

Al encuentro de una salvaguarda jurídica equitativa en materia de migración y género

Towards an equitable legal safeguard on migration and gender

Amalia Patricia Cobos Campos

Universidad Autónoma de Chihuahua

pcobos@uach.mx

Cuando la mujer migrante finalmente, se atreve a romper el silencio, ya sea porque llega a un hospital, o porque llega a una Organización sin fines de lucro, donde la reciben, para apoyarla y la orientan de manera que ella conozca que es su derecho a denunciar, que no esta sola, se inicia un proceso de recuperar su voz,

su cuerpo y su derecho de tener una vida con dignidad

Leslie Moncada

Resumen

Asumiendo, sin lugar a dudas, los problemas de inequidad a los que se enfrentan los indocumentados, la situación se torna aún más complicada cuando dichos indocumentados son del género femenino, toda vez que en ese sentido se encuentran en dos situaciones diversas de vulnerabilidad, no debemos perder de vista que la migración de las mujeres se ha incrementado en los últimos tiempos y que, la misma se deriva en principio de la feminización de la pobreza, los tratados internacionales y la justicia transnacional resultan hasta ahora insuficientes para lograr un mínimo de respeto a la dignidad humana de esas mujeres, qué decir, de evitar su discriminación e incluso su explotación.

Palabras Clave: Migración, mujer, pobreza, legislación.

Abstract

Assuming, without a doubt, inequity problems that undocumented immigrants face, the situation becomes even more complicated when these undocumented are female, they are found in two different vulnerable situations, we must not lose sight that the migration of women has increased in recent times and that it is derived in principle of the feminization of poverty, international treaties

and transnational justice are so far insufficient to achieve a minimum of respect for the human dignity of these women, avoid discrimination and even their exploitation is out of the table.

Key Words: Women, poverty, migration, legislation.

Fecha recepción: Agosto 2011

Fecha aceptación: Septiembre 2011

Introduction

In contemporary states large a problem it is undoubtedly migration, can perhaps unsolvable? it seems that instead of display solutions to it, this is getting worse with no sign of solution or the very long term, with centuries of unfinished disputes, high complexity, and unwillingness to dialogue with different nuances in each state.

Some countries live on a daily basis and for others it is less important. Countries that are true incubators undocumented, as Mexico, and others, who are the recipients of these, like the United States, and some that have ranged from one to the other as Spain, which in the past had mass migration to America and today facing illegal migration of Moroccans in extreme poverty, with problems of unemployment and unprecedented which faces the first, create intractable conflicts. human rights and development

The prospect that both have the problem obviously is not the same, however acercamien points-to be given with regulations and bilateral agreements that benefit both sides of the border, but this requires political will in principle that so little is perceived today, because even though the US president recently declared Mexico to be immigration reform, while crystallized see this or a regulation equi-tative problem that dignifies everything stays migrants media .

Recognizing that migration itself is a problem, which has existed since the origins of man and whose causes are dissimilar depending on the times we live, we will emphasize the migration by extreme poverty, a scourge that today al-Canza many regions world and Latin America in a very particular way, causing a real headache, it states like ours, who can not find a workable solution, although permanently raise the issue on the table in international discussions, especially binational, hopeless despite what has been said, to reach agreements with the United States that minimally

ensure the human dignity of our migrants.

Extreme poverty, increased by the economic crisis that affected the whole world, increasing levels deprives-ing, and in this context, in the area of narrow, women will always be the poorest of the poor, is the phenomenon

The feminization of poverty has been recognized by the ONU3, stating that "most of the 1,500 million people living on \$ 1 a day or less are women" (UN, 2001).

Due to the above, the gap that separates men from women caught in the cycle of poverty has continued to expand in recent years, a phenomenon that has become known as already said, as the feminization of poverty.

This feminization is generated, among other things, as a result of significant increase in households where the woman becomes head of the family, which says Buitrago, it is "the product of different situations such as widows, single mothers, chronic unemployment her partner and other family members, or by the absence and abandonment or fellow-yuge at home (either permanent or circumstantial). The women of the popular sectors are increasingly forced to work in precarious conditions to solve the lack of income. "(Ramirez Buitrago, 2003).

Worldwide, women earn on average an amount close to 50% of what men earn, and these when they live in poverty "are deprived of access to critical resources such as loans, land and heritage. It does not reward or their work is recognized. Their needs for health care and nutrition are not priorities, lack adequate access to education, support services, and their participation in decision-deci-sions at home and in the community is minimal. Caught in the cycle of poverty, women lack access to resources and services to change their situation "(UN, 2001).

In this context in the field of poverty women will always be the poorest of the poor. It is because of that undeniable feminization of poverty, women leave their families, their environment and the social environment in which they operate emigrating to other countries with consequent risks even his own life, only to arrive at a hostile environment in facing many difficulties and in many cases is not the panacea they thought, as they are victims of abuse, dis-crimination and even sexual

exploitation, because ultimately as Agrela said "the movement of women respond to factors different in origin and arrival at the men, their motives are different, and the processes and networks are also other employment. "(Agrela Romero, 2006). The women leave their families, their environment and the social environment in which they operate emigrating to other countries in search of better living conditions, trying to escape poverty and marginalization in which they are mired.

We therefore emphasize the importance of legal solutions to such problems, however, the reality seems to overcome, international treaties and transnational justice are so far insufficient to achieve respect for their dignity, which have right by the mere fact of being human, what to say, to avoid discriminating-ing and even exploitation

Backgorunds

Migrate seems inherent to human nature, from the earliest history of peoples, found a tendency to her, what motivates them, has various connotations in accordance with the historical moment in which they are given, however, we find constantly in search of better opportunities and to meet basic needs better living conditions.

While derived from intolerance and lack of freedom in the expression of ideas, migration starts seeking political asylum, both individually and massive, it did not diminish the migration to earlier alluded, however, find the great European migration to America, conversely, at various times in history, have alternated and even busy extreme poverty and political persecution, as the xenophobic persecution of Jews, the Republicans in the early Franco in Spain, or the migration of thousands of Chileans linked to the socialist regime of Allende, at the start of the Pinochet dictatorship, and many others I could mention.

However, it is not that kind of migration that is relevant in the present analysis is that which is undertaken in search of the most basic livelihood, when one has lost any chance of achieving it in our own homeland, where the only hope seems to be in another country, of which little is known and which are often unknown to the language, basic communication, which is elemental to communicate and get the coveted job that survival in a medium strange and hostile environment.

In principle, for a better consideration of the item, we must start from the conceptualization of poverty, Olvera says, respect to poverty, which in the early days of the United Nations, there is an economic development insufficient, later the world realizes that economic growth did not reduce poverty (Olvera Gómez, 2006), but we must recognize that the concern of the United Nations by poverty, as stated Olvera, was not patented until 1962, when the Economic and Social Council of the United Nations, issued recommendations for the economic and social aspects are

incorporated into the development concept (Olvera Gómez, 2006), which originated in the year 1960 arose called Proposals for action in the first decade of the development of United Nations, which established among other things that:

The problem of underdeveloped countries is not mere growth, but development [...] The development is Plant growth-to more change. The change, in turn, is social and cultural as well as economic, and qualitative as well as quantitative-tative [...] The key concept should be to improve the quality of life of people. (Diccionario del desarrollo, 1996).

Due to the above, created in 1965, the United Nations program for social development (UNDP), which since its creation "works to reduce poverty in the world and the problems associated with this, through practices supporting human development and economic and social progress of the countries in which it operates." (United Nations Program for Development, 2009).

Despite all efforts, it is clear that the world is far from solving the problem of poverty and that will be one of the challenges more difficult millennium to meet also agree with Olvera, in which they talked about human poverty from century XX, as they advance, they talked about economic poverty, and it is precisely UNDP, recognizing the need for this change, becoming, since 1990, the eradication of poverty a top priority for the agency. (Olvera Gomez, 2006).

As for the conceptualization of human poverty, this is not done until 1997, establishing that human poverty is "the lack of what is necessary for material well-being, is the denial of choices and basic opportunities for human development leading to a long, healthy and creative life that allows to enjoy a decent standard of living, freedom, dignity, self-respect and respect for others" (UN Human Development to eradicate poverty, 1997). In this context we must clarify that this analysis is relevant in this migration establish a differentiated examination of men and women, which until very recently was not performed.

The migration of Latin American and Caribbean women, Staab said, is "an issue of emerging study, and he-terogéneo complex. However, there is consensus as to the existence of particular characteristics and implications that distinguish male migration. Among these, we highlight their occupational segregation in precarious jobs and high risk of exploitation, such as prostitution and domestic service, as well as increased vulnerability during the transfer process, particularly when it comes to human trafficking" (Staab, 2003).

Rooted says, that the public policy agenda of governments and international organizations shows a great diversity of approaches to poverty and gender, that have been applied separately or in combination over the last three decades and are synthesized several approaches: welfare, based on the efficiency, equity and empowerment (Arriagada, 2006). These approaches are based in some way on the evolution of the perception of poverty and implements chord-ing public policies to it, so in the first that is brewing in the late seventies, is considered only women its traditional role of housewife and based on their reproductive role as an essential factor. The second takes as a starting point efficiency, based on the incorporation of all people and especially women to the labor market preparation. Based equity approach recognizes the real situation of women and "suggests that improving the situation of poor women would contribute to equity, since there is a higher incidence of poverty in households-women headed than women They receive lower wages and their employment is precarious and segmented, which results in a poor quality of life and hinders the achievement of equity "(Arriagada, 2006).

Recent international instruments allude to the coining of a new term which strengthens the position of vulnerable groups such as those discussed in this paper, the so-called empowerment, involving such groups in public policy applicable to them . Empowerment has been conceptualized as "the process by which those who have been denied the ability to make strategic life choices acquire such capacity" (Kabeer, 1999).

In principle, we talk about poverty, because as has already been discussed ad nauseum, this is the decisive factor in migration, is one of the sine budgets qua non for her, the other requirement is without doubt the unemployment, which in principle it carries inherent impoverishment.

From an economic perspective, unemployment Noriega defined as "a phenomenon consistent with the rational behavior of the agents of the system, consistent with their demand plans, asymmetrical on consumers, involuntary and Persis-existent." (Noriega Urueña, 2004).

In this context, the International Labour Organisation (ILO), employed persons are those who "have more than a certain specified age who during a brief period, either one week or one day, they were in any of the following categories: paid employment or self-employment "(ILO, 2010). According

to ILO figures in September 2010 there were 210 million people out of work and millions of people who work for low wages or part time, saying the director general of the organization that the current time is the time more unemployment in story (ILO, 2010). Later in 2011, the ILO said that the unemployment rate would rise in this regard, the director of the employment agency, said that "the high level of global unemployment contrasts sharply with the recovery seen in several key macroeconomic indicators: global Real GDP⁴, private consumption, net fixed investment and world trade "(ILO, 2010).

These statements, as we know, became a reality, the global economic crisis has intensified and unemployment has increased to alarming throughout the world, with the consequent impoverishment of millions of people; The causes of this are many, it is clear that the offer of employment has not grown to the same extent that the demand for this, however thousands of jobs are lost every year, some causes refer to the process automation business , other financial crisis, or lack of development, Berumen asserts that "rising unemployment, is a manifestation of the irregularities of the economic policy pursued by not responding to the demand for more jobs, wages, salaries and services, to ensure better living standards for workers and their families "(Berumen Barbosa, 2004).

Thereupon, before a bleak picture often, people decide to take the quality of migrants, looking for that countries with better economic conditions than his own, in order to escape marginalization in which they live, not knowing where they are going, victims of those who exploit their need to take away what little they have left, promising to take them illegally to another country in which supposedly will find plenty and prosperity.

Who sell false promises, they forget to talk about the hardships of the journey, the risks of suffocating in vehicles unsuitable in which they are transported, sick on the way from lack of food, hygiene and even drinking water or worse Moreover, the treatment they receive if they can reach their destination.

We must however recognize that migration is a phenomenon that existed, exists and will exist, as there are human beings on earth, "has long since had to have completed the fruitless debate over

whether there should be or not immigration [...] our alternative this in policies formulated and applied to channel it so that runs through insurance channels, orderly, humane and productive that benefit migrants and societies of the countries of origin and destination” (Olvera, 2008).

4 Producto Interno Bruto

A situation in front differential illegality, exploitation and discrimination

The work of women has undergone a distinct evolution of men's work, although undoubtedly its increase as economically active population, we agree with Sarmiento that in the current economic system, "the woman becomes a strategic objective in restructuring companies to lower labor costs and more flexible contracts and working hours, seeking to raise the competitiveness and profits. In turn, women tend to become the main providers of household income, although quite unstable and precarious "conditions (Arzola Sarmiento, 2002).

We can say, as stated above, that is inequality and unemployment which causes poverty and this raises in turn migration, "poverty and decent work deficits are the two main reasons that force these workers to cross borders in search of a better life and more often accept any work they can find, regardless of soil conditions or involving danger "(International Labour Conference, 2001).

Borisovna states that "the decision to migrate is the result of a rational calculation in which each individual compares the costs of migration with its rewards" (Borisovna Biriukova, 2002). This scenario is clouded further, if we approach the migration issue into a gender perspective, let's break consequently to enter to the problems we are interested in developing this work.

Gender has been differentiated by sex World Health Organization (WHO) in the following terms "género⁵ The term is used to describe the characteristics of men and women which are based on social factors, while sex that refers to characteristics that are biologically determined "(World Health Organization, 2002). Also gender analysis as gender policies of the World Health Organization, "define, analyze and report measures to deal with inequalities arising from the different roles of women and men, or the unequal power relations between them and the consequences of these inequalities on their lives, their health and welfare "(World Health Organization, 2002).

The term gender, Petit says "in social sciences and feminist thought is used to designate the social inequality between men and women. Inequality is rooted in cultural⁷ allocation of values, rituals, customs, standards, regulations, and limitations tasks that are assigned to each of the sexes from

birth, even from conception "(Petit Pérez, 2005).

The status quo prevents many women access to decision-making, to economic resources to make them self-sufficient and adequate attention to their health, which is not limited to reproductive issues, as many public policies seem to reflect. After then, when we refer to migration issues from a gender perspective, we understand through it, women suffer double discrimination, come together in these two problem of gender, already very thorny, with migrant which carries legal, doctrinal and government discussions of great importance, so far unresolved and whose complexity leads to a maze with no exit.

To the obvious question does a differentiated regulation is justified? we will respond with a resounding yes, this is explained from the fact that as Hune says, the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, appears from the assumption that these workers are only men, it derivative that "explicitly includes women (shown in the English version with the use of" he / she "and" his / her ") in some articles that relate specifically to their vulnerability, such as sexual exploitation, trafficking and forced prostitution "(Hune, 1991).

To this must be added the wrong part of which being in the labor incorporation of women approach because, as stated Flowers, "looking for greater international competitiveness required by market globalization, many multinational companies have relocated their productive activities in areas with easy access to hand young women workers, it is more docile than the male, is less unionized and has a greater willingness to work in exchange for lower "income (Flores Cruz, 2012). The great concern of the international instruments is brewing in order to avoid sexual exploits-tion of migrant women, which is the most serious of the problems of female migration.

But there are many other factors that should be cause for concern, in Mexico, the National Population Council (CONAPO) speaks of the mass of the women's international migration, as expressed by that body of the 390,000 Mexicans who cross the northern border every year nearly half are women, which gives this phenomenon a new dimension and an unprecedented gravity (Vera Lopez, 2004).

In Mexico migration it has had on his very particular connotations historical development, since in principle, those seeking employment migrban were men, especially young men, however, with increased poverty and lack of development opportunities Real, migration of women is brewing, with some special complexities, since many goose-making and the circumstances of illegality in which they must navigate in most cases, will be forced to leave their children to by relatives or acquaintances as they are in a position to take them or return to their place of origin.

We must emphasize, that in principle, women migrating to join their partners, once these had been consolidated even if it was precariously in the new country; female migration in fact not even been studied in depth, the first known study in this respect is the "National Survey of Demographic Dynamics 1992 (ENADID), the first of its kind, which is a source that provides evidence that this form of migration is more aged than it is generally accepted in most studies "(Avila, 2008).

This implies that when the migrant woman becomes, there is greater when family breakdown is the father who emigrated, another important point is given in terms of educational level of these women as they advance were only women with very low level of education of migrating under the conditions outlined above, however, in recent times, we see how this has changed, because even college graduates, facing unemployment and the impossibility of legal migration, illegal choose , with the usual consequences and risks.

Once saved all the problems of the illegal entry into a country that is not their own, pre-existing issues are not resolved automatically, with no money even to the most basic, good luck will be taken if they are received by a relative or friend installed the same geographical space, otherwise find employment while they live by begging, and even it should be very cautious as they can be detained by the police and repatriated.

If they are lucky, they may get a job as domestic workers, regardless of this level of education, will in principle their main hope of employment or obtain employment in agriculture; it is not ignored the po-bility of being forced to perform prostitution, in the absence of a job they do is essential even to eat, or to be deceived and subjected against their will to such activity.

As a result, what are the chances of a job and decent pay? very few, the reality is that migrants are hired to perform work spaces that citizens of the country in which they are unwilling to perform, in such a way that the accusations of usurping jobs to national and leave them at a disadvantage are false.

The migrants, given their condition are easily exploitable, are always paid lower wages than those who are paid to citizens, the days are longer, coupled with the fact that lack of mental ele-plus benefits such as health and education As if all this were not enough, are segregated and difficult to integrate the environment in that country, it is sufficient for it to analyze what happens in the United States, which is the place to which they migrate almost all Mexican migrants, said country jobs available to them are essentially reduced to do-mestic work, agricultural labor and prostitution.

Although it is recognized that the percentage of males was much higher than female migrants, but this situation has been changing since the "total migrant women survivors to 1992 amounts to 276 000, representing 15 per percent of labor migrants to the United States. It should be noted that this composition is similar to that usually seen as empirical support of the hypothesis that since the eighties the traditional pattern of female migration is changed with the emergence of migrant women who go to the United States for the purpose of work "(Ávila, 2008), it is equally important to note that most women who migrate are those who already are or have been linked to a relationship.

The little information that has been gathered, at least in Mexico, drift, in recent times, the Survey on Migration in the Northern Border of Mexico (EMIF), thanks to her we have some data on this issue, but obviously incomplete by the same way that illegal migration is given, such surveys are conducted since 1993 by the National Population Council supported by the Ministry of Labor El Colegio de la Frontera Norte and strengthened with the participation of the National Institute of Migration and, from 2004, the incorporation of the Ministry of Foreign Affairs (CONAPO, 2012).

The EMIF carried out in two areas North and South, is a survey that rises, in the case of the North, in eight border towns of northern Mexico, providing information on the number and characteristics

of Mexicans who move at these locations with the intention of staying there or to cross to the United States to work or look for work; of those returning from the neighboring country, as well as migrants returned by the border patrol before Homeland Security Immigration and Naturalization; however, it should be noted that their results do not focus on gender discrimination migration and its problems, they are simply ancillary data that allow us to confirm that every time there is a greater number of female migration (CONAPO, 2012).

INTERNATIONAL INSTRUMENTS AND TRANSNATIONAL COURTS

An analysis of the main international instruments, we can clarify the following:

- a) a) The Declaration on the Elimination of Discrimination against Women, in relation to the topic of this work in the same, the only reference to the vulnerability of migrant women is focused on the consequences of his alliance with a man from another nationality. (Lutz, 2007).

- b) The Convention on the Elimination of All Forms of Discrimination Against Women, 8 adopted in 1979, omitted any mention of migrant women.

- c) The International Convention for the Protection of the Rights of All Migrant Workers and Their Families, issued by the United Nations General Assembly in 1990, the instrument of Article 16, paragraph 2, the right of migrant workers is conferred and their families, "effective protection by the State against violence, physical injury, threats and intimidation by government officials or by private individuals, groups or institutions" (UN AG, 1990).

- d) The Conference on Population and Development in Cairo in 1994, with regard to illegal migration, determined in paragraph 10.16 that should "prevent international trafficking of undocumented immigrants, especially for prostitution" and " To ensure protection against racism, ethnocentrism and xenophobia ". It is also mentioned in general terms in section 10.18 to "Host governments and countries of origin should adopt sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who are They engage in any form of international trafficking of women, youth and children "(UN International Conference on Population and Development (ICPD), 1994).

- e) In 2000, the UN General Assembly adopted the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. This instrument seeks among its most important points prevent and punish traffickers of undocumented freeing the last of the crime of illegally

entering the territory of a foreign country. As for the protection of migrant determined in Article 16.4 that states parties should take into account "the special needs of women and children" (OAS, 2004).

The court building is going through transnational resolutions on gradually giving way, in such a way that the Court has emitted resolutions that protect migrant women's human rights, we quote about the case of Yean and Bosico vs Dominican Republic, in the same violations of human rights are among the most important invoke the right to Dominican nationality based on the constitution of this country, in this regard the court ruled:

In consideration of the right to citizenship of children of migrants in the Dominican Republic in connection with the relevant constitutional and international principles of protection of migrants, the Court considers that:

a) the immigration status of a person can not be a condition for elotorgamiento of nationality by the State, because migratory status can not constitute in any way a justification to deprive him of the right to nationality or the enjoyment and exercise of their rights. b) The immigration status of a person not his children, and c) transmits the status of birth in the territory of the state is the only one to be shown to the acquisition of nationality, as regards persons not otherwise entitled another nationality if they do not acquire the state where they were born. (Case of the Yean and Bosico vs Dominican Republic, 2005).

CONCLUSIONS

Clearly, the protection of international instruments and transnational justice has proved insufficient to further safeguard the rights of migrants, if we add the absence of sufficient data on female migration itself, we conclude that no there are public policies seeking gender solving the problematic migration of women and the real reasons that generate, added to this the fact that there is no legislation to protect them, despite efforts it engaged.

The main problems that migrant women face are:

No protection during transit, even within your state territorio because avoids approaching the authority, in principle not to reveal their migration intentions and once in the destination country, their situation worsens to become illegal.

Lack of legal support, if physically attacked or sexually complaint to the appropriate authority, will be detected as illegal and deported as a consequence, suffer in silence abuse and is victimized, unable to exercise his de-Recho access to justice.

In labor matters, it is prevented from claiming their rights by the threat of termination hanging over her constantly and that allows the violation of their fundamental rights and their human dignity onslaught.

Discrimination as a migrant and a woman, if migrants generally face discrimination because even after yet to regularize their immigration status, are segregated, against women intensifies segregation.

Lack of access to education in the country of destination, migrants receptores countries have intensified their anti-migration politica it hinders such access and, in the case of women, to be generally limited to jobs of little relevance lack of training to enable them to raise their standard of living.

Ignorance of the language, and since it usually makes no housework easier to learn if you do not speak the language is incommunicado, and if so, it becomes more vulnerable, reducing their chances of employment and decent wages.

Difficulties in achieving cultural assimilation, based on the knowledge of the language, as mentioned, and stigma-tinged segregated by race, color or little education, added to their gender does not seem to generate any profit.

Other important points to be estimated in the present section refer to what has already noted, in the sense that female migration has ceased to be a function, or as a result of the male, as the number of women who migrate for individual decision in search of a different life, more freedom, seeking to change cultural patterns that objectify and elude the solution to the problems that plague is growing. We talk about women fleeing not only because of poverty and unemployment, but also the victims of violence in their own homes, or restriction of their most basic freedoms that prevent them from developing in freedom and dignity, and to achieve a full life, factors that have gestated and favor the feminization of poverty.

However this does not mean that we can visualize all women under the same context, the cultural diversity of migrants is a lot, even when they come from the same country, as is the case of Mexico, as it will depend on many factors, the scheme sociocultural who knows and feels belong, you can not stereotype, is different from the case of a woman who comes from an ethnic group that has developed in the capital, where hence their requirements and expectations will themselves different time.

Employability of migrant women are, as already said little as largely limited to domestic service, agricultural work of nature and in the worst cases to prostitution, taking advantage of their desperation and desco-knowledge medium absorbs extending its invisible networks on them, obliterating their dreams of economic growth and prosperity, sinking them in the squalor that characterizes this activity not by former can be justified, especially when it is based on need and poverty, including deprivation of liberty, no wonder he is to be con-sidered the modern form of

slavery.

Employment discrimination of migrants, is given according to the OIT9 at different times from the counter-tion, requiring them bachelorhood and lack of pregnancy tests in most of the contracts; in the allocation of jobs, the famous empowerment of women is not reflected in the daily lives of these; in terms of salary, provided women lower wages are paid and whether they are migrants the matter rages.

Studies in Spain, "in the Agricultural and Home Special Dietary as well as low-skilled occupations are the wage gap between Spanish and foreign population. Foreign men earn 40% less than the average salary Annual (SMA, 2009 data), while foreign women are paid 51% of this me-we wage "(EURIBOR, 2011).

Also they lack social security, and lack of employment benefits such as vacations, bonuses, vacation pay, etc. that make up the normal benefits that any worker should receive, but they would prove unattainable by the immorality of employers.

We must also say that not everything is negative, there are many women that despite the difficulties and despite all that has been said, achieve a higher income that allows them a better life, many migrant women achieve their goal, other many do not, allowing us to conclude that "although migration may be empowering for many women migrants, such empowerment can not be considered automatic. A significant number of migrant women experi-as a decline in labor mobility, which disqualifies them and takes them away from paid work and towards the domestic sphere. Furthermore, too many women migrants still today experience extreme exploitation and abuse in situations of trafficking, bondage and slavery "(Moreno Fontes, 2008).

Those who manage to improve their quality of life and inserted into the working and social environment, are in themselves the reason for the migra-tion, as evidenced by this human history, does not cease never cease, and since there will be eradicated must then implemen-Tarsus legal means to a legal temporary income to preserve the dignity of women migrant workers recognizing

their contribution to the states in carrying out their illegal work until today, ensuring the protection of their human rights.

Bibliography

Agrela Romero, B. (2006). De los significados de género e inmigración (re)producidos en las políticas sociales y sus consecuencias para la acción e integración social. Pamplona: Universidad Pública de Navarra.

Ávila, J. L. (2008). Mujeres mexicanas en la migración a Estados Unidos. México: Consejo Nacional de Población.

Borisovna Biriukova, L. (2002). Movilidad geográfica de la población. Puebla: BUAP.

Diccionario del desarrollo. (1996). Una guía del conocimiento como poder. Lima, Perú.

Flores Cruz, R. A. (2012). La migración femenina en América Latina. Recuperado el 29 de junio de 2012, de Universidad de Buenos Aires: http://webiigg.sociales.uba.ar/pobmigra/archivos/Ramiro_Flores/MigracionFemenina.pdf,

Hune, S. (1991). Migrant Women in the Context of the International Convention on the Protection of the Rights of All Migrant and Members of their Families. *International Migration Review*, 4(25), 800-817.

López Vera, R. (2004). La población mexicana en Estados Unidos. México: CONAPO.

Olvera Gómez, R. M. (2006). Una mirada al concepto de pobreza. Recuperado de <http://www.librosenred.com>

ONU. (2001). Igualdad entre los género desarrollo y paz para el siglo XXI, Nota Informativa No. 1. Obtenido de La Femi-nización de la pobreza. Recuperado de <http://www.un.org/spanish/conferences/Beijing/fs1.htm>

Sarmiento Arzola, L. e. (2002). El trabajo de las Mujeres en Colombia. Bogotá: Viva la Ciudadanía.

Staab, S. (Octubre de 2003). En búsqueda de trabajo. Migración internacional de las mujeres latinoamericanas y caribeñas. Santiago de Chile: CEPAL-GTZ. Obtenido de: "Bibliografía seleccionada", Proyecto CEPAL-GTZ Políticas laborales con enfoque de género, Santiago de Chile.