as a refugee in Switzerland, is afraid of being deported. This is a huge burden for herself, and also for her counselor at FIZ. We see this in many cases: Thanks to growing trust, victims of women trafficking talk in great detail about the traumas they experienced during their exploitation. The counselors know what is needed, but their hands are tied again and again: whether it's because of a lack of a law enabling this help, or because the authorities interpret the law too narrowly. Here FIZ becomes politically active and tries to increase the scope for action. With regard to refugee women, FIZ has been able to increase the support for asylum seekers who are victims of trafficking, thanks to the project «Trafficking in asylum». FIZ also trains people working in the field of asylum so that they can identify potential victims and entrust them to FIZ. Finally, FIZ is involved in working groups to, for example, advance legislative changes so that all refugee women who are victims of trafficking can receive protection and support. Also if the crime was not committed in Switzerland.



Additionally, FIZ formulates responses to legislative consultation processes for many topics and comments on new legislative proposals. We always attempt to highlight the consequences that these laws can have on migrant women. We want the perspectives of those affected to be introduced. But we also refer to the international conventions that oblige Switzerland to protect human and women's rights. In order for this to be put into practice, independent, critical voices like FIZ are needed.

Abril: Labor Exploitation

Abril* comes from a Latin American country and has a Spanish passport. The 25-year-old held an Au Pair position with a well-off family in a wealthy community in the greater Zurich area. Her wages were the same as those of an Au-Pair, but not the working conditions. The work as an Au-Pair provides a low wage, as the purpose is a cultural exchange. Paid travel expenses to Switzerland, a half-day job and the opportunity to attend a language course are included. But not in Abril's situation. She worked 42 hours a week, her airline tickets were not paid, and she could not attend a German language course.

When Abril complained to the family and demanded her rights, she was simply thrown out onto the street. She wanted to take legal action against her employer. But: Instigating a labor lawsuit takes time – and you need money to survive during that time. Abril turned to the municipality. They informed her that she has no entitlement to social welfare. But we think: Anyone who is a victim of labor exploitation in Switzerland must have the option to be able to sue their employer in Switzerland. The municipality couldn't or did not want to do anything for Abril. A friend offered her temporary accommodation and referred her to FIZ. The FIZ counselor wrote to the employer on behalf of Abril and made a wage claim. The employer hired a lawyer. A settlement was negotiated, which did not cover all of Abril's claims. But she decided to accept the settlement. Because she does not have proof for everything, it is uncertain what the outcome of the court would be. This is common with labor exploitation in private households. It is one person's word against the other. Employment contracts, timekeeping, payslips, and other documents are only partially available or missing completely.

Gender and Migration in Switzerland

A look at Swiss history shows that migration has done much to change the conditions in the world of work, education, and politics, to the benefit of women. Francesca Falk's book «Gender Innovation and Migration in Switzerland» illuminates this for the first time in an overall context. Since migration today is often seen as a threat to gender equality, these findings are of particular social relevance.

For example, Falk gives evidence that immigrant Italian women in the 1960s pushed ahead with the expansion of nursery infrastructure in Switzerland. Due to their gainful employment and lack of family networks, these migrant women were dependent on nurseries. And the existence of these creches has ultimately normalized extra-familial childcare for Swiss women as well. Today, compatibility between work and family life would be

inconceivable without this infrastructure. For it is well known that men step up only to a very small extent when women return to work after maternity leave.

A further example is access to higher education for women. Switzerland was one of the first countries to make this access possible. However, it was predominantly German professors working in Swiss universities who made it possible for foreign women to study, and the first female professors in Switzerland all had a migration background.

Francesca Falk calls for a «migrant-isation» of Swiss history in order to make visible the central role played by people with migration experience in Switzerland for the development of gender equality. The book has been published in English in the series «Palgrave Studies in Migration History». It can be downloaded for free: <https://link.springer.com/book/10.1007%2F978-3-030-01626-5>

Ayana: Human Trafficking

When Ayana* (33) applied for asylum in Switzerland, she told at the first asylum hearing that her papers were taken away from her in Milan, that she was imprisoned, raped, and forced into prostitution by men. Her legal representative contacted FIZ. In the counseling interviews with FIZ it became clear that Ayana was severely traumatized. She suffered greatly under the living conditions in the Federal Asylum Center. It was never quiet, and at night the light was always on. She shared the room with many women and had no safe place to retreat to. She had nightmares and flashbacks. She had no access to professional psycho-therapeutic help; the doctor at the Federal Asylum Center only prescribed her strong antidepressants. Under the influence of these drugs she had to undergo the asylum hearings.

As Ayana had become a victim of human trafficking in Italy, she had no claim to specialized care or protection according to the current legal situation in Switzerland – only victims of criminal offences perpetrated in Switzerland receive this protection. This is contrary to binding international agreements. The European Convention against Trafficking in Human Beings states that all victims of trafficking must have access to protection and help.

The fact that Ayana came into contact with FIZ at all and received the support that she is entitled to under international law is due to the FIZ project «Comprehensive Protection for Persons Affected by Trafficking in Asylum». The project is funded by the Reformed and Catholic Churches in Zurich. It enabled FIZ to organize therapeutic help for Ayana, who became more stable, as a result of the counseling.

However, the State Secretariat for Migration SEM quickly came to the conclusion that Ayana was a «Dublin case» and had to return to Italy because her data is recorded there. The SEM does not accept Ayana's asylum application – although it recognizes that there is a suspicion of Ayana being a victim of human trafficking. The legal representative only had five working days to appeal the decision of the Federal Administrative Court. If the complaint is rejected, it is inevitable that Ayana will be returned to Italy – this means being returned to the place where her exploitation took place. In addition, in Italy Ayana would receive no support or specialized care: since October 2018, the Italian government makes no distinction between vulnerable asylum seekers and others. Due to her psychological condition, she is particularly at risk of being exploited again. After receiving the appeal, the Federal Administrative Court has at least allowed Ayana to await the decision in Switzerland. This gives her a little more time to come to rest with the help of the FIZ counselor. The fear of the Dublin-repatriation, however, remains great and preoccupies Ayana deeply. And rightly so: no other European country applies the Dublin clause as strictly as Switzerland – even among victims of human trafficking.

* In all case histories the names were changed and the circumstances anonymized.

Interview

«Our migration laws are not gender-neutral»

Janine Dahinden holds a chair in Transnational Studies and researches the role of gender in migration. «Gender as a Boundary Marker in Migration, Citizenship and Belonging» is the name of a project Dahinden recently completed with Carolin Fischer, Joanna Menet, and Anne Kristol. We asked Janine Dahinden and Carolin Fischer about it.

Ms Dahinden and Ms Fischer, you have examined the role of gender in migration, citizenship, and affiliation in Switzerland in a research project. What exactly is the issue?

Janine Dahinden: The objective is to look at how gender is repeatedly used as an exclusion criterion in the context of migration and citizenship. The first module pursues the question of how gender is addressed in Swiss admission policies and later in integration policy, how it was inscribed in laws and which concepts of gender existed. The second module deals with the aspect of how gender features in naturalization processes. And finally, the third module shows how Swiss-born migrants of the second generation are denied their affiliation to Switzerland – depending on where their parents come from and what conceptions of gender equality are attributed to them.

Why is gender equality important?

Janine Dahinden: In public perception, «gender equality» is being hyped up as one of the characteristic traits of Swiss society. Gender equality thus mutates into a «marker», a criterion that decides who belongs to «us» and who does not. Of course, this is a phantasm because we know that gender equality has not been achieved in Switzerland. It is no longer just right-wing parties that exploit women's rights in order to make a move against migrants. Today so-called «gender nationalism» has reached the center of society. It is about a generally accep-

ted demarcation that marks affiliation. Here are the gender-equitable Swiss, over there are the repressive migrant culprits, as well as the oppressed, helpless, and unemancipated migrant women victims.

Is this a recent phenomenon?

Carolin Fischer: «Gender» had indeed already been thematised as part of the Swiss migration and integration policy, but in a different way. Up until the 1960s, female migration was not an issue. It existed, but no one was interested. It was not until the seasonal workers statute was changed into another form of

«In public perception, <gender equality> is hyped up as a characteristic of Swiss society».

guest worker-ship that the focus shifted to migration of women. With family reunification, the wives of the guest workers were now noticed as well, and already at this time there were culturalized stereotypical ideas of the «sexually active Southern Europeans» and the «fecund Southern European women». Along with the Schwarzenbach Initiative¹ in 1970, male migrants were portrayed as a threat to Swiss women. A further milestone was the integration policy of the 1990s.

What happened there?

Janine Dahinden: In integration policy, women shift to the center of attention. It becomes about «helping» them. This

once again greatly strengthened the image of the poor, oppressed migrant women. It is not per se bad to want to help migrant women with integration. The irony is that it consolidates the stereotypical idea of migrant women as victims of their «backward culture».

Carolin Fischer: Integration policy wanted to empower migrant women to be employed and not just be a housewife. The image of the migrant woman as a housewife, however, did not correspond to reality – not even if the woman came to Switzerland as part of family reunification. For one, most migrants lived in conditions where they could not allow themselves to be unemployed. On the other hand, a housewife's existence was considered a problem only with migrants, but not with Swiss women. Integration policy was thus ambiguous: on the one hand, support and, on the other hand, the cementing of a prejudice.

How has migration policy developed further?

Carolin Fischer: Later on, in the so-called three- and two-circle model, «strangers» were explicitly defined by «culture». Laws were formulated that favored certain migrants and rejected others. In principle, people were seen as either similar to «us» or alien to «us» and incompatible with Swiss society. The former included persons from the EU, the latter all third country nationals. This was a turning point: the world was divided into cultural regions.

And it was – or is – assumed that these cultural regions differ from another concerning gender relations?

Janine Dahinden: Yes. There is also a separation between third countries of the global North and third countries of the global South. The term «migrant» is used for people from the global South who are not highly qualified. Migrants from third countries of the global north are considered «expats». Expats are in Switzerland only for a certain period, but meanwhile this goes for many other people too. Research no longer conceives of migration as something static. Not all people who migrate stay where they arrive. It does indeed still occur, especially among low-paid, less-skilled migrants. But there are many circular forms of migration: people come, go again, come back, move on. Sex workers, Au Pairs and migrant carers are classic examples of this. Today's integration policy still assumes that women who come to Switzerland should culturally adapt to it. These laws do not reflect reality.

Carolin Fischer: North American migrant women are simply assumed to have a good level of education, to have equality within the family, to not require an explanation as to how women and men interact in Swiss society. With other migrants Swiss authorities start from completely opposite base assumptions. And those assumptions decide about who will benefit from which integration measure.

Migration laws are formulated gender-neutral. Do they still work differently for women and men?

Janine Dahinden: Our migration laws are not gender-neutral. They have grown historically. Most of them originate from a time when it was assumed that only men were economically active, and that women were merely attachments to men. And furthermore, our labor market is segregated by gender. Migrant women find

«Where someone comes from and with which images this heritage is connected in Switzerland, is crucial for how a person is received».

jobs especially in the care sector – as nurses, in home and child care, as an Au Pair. And also sex work is in the broadest sense care work – it includes not only sexual services, but also emotional work. As a result, our migration laws have a different effect on migrant women than on migrant men. The clearest example of this is seen when people have a residency permit dependent on their spouse. This essentially affects wives and husbands alike. Domestic violence is, however, in most cases perpetrated by husbands and in case of domestic violence the residency permit of the wife is dependent on her staying with the husband. Or: Highly skilled migrant women do not have the same opportunities as highly qualified migrant men – the segregated labor market also plays a role here. Furthermore in the area

of asylum seeking, reasons for granting asylum are very much tailored to male (heterosexual) asylum seekers.

Carolin Fischer: Where someone comes from and with which images Switzerland connects this heritage, is decisive for how a person is accepted, which access to work she has. There are diffuse, unspoken, written-down nowhere but firmly held attributions, which are strongly culturalized and strongly gendered. These attributions – men of certain cultures are perpetrators, women are victims, uneducated, and helpless – are stereotypes. They are spread by the media and in public discussions, and are reflected in both politics as well as in everyday social life.

And, of course, equally in the practice of migration authorities, since people who work there also read the papers. Stereotypes have more determining power than the individual who stands in front of you. That is why laws affect women and men differently.

¹James Schwarzenbach was a right-wing Swiss politician and publicist. He is chiefly known for his initiative on Überfremdung («excess of foreigners») that was put to the vote in June 1970.



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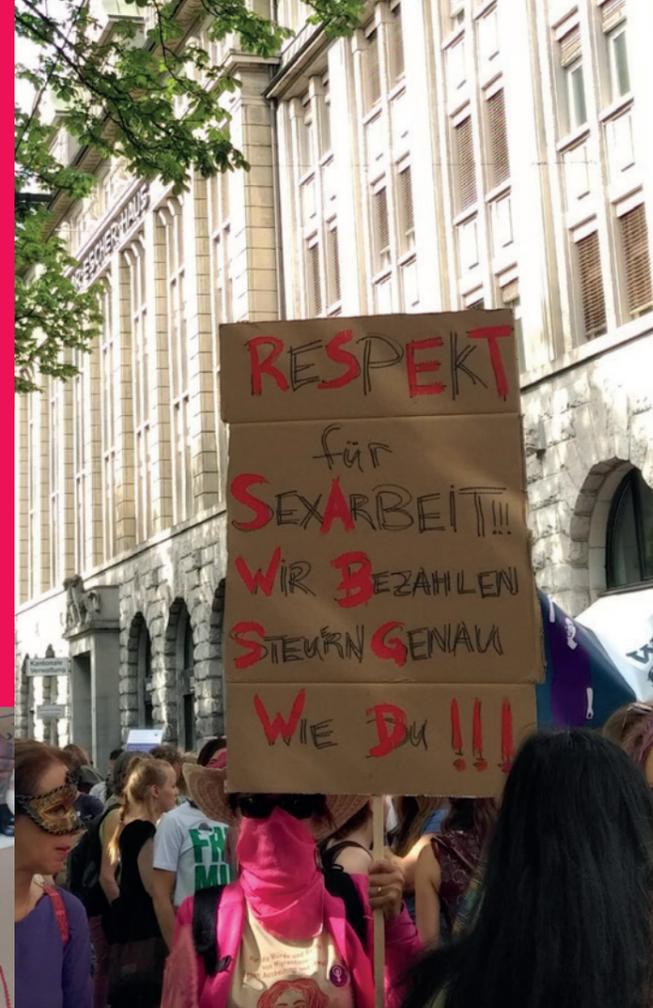
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Women Strike 2019!

The women's strike in Switzerland took place in June 2019 - but the power continues to have an effect. And the demands remain relevant. FIZ participated in the women's strike together with clients.

In workshops and discussions, we bundled demands and created a large banner at the FIZ building (left). After a lunch together, clients and FIZ women painted posters and banners (below). Together we went to the demo (right) and in the evening we had a joint performance on stage at Helvetiaplatz (bottom right).

FIZ
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...UNSER RECHT
AUF
WÜRDEVOLL
ARBEIT - AUCH
DER SEXARBEIT
RAUS ZUM
FRAUEN*STREIK
AM 14. JUNI!



FIZ: Advocacy and Support for Migrant Women and Victims of Trafficking

FIZ advocates for the protection and rights of migrant women who are victims of violence and exploitation. It draws attention to abuse and calls for urgently needed improvements for trafficked women and other migrant women who are victims of violence. For this purpose it operates two counseling centers: an advice center for migrant women and the Makasi center specializing in intervention for trafficked women. FIZ also does educational and political work.

In 2018, the counselling centre team advised 348 migrant women.
Makasi assisted 221 victims.

FIZ

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