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Children left behind by labour migration: Supporting Moldovan and Ukrainian transnational families in the EU ("CASTLE")

Policy Brief 2



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Policy Brief 2 - CASTLE

Viorela Ducu, Áron Telegdi-Csetri, Mihaela Hărăguș¹

Introduction

"CASTLE - Children left behind by labour migration: supporting Moldovan and Ukrainian transnational families in the EU" is an action-project that aims to support the Republic of Moldova and Ukraine in improving their child protection frameworks and their migration and mobility policies, with a focus on the social and legal impact of labour migration on transnational families.

Transnational families are a functional category of families, with its own specificities and rights entitlements. Therefore, they need to be inquired, empowered, their life-world observed and addressed from a multitude of perspectives and in a diversity of intersections, such as: minority status of various kinds including ethnic and non-regular families, children as a vulnerable group, trafficking, divorce, gender, poverty etc.

The Research Centre for the Study of Transnational Families set up under the project within the Babeş-Bolyai University of Romania aims to promote research and to institutionalise the study of transnational families, which is currently not only rare and dispersed, but too often it is not solution-oriented and rather disconnected from the policy-making field, especially in relation to labour migration.

By creating and disseminating information, public policy recommendations and best practices that promote safe and ethical labour migration schemes aligned with child protection standards, this action directly supports Moldova and Ukraine as well as Romania and other Member States as destination countries for labour originating in these countries.

The CASTLE project is implemented by Babeş-Bolyai University of Cluj, in partnership with Terre des hommes Foundation Romania, Terre des hommes Moldova, Terre des hommes Ukraine, the Ukrainian Institute for Social Research after Oleksandr Yaremenko and the Academy of Economic Studies of Moldova.

¹ Thanks to the CASTLE team members for their feedback on the draft of this material: Iulia Elena Hossu, Mara Birou, Daniela Angi, Éva László



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Hybrid Transnational Social Protection (HTSP) - framework of analysis

The main objective of the CASTLE project is to support transnational families with children left behind as a result of the labour migration of one or both parents, with a view to providing social protection in this context. After a general picture of the situation of these families [presented previously](#), in the current phase of the action research we are addressing the issue from the specific standpoint of the social protection available to them.

With the recent increase in migration, the scope of application of social protection has also expanded; the social protection for the citizens of states has extended across borders as well as to non-citizens living within the borders. However, research on social protection has remained within a national plane, focusing in our context on the migrant and the role of the host state as formal and portable protection (Avato et al. 2010), while informal support networks are in fact an important complement to this. (Avato et al. 2010). Moreover, the market of services and the third sector (NGOs, churches, etc.) also constitute important sources of protection in the given context.

Thus, the benefits accessed by individuals in this context can be seen as a "resource environment" of social protection, provided by various relevant actors: the state, the market, third sector actors and personal networks (Levitt et al. 2017) and accessed by individuals as agents in a syncretic, i.e. "hybrid" way depending on their own needs and capabilities and on the availability of resources, respectively. More recently, the totality of these resources in a transnational context has been termed by Levitt et al. (2023) "hybrid transnational social protection" (HTSP), structured according to four fundamental "logics" as follows:

- ***the logic of citizenship*** and social protection as a constitutional right. While the right to the social protection system of the nation-state is based on membership, this has recently been extended across borders through various diaspora policies, EU regulations and bilateral agreements. However, third-country nationals (without bilateral and non-EU agreements) remain largely uncovered by the social provisions of the state (Faist and Bilecen 2015). The actors providing this type of protection are the public institutions at home and abroad: the public administration, consulates and embassies (Levitt et al. 2023: 27-28).

- ***the logic of humanity*** and social protection based on human rights, as stipulated in conventions such as the Universal Declaration of Human Rights. The power of this logic is rather symbolic, generally not translated into meaningful sources of protection (Levitt et al. 2023: 23). States prefer to provide social protection on the basis of migrants' employment status rather than personhood, emphasising the role of the market in regional economic integration projects (e.g. the European Union) over human rights (Paul 2017), and therefore for some migrants social benefits become restrictive. The providers of this type of protection are state institutions, intergovernmental organisations, the transnational civil society.



- **the logic of the market** and social protection services as goods. With the retrenchment of the welfare state and the rise of neoliberal economic policies in many countries, the market has taken on a more important role in the provision of social services. Service providers for immigrants, private firms or state institutions functioning as market actors provide such services, while access depends on the ability to pay, for both citizens and non-citizens.

- **the logic of community** and social protection as community. Providers are informal networks, family and friends, NGOs, churches or religious organisations, both in the country of origin and in the destination country. In many cases, this logic fills the gaps left by the others and is very significant in the lives of migrants and transnational families.

Within these logics, the resource environment is formed by combining (hybridizing) "what is actually available to an individual in his or her protective toolkit, as opposed to what is theoretically or legally available" (Levitt et al. 2023: 30). In this environment, actors accessing resources should not be seen as mere recipients, but as agents actively seeking, requesting, obtaining and sharing resources.

The family as a unit

Families decide, communicate, share practices including care and support, access social protection resources and suffer or thrive together in a relational community, even across borders. That is why not individuals, but ultimately families are both the beneficiaries and agents of HTSP, especially on behalf of dependent family members such as children. Resources may be available in destination countries, countries of origin or even third countries, but they are accessed simultaneously by members for a better life for the whole family.

Various changes in state protection policies have led to an emphasis on personal responsibility and, consequently, on the importance of the family as the main safety net and provider of welfare, which is a driver of migration (Baldassar et al. 2018). Migration emerges as a form of social protection (Levitt et al. 2023) or as a 'transnational resilience strategy' through which individuals 'cope with the challenges of social reproduction in the country of origin' (Kilkey and Urzi 2017: 2582) by combining resources in the destination country and the country of origin. Previous research has also shown that 'migration itself is a tool of social protection', particularly for poorer families, where remittances are used for basic needs (Avato et al. 2010: 463) and the decision to migrate is made collectively.

In the process, migrants themselves remain responsible for the welfare of their family members back home by coordinating the multiple resources at their disposal, trying to maximize the resource environment available not only for themselves but also for the family members back home (Serra Mingot and Mazzucato, 2019), where weak state support creates burdensome responsibilities for the migrant (Degavre and Merla, 2016). Even if they qualify for some form of social support, migrants are not seen as family members with caring responsibilities in their



country of origin (Degavre and Merla, 2016), although the family-centered motivation for migration is a well-known phenomenon.

Conclusions:

It is important to see transnational families as active and responsible agents acting precisely to protect their children left at home. As such, we need to move away from the 'abandoned children' paradigm in relation to stay-behind children in transnational families, and move beyond the exclusive focus on the need to protect them from their own families.

In this spirit, the set of policies presented below aims to support these families to protect their children left behind.

New perspectives for policy recommendations

Given, on the one hand, the level of mistrust, persistent stigmatisation, defensive attitudes within the society of origin and, on the other hand, the situation of immigrant families, where support elements are deeply interlinked and not reversible – being in fact factors that actively shape the social environment they stem from - specific transnational solutions are needed so as to recognise the status of these families and, indeed, of their entire social environment.

In addition to dialogue and communication, as suggested previously, the transnational status must be formally recognised for all the families, not just their migrant members (as in the case of migrant workers' rights). Thorough and detailed transnational protection measures should be pursued.

The transnational status of families should focus primarily on their family structure. This means that families are legal, economic and, above all, social and emotional units which function to promote the interests of their members, including dependent members, especially children, creating a social reproduction which is not in fact the reproduction of the society of origin but of a new, transnational society.

All recommended internal measures should be institutionalised at a transnational level.

- the logic of citizenship

The bi-national agreements between the main countries of origin and the main receiving countries should be publicised so that these families become aware of them. Children left behind in the country of origin should be the beneficiaries of these agreements:

- allowances can be given to parents who work legally for children left at home
- access for these children (when necessary) to health services in the destination countries as co-insured persons



- temporary free access to education systems in destination countries if for various reasons parents decide to bring their children with them (e.g. to rescue them from certain unfortunate environments)

These benefits should be granted quickly and efficiently and should not be conditional on the family's integration in the host country. We need to be aware of the temporary nature of this labour migration.

We reiterate the need for a hybrid co-guardianship (when the child's/children's sole or both parents leave), see Policy Brief 1: the parent who has left should remain a legal representative with all the rights and duties regarding the child's life, as the main decision-maker, and the state/authorities in turn retain all obligations of information and collaboration with the parent, online and/or by phone. We recommend that this practice, already existing informally, now become formally legitimised and authorised. The caregiver left at home becomes a co-guardian, without individual decision-making rights, but involved in the information and decision-making process. Authorities in both countries, possibly through dedicated bodies/positions/centres, should be informed of this status of the migrant adult and the migrant adult should have responsibilities, but also rights, in accordance with this status, as follows:

- he/she should be available to these authorities (should be able to respond whenever approached) - transnational communication;
- state institutions (schools, hospitals, police, etc.) should have the right to use technology-mediated communication to communicate with these parents;
- the parent should participate directly in legal decisions concerning children left at home. A certified electronic signature can be introduced for these parents.

Citizens working abroad are still citizens of their country of origin and still have all the responsibilities towards this country, but they must also benefit from the rights of their country, and the authorities must find real solutions to interact with them.

Families whose migrant adults are performing seasonal work are a vulnerable group because their contracts are often not respected by employers; communication with those at home is more difficult due to the intense nature of the work. As stayaways are short, legal steps are often not taken to inform the authorities about the situation of children when it is the case. The situation is even more delicate here because employment agencies often deliberately select adults with children left at home to motivate them to return home. In these situations, states should oblige these companies to inform the authorities in order to monitor these children and even consider offering alternative programmes for them:

- summer camps - with supervision and activities during the day;
- sports, artistic programmes, etc.



Companies that massively recruit seasonal workers from certain areas/countries should collaborate with the authorities and could co-fund these programmes (the same applies to Romania with regard to the immigrants they have been intensively recruiting lately).

Jobs that require adults to be accommodated at the workplace or at a place provided by the employer (in-home caring for children or other vulnerable people; working in the hotel sector; accommodating several workers in one room, etc.) burden the transnational relationships of parents with their children at home, as they do not offer space for private virtual communication or potential visits, nor the necessary time off. Employers should be obliged and supported to provide time and space specifically designed for these transnational interactions. Authorities in destination countries need to be aware that it is not only the migrant adult who is under their protection, but together with him/her, also the migrant's relationship with the family members who remain in the country of origin.

- the logic of humanity

Refugees and forced migrants (as we are now witnessing in the case of the war in Ukraine) access rights derived from this logic. Unfortunately, we see too little awareness in these protection measures that these people are part of transnational families and still have family members left behind at home. Temporary protection offered by EU countries and, more recently, even by Moldova, on the other hand offers greater freedom of movement between the country of origin and the country of destination. But a framework for cooperation between destination countries and countries of origin, overseeing the relationship between the authorities and family members in the other country, is particularly necessary in critical situations, for example:

- refugee mothers together with part of the family, who still have children left at home (e.g. older boys who could not leave Ukraine);
- children together with one parent in one EU country and with the other parent in another country;
- children in an EU country without parents with them, who have parents in another EU country.

We recommend the amendment of the refugee protection/temporary protection laws, so as to make it easier for refugees to relate to family members in other countries.

Very often labour migrants with a legal contract, especially in the case of countries of origin outside the EU, end up in a form of illegal labour migration: contracts, visas, etc. expire. At that point, social protection in the country of destination for migrant family members disappears and makes it difficult to relate transnationally with the family left at home. Moreover, those at home hide the departure of a member in such a situation in order to protect them. We should be aware that this illegal labour migration is often not a choice and that in critical cases, families with members in such situations should receive humanitarian support both in the country of origin and in the country of destination.



- the logic of the market

It is natural and understandable that most labour migrants go abroad because their states fail to provide social protection to them and especially to their family members. The primary objective is to raise the money in order to buy protection (care services; medical services; money to support vulnerable family members, etc.).

These elements of social protection are rarely bought in the country of destination (they are expensive). Even the migrant returns to the country of origin to access various services. This leads first to a strong privatisation of these services in countries with a high outflow of migrants, and then to a high price for these services in the country of origin. This is a vicious circle, because then migrants have to produce even more money to pay for them. Many residents (including family members back home) find it difficult to access these services. What's more, other foreign nationals also come to buy services from these countries (see medical tourism - e.g. dental services). Measures could be taken to protect against these high prices by setting a maximum threshold for various services for residents and, of course, it should be mandatory for these companies to offer a percentage of services to residents.

- the logic of community and respective social protections as community

In our experience, migrant communities (Moldovans, Ukrainians and even Romanians) are not especially functional as sources of social support. Few respondents report support from co-citizens in destination countries (with the partial exception of Ukrainian communities formed as a result of the common situation caused by the war). Individual networks do function, but community networks don't. Building a supportive diaspora in the destination country is also the responsibility of the countries of origin (funding programmes, religious services, etc.). In order to become civically active and in order to increase the supportive nature of migrant networks, these migrants must first integrate in a pragmatic manner and have financial security. But for these diasporas in the making there is a long way to go.

Community networks in countries of origin are also weak. For example, in Moldova and Ukraine (but not only here) there are entire villages without active adults (it is elderly people and children who stay at home). Here it's hard to get support when you need it.

In destination countries, there are often NGOs that provide support to migrants in distress, but the services are not sufficiently publicised. Many do not learn about their services in a timely manner.

In the countries of origin (Moldova and Ukraine), there are very few NGOs providing services/support to families with children left at home. The existing organisations, limited in number, are rather funded from outside the country. Measures to support these types of activities through NGOs could be useful. This is what Romania has done in the past and has recently strengthened this support through special funding programmes, which can be accessed for this category of beneficiaries.



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Transnational NGOs could provide services to these families, both in destination countries and in countries of origin. Funding programmes (e.g. CASTLE/ Terre des Hommes) for such transnational projects are very useful.

Takeaways

- EU transnational social protection across borders (in predominant countries of origin), including institutional communication, common databases, hotlines, mutual information on legislation, collaborative policy development teams.

- Unification of family policies between countries.

- Informing migrants about rights: they ought to be informed about their rights and duties in the country of destination (even if they are illegal migrants), in addition to those in the country of origin, including services available through country offices.

- NGO action: raising awareness on services provided by NGOs for migrants in destination countries. The actions are weak in the countries of origin, therefore they need to be strengthened and be promoted.



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