

Undocumented women migrants in the European Union

2013/2115(INI) - 06/01/2014 - Committee report tabled for plenary, single reading

The Committee on Women's Rights and Gender Equality adopted the initiative report by Norica NICOLAI (ALDE, RO) on undocumented women migrants in the European Union.

Members recalled that 'undocumented migrants' are third-country national whose whose presence on the territory of a Member State does not fulfil or no longer fulfils the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State and whose detection by the immigration authorities would lead to a return decision or an expulsion. They also recalled that undocumented migrants often lack financial resources, which means that they have to seek unacceptable solutions to secure the means of subsistence.

In this context, undocumented women migrants are particularly vulnerable. This is why Members called on the Member States and the Commission **to recognise undocumented women migrants explicitly as a vulnerable social group exposed to trafficking, discrimination and exploitation on the labour market**

While emphasising that illegal immigration is a very topical issue, Members recalled **the need for a common legal framework on migration policies** in order to protect migrants and potential victims, especially women and children, but also to reduce illegal immigration.

Members condemned the fact that many migrant women are misled in their countries of origin with promises of employment contracts in developed countries and called on the Member States to apply the [Facilitation Directive](#) in order to reduce the risk of exploitative or abusive situations.

Vulnerability and protection of human rights: Members encouraged the Member States to waive, for undocumented migrants in the most vulnerable situations, the requirement to provide documentation in order to access state-run shelters. They insisted that **account be taken of the particular vulnerability of people with special needs**, such as children and adolescents, the elderly, the disabled, the illiterate or poorly qualified.

In particular, Members called on the Member States to provide undocumented women with proper psychological, health and legal support, with the right to housing and to combat all forms of forced labour. They condemned all forms of violence, human trafficking, abuse and discrimination against undocumented women. They also encouraged these women to lodge complaints against any abusive employer.

Among other things, Members called on the Member States to take the necessary steps to:

- **prevent the proliferation of prostitution** among women migrants;
- set in place mechanisms enabling undocumented migrant workers to lodge claims against an employer for any remuneration due;
- put an end to discriminatory practices and to combat undeclared work and labour exploitation;
- establish suitable training courses for their police forces and other state services that may be asked to deal with undocumented migrant women;

- ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, as well as the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- ensure that all migrant women, including undocumented migrant women, who have been victims of abuse or gender-based violence, are provided with protection and support;
- implement the Returns Directive fully and to issue certification of the postponement of removal, as required by the directive, in order to avoid the situation of legal limbo.

They called upon the Commission to:

- as part of a future revision of the [Employer Sanctions Directive](#), introduce the possibility of mechanisms enabling irregular migrants to **lodge anonymous formal complaints against an abusive employer** and strengthen the protection of the human rights of migrants placed in detention;
- **amend the [Returns Directive](#)** so as to ensure respect for the human rights of irregular migrants, especially pregnant women and children;
- ensure that the standards established by the UN Convention on the Rights of the Child remain at the heart of any action on child rights.

Lastly, Members called on the Member States and the Commission, each in their respective ways, to:

- provide funding avenues for organisations offering legal, humanitarian and social assistance to undocumented women migrants;
- extend the scope of the European Social Fund and the European Integration Fund to include all migrants, irrespective of their residence status;
- close the gaps in reliable data and existing knowledge regarding the number and situation of undocumented people in the EU and develop **EU-wide awareness campaigns to educate undocumented migrant women about their rights**;
- make provision for sufficient numbers of appropriate female staff who are aware of the cultural and religious background of these undocumented women migrants.