

TRANSNATIONAL FAMILIES: THE RIGHT TO FAMILY LIFE IN
THE AGE OF GLOBAL MIGRATION

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Abstract

Transnational families –families that maintain kinship and solidarity across national borders– are becoming ubiquitous in modern economies. These will only increase as States encourage the movement of workers to fill labor shortages. But workers don't necessarily mean workers' families. State and international regulations have done little to adapt laws and policies regulating the family to match the plasticity of post-modern transnational families. By contrast, transnational families have developed semi-formal cross-border welfare systems that supplement them. In particular, they have developed often-misrecognized childcare arrangements that challenge the common conceptions on which state-centric normative frameworks are based.

The dissertation describes some of the key challenges that traditional readings of Family Law encounter when dealing with transnational families and the contemporary realities of family life. It argues that Family law can no longer be read in isolation from other areas of law, including labor law, immigration law, social security and welfare law, among others. The dissertation describes key attributes and challenges of transnational parenting and the growing phenomenon of transnational families within the European Union, using the case of children left behind by labor migrants in Central Eastern European member states.

The research contributes to the rethinking and effectiveness of contemporary family law by providing a new understanding of the functioning of “transnational care” and the institutional context that shapes transnational family life. As such, it shows how transnational parenting within semi-formal welfare systems, is a functioning yet neglected part of the “right to family life”. It further argues that to harness this reality, States and the European community should accommodate transnational family life. They should also refrain from applying to transnational parents punitive measures designed to address abuse and neglect in non-migrant families. Filial love does not recognize borders.

Keywords: Transnational Family Law, Household, Migration, European Union, Parenthood

For my own 'Transnational Family'

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INTRODUCTION

In this era of global capitalism, a family's livelihood is often determined by its mobility and ability to reinvent itself. By reason of improved travel conditions and communication technologies as well as the ever present push and pull factors of economic, social and political forces, more people than ever before, are living so called transnational family lives.¹ As a consequence, the "hypermobility"² of our times has dramatically increased the number of families caught in the paradox of physical separation and enduring familial cohesion.

The idea of transnational family is not a modern concept. Quite to the contrary, families have been separated and divided throughout the centuries due to both forced and voluntary migrations in search for opportunity and security. Nevertheless, the concepts of transnational family and transnational parenting remain under-researched in the legal field. This dissertation fills part of this literature gap by illustrating the inadequacy of the normative framework that regulates the lives of transnational families. In doing so, it intervenes in traditional narratives of "family law" to showcase how limited regulatory, social and economic understandings of this phenomenon may interact to facilitate and/or hinder transnational parenting.

The dissertation makes four general claims. First, it explains how transnational families have become an essential aspect of family life and needs to be thoroughly understood and addressed by governments, policy makers and academics. The dissertation paints a picture of how

¹ Majella Kilkey and Ewa Palenga-Möllnbeck, *Family Life in an Age of Migration and Mobility: Global Perspectives through the Life Course* (Springer, 2016); Loretta Baldassar and Laura Merla, *Transnational Families, Migration and the Circulation of Care: Understanding Mobility and Absence in Family Life* (Routledge, 2013).

² Cohen, Scott A, and Stefan Gössling, "A Darker Side of Hypermobility." *Environment and Planning A* 47, no. 8 (August 1, 2015): 166–1679. <https://doi.org/10.1177/0308518X15597124>.

mobility and distance have become a part of contemporary family life, rather than an exception to one jurisdictional family life.

Second, and as a consequence of the new dynamic of contemporary family life, the boundaries of “family law”³ need to be redrawn to include various legal and policy regimes. The thesis argues, therefore, that the laws of the family – as a lived experience - must be more broadly understood to include laws that regulate the life of members of the transnational household, such as: labor, migration, welfare as well as traditional family law, on both national and supra-national levels. In addition to adding to the complexity of our understanding of family law, this argument destabilizes assumptions about the bounded nature of concepts like “national culture, or political community,” or “national civil society.”

In a third general claim, the dissertation expands the notion of “household.” It shows that though the term predates –and in fact was initially used to describe the “family”- it is capable of endless mutations and does not possess a singular legal definition. Locating these families within a transnational social field⁴ challenges orthodox definitions of family unity and parentage.

Last, the dissertation illustrates how elements under the rights and obligations related to “care” performed in transnational households do not change the core of care obligations, but rather modify the nature of their performance. As such, it maps how the transnational dimension of

³ Referring here to family law as limited to its traditional confines: regulations surrounding formation and dissolution of the so called nuclear family: marriage, cohabitation, divorce, custody, support...etc. and matters relating to parental status, rights and duties. See more in: Janet Halley and Kerry Rittich, “Critical Directions in Comparative Family law: genealogies and Contemporary Studies of Family law Exceptionalism,” 58 *am. J. Comp. L.* 753, 754 (2010).

⁴ Transnational Social Field theory requires a transnational lens to understand migration and reveals how social life takes place within as well as beyond the nation-state framework. Migration involves migrants and non-migrating members of households, who are part of migrants’ social networks through contact, financial and social remittances. See in: Levitt, Peggy, and Nina Glick Schiller. “Conceptualizing Simultaneity: A Transnational Social Field Perspective on Society1.” *International Migration Review* 38, no. 3 (September 1, 2004): 1002–1039. doi:10.1111/j.1747-7379.2004.tb00227.x.

household does not diminish a central function of the family - the provision of care for children, the sick and the elderly. Quite to the contrary, it leads to new opportunities as well as identifies misconceptions regarding the very quality of parenthood.

In support of these assertions, this Introduction is followed by Chapter I, providing a comprehensive overview of the state of play of theoretical concepts that describe and regulate contemporary migration. It explores different approaches to transnational migration looking at the role of the State, formal and de facto practices of migrants as well as how they shape a new concept of family life. The Chapter traces some of the main characteristics of migrant transnationalism as well as some of the processes and practices that enable the construction of a transnational system of welfare benefits in the day-to-day life of transnational families.

Second, in its Chapter II, the research develops the concept of “household” in transnationalism to zoom into theoretical blind spots that existing approaches to the ‘right of care’ in Family Law ignore. It proposes a new take on concepts of “household” and of “care” to adapt to contemporary family life and maps some of the policy and legal consequences that a transnational approach offers to modern day nation-states. This Chapter contributes to the existing literature by providing an analytical framework upon which to base future research and initiatives to understand how transnational parenthood should be understood in light of the phenomenon of transnational migration. It also adds to the existing literature by providing a methodological compass to bridge the gap between law and social sciences to study of transnational family relationships in a context of legal pluralism.

After this theoretical contribution, the thesis shifts to its Chapter III to offer a more concrete understanding of transnational families in the EU – Central Eastern European (CEE) context. It provides a brief history of migrant transnationalism in Europe, focusing specifically on the distinct nature of the transnational space of the European Union and its CEE member states. It concludes with introducing important elements of gender, welfare regimes, law and the market as parts of the institutional context of transnational families in the region.

Chapter IV analytically applies some of the theoretical concepts presented in Chapters II and III to the case studies introduced in Chapter IV. To do so, it first maps regulatory weaknesses in European Union law through case examples of Central Eastern European transnational families of labor migrants. Second, it examines the discourse of and policies relating to internal labor migration and family life within the European Union, and analyzes migrants' personal practices in social protection. As such, it reviews the interactions between formal top-down and informal, bottom-up initiatives to ensure social protection for migrant households and, specifically how parental care is performed within European transnational families. Chapter IV presents a “Tale of two Transnational Parenthoods” to explain transnational motherhood and fatherhood in the EU-CEE context. It presents the cases of EU Mothers who leave as migrant domestic workers in between Romania and Italy as well as those of EU Fathers who leave as craftsmen/construction workers from Poland and Hungary to the Germany and the Netherlands seeking to support their families back home. Finally the Chapter divides its theoretical contributions in three: how the elements of “parental care” including contact (physical and virtual), support (remittances, gifts, social benefits) and supervision (alternative child care arrangements) need to be adapted to contemporary EU transnational family life. It draws upon concrete life examples to offer intellectual and practical perspectives on how to approach

different aspects of “parental care” are expressed, fulfilled or hindered in contemporary family life. In doing so, the Chapter critically maps the consciousness of the traditional takes on concepts of family law to question how elements of the responsibility of care are manifested and respond to the logic of the global economy as opposed to the right of a family life in a transnational setting.

This thesis contributes to existing scholarship by focusing on transnational parenting in transnational families with adding insights gained from European Transnationalism. It analyzes the latter as it interacts with migrant transnationalism, which is still a largely unexplored field. Further, it proposes the notion of a “layered transnationalism” that describes the social field that European transnational families navigate and co-create. Looking at the specific case studies, the thesis argues that as a ‘transnational welfare’ system, the rights and opportunities of CEE labor migrant parents have only recently gained significant salience within the EU. The dissertation highlights that despite their relatively privileged status as EU citizens, several challenges persist for transnational families and parents within the European Union. Migrant workers' access to social protection and welfare benefits in host societies in Southern and Western Europe is a subject to plenty of political debate. In addition, more studies are needed in the field of migrant remittances and transnational caregiving practices as a means of social protection for those left behind in their home countries. Working abroad remains the key means of social protection for families across the EU, despite the social and emotional costs for those who migrate and those left behind.

1. MIGRANT TRANSNATIONALISM – A CONCEPTUAL INTRODUCTION

The following Chapter introduces the concept of migrant transnationalism emerging in the past two decades as the theory of processes through which migrants build and maintain multiple social relationships linking their society of origin to the one hosting them. It also introduces key elements that constitute the “transnational social space” explored in this dissertation. Namely, revisited ideas of the welfare state, of the European Union, the global market as well as individual and family forces organized in transnational dimensions. It concludes that these elements and actors constantly interact in a myriad of different ways that may enable or hinder some of the key aspects of family life.

The term "transnational"⁵ is commonly used to describe corporations that have major financial operations in more than one country and a significant organizational presence in several countries simultaneously. Globalization is a related and older concept that represents the intensification of economic, cultural, and political practices accelerating across the globe in the early 21st century. Global processes are closely related to transnationalism yet tend to be separate from specific national boundaries. Transnational processes, on the other hand, are

⁵ The term was first thought to have been cited in 1916 by American writer Randolph Bourne in his paper “Trans-National America” describing what today we would call “multiculturalism” describing the enduring cultural diasporas within the “melting pot” of American society.
<https://www.theatlantic.com/magazine/archive/1916/07/trans-national-america/304838/>

both anchored in as well as transcend one or more nation-states. The impacts of the transnational migration of people, goods, services and capital need to be understood within the context of globalization. The changes created by each are mutually reinforcing.

The top-down processes of transnationalism include the economic influences of corporations operating globally, often referred to as transnational corporations, and cooperative agreements between governments. Increasingly global economic and political power has shifted from the exclusive control of Westphalian states to a myriad of competing private and public actors, developing their own regulatory regimes. These arrangements offer new trade and industrial opportunities for private business and government alike. Economic resources and rights claims have turned into legitimacy within law and material power and power is becoming increasingly privatized transnationally. The concept of transnationalism therefore usually suggests a weakening of the control of a nation-state over its borders, inhabitants, and territory. More poignantly public functions of the state are waning and more open to private ordering, leaving people vulnerable as risk increasingly shifts from global elites to the workers of globalization. The social welfare state of the post war era is increasingly viewed as an aberration. Trade has become liberalized mobilizing not only services, capital and goods, but people as well. Meanwhile labor, welfare and family policy have strategically been left as primarily domestic matters, up to each – now dwindling and retreating – welfare state to handle as it sees fit. Through the processes of transnationalism through trade liberalization there has been a detrimental mismatch between the labor provisions in trade agreements, and their justifications. In the end, workers are expected to bear the risks of globalization and emancipatory social justice agendas seem to be losing the battle.

The *top-down view of transnationalism* therefore brings into sharper focus the *bottom-up forms of transnationalism*, which is a response of people exercising agency and disruptive

powers to manage growing inequalities in a troubled open economy. For example, the growth of transnational corporations has been accompanied by the mass relocation of populations. New prospects for employment in developed nations tend to draw migrant groups from less-developed nations. New advances in transportation and communication technologies, such as the Internet, provide potential avenues of virtual connectivity among these individuals and groups moving across national borders. This bottom-up view of “transnationalism” serves as a description for both the sectors of migrating populations who maintain a simultaneous presence in two or more societies and for the relations these migrants establish.⁶ Migration to developed countries in response to global economic development has resulted in multicultural societies and more circular – rather than settler – migration, where immigrants are more likely to maintain contact with their culture of origin and less likely to assimilate. Therefore, loyalty to the state may compete equally with allegiance to a kin group, a culture, or religious affiliation. With increased global mobility and access to instantaneous worldwide communication technology, boundaries dissolve and the territorial controls imposed by the traditional nation-state become less relevant. However, state definitions of citizenship and nationality and the rules for political and social participation may become more relevant for transnational groups.

Transnationalism and the ways in which it ties to processes of trade and labor is not a new phenomenon. The Atlantic slave trade (between the fifteenth and nineteenth centuries) is “one example of an early transnational phenomenon, with major repercussions on the condition of African, American, and European nation-states and peoples into the twenty-

⁶ In 1986 the American Academy of Political and Social Science employed the term as the theme of a conference publication entitled “From foreign workers to settlers? – Transnational migration and the emergence of a new minority”. The conference papers dwelt more on the effect on public policy of this type of migration but did so without developing the concept of transnational migration.

first century.”⁷ Slavery and the ensuing wave of colonialization, both transnational phenomena, laid the economic groundwork for the concept of race to emerge as an organizing mechanism of many former slaveholding societies. The rationalization and dehumanization of a whole people in order to systematically exploit them as chattel, as property and sources of labor, still echoes in modern day transnational labor arrangements.⁸ On the other hand, processes of anti-colonialism were similarly transnational⁹, much like the abolition movement that preceded it showing the early emancipatory power and social justice movements transgressing state boundaries.

One of the ways in which transnationalism is invoked in the early twenty-first century is in discussions of migration and the conditions that produce migration. Though the concept and scope of migrant transnationalism is relatively new, its occurrence is not. During the waves of immigration that dominated the late 19th and early 20th centuries, many new arrivals to the U.S. left behind family members. Nearly 80% of Italian immigrants between the 1870 and 1910 were men who came without their wives or children. Many Jewish men likewise came to the U.S. alone and later sent money to finance the tickets of other family members. Between 1900 and 1906, the New York Post Office sent 12.3 million individual money orders to foreign countries, with half the dollar value going to Italy, Hungary, and Slavic countries.¹⁰

⁷ “Transnationalism | Encyclopedia.Com.” <https://www.encyclopedia.com/social-sciences/encyclopedias-almanacs-transcripts-and-maps/transnationalism#B>.

⁸ Id.: “In the early twenty-first century, cross-border activities epitomized by the trafficking of women and girls continue old patterns of sexual, labor, and racial exploitation. Trafficking refers to the illegal and highly profitable trade in human beings that uses coercive tactics, violence, and debt bondage to control its victims. There are many parallels to the African slave trade here, and the usual victims come from countries in the global South, such as Thailand, the Philippines, and Indonesia, as well as from places that have undergone social, political, and economic turmoil, such as Bosnia and Herzegovina, the Soviet Union, and parts of Africa.”

⁹ Early anticolonial movements were diverse, but generally aware of each other and acting in solidarity, such as the Indian National Congress, the Association of Vietnamese Revolutionary Youth, and the United Gold Coast Convention. See more: “Anticolonial Movements | Encyclopedia.Com.” <https://www.encyclopedia.com/social-sciences/applied-and-social-sciences-magazines/anticolonial-movements>.

¹⁰ See more in: Foner, Nancy (2000), *From Ellis Island to JFK – New York Two Great Waves of Immigration*, Yale

Transnationalism is inherently embedded in the larger context of globalization. The foremost driver of transnationalism has been the development of technologies that have made transportation and communication infinitely more accessible and affordable, thus dramatically changing the relationship between people and places. It is now possible for immigrants to maintain more frequent and closer contact with their home societies than ever before.

However, another crucial driver for transnationalism has been the fact that international migrations have become integral to the demographic future of many developed countries. Beyond simply filling a demand for low-wage workers, migration also fills the demographic gaps created by declining natural populations in most industrialized countries. Today, migration accounts as a primary factor in the portion of population growth in developed regions as a whole¹¹ and this trend shows no sign of slowing down.

Additionally, global political transformations and new international legal regimes have weakened the state as the only legitimate source of rights. Decolonization, coupled with the fall of communism and the ascendance of human rights, have forced states to take account of persons qua persons, rather than persons qua citizens. As a result, individuals have rights regardless of their citizenship status within a country.

For the past several decades descriptions of migrant behavior that could be characterized as transnational have been present in the migration literature, but these studies did not develop a conceptual framework to encompass the global phenomena of immigrant social, political, and

University Press, New Haven.; “*Egy Szívvel Két Hazában*” (Albert Tezla (Szerk.)). 2018.
https://www.libri.hu/konyv/albert_tezla.egy-szivvel-ket-hazaban.html.

¹¹ UN estimates that since the 1950s, the developed regions continuously gained population due to positive net migration. From 1950-1970 to 2000-2010, the level of net migration to the developed regions increased from 0.3 million to 3.1 million migrants per year. However, the net inflow of migrants fell to about 2.2 million persons annually between 2010 and 2015.
<http://www.un.org/en/development/desa/population/migration/publications/populationfacts/docs/MigrationPopFacts20178.pdf>

economic relationships that spanned several societies. These relationships could not be captured by the categories of "permanent migrants," "return migrants," "temporary migrants," or "sojourners." For example, Bonham C. Richardson, whose own work documents Caribbean "migration as livelihood" states that "students of the movements of Pacific Islanders have found human mobility there so routine that they now employ the term circulation rather than migration."¹²

Beginning in the early 1990s,¹³ social scientists in the field of migration began rethinking the existing knowledge and terminology of migration studies in light of new trajectories of movement and behavior. The old binaries of immigrant – emigrant no longer sufficed. They evoked images of permanent rupture between locations of origin and destination.

Meanwhile, a new kind of migrating population began emerging in the past three decades, composed of those whose networks, activities, and patterns of life encompass both their host and home societies. Their lives cut across national boundaries and bring two societies into a single social field. In their much cited, seminal work on transnationalism and migration Schiller, Basch and Blanc-Szanton argued for a new conceptualization to understand the experience and consciousness of this new migrant population. They called this new conceptualization, "transnationalism," and describe the new type of migrants as "transmigrants." The authors defined transnationalism as the processes by which immigrants build social fields that link together their country of origin and their country of settlement. Immigrants who build such social fields are designated "transmigrants." Transmigrants

¹² Richardson, Bonham C. 1983. *Caribbean Migrants: Environment and Human Survival on St. Kitts and Nevis*. Univ. of Tennessee Press., p 176. Also, Chaney noted that many Garifuna people in the Caribbean – the indigenous, mixed-race descendants of West African, Central African, Island Carib, European, and Arawak people - "today have become United States citizens, yet they think of themselves as members of two (or more) societies," Chaney, Elsa 1979, The world economy and contemporary migration. *International Migration Review* 13:204-212

¹³ Schiller Nina Glick, Basch Linda, and Blanc-Szanton Cristina. 1992. "Transnationalism: A New Analytic Framework for Understanding Migration." *Annals of the New York Academy of Sciences* 645 (1) (July): 1–24. doi:10.1111/j.1749-6632.1992.tb33484.x.

develop and maintain multiple relations- familial, economic, social, organizational, religious, and political that span borders. Transmigrants take actions, make decisions and develop identities within social networks that connect them to two or more societies simultaneously.¹⁴ This was explicitly showcased in a study on Filipino and Grenadian and Vincentian associations that were part of a social system whose networks are based in two or more nation-states and who maintain activities, identities, and statuses in several social locations.¹⁵

As mass mobility has been radically reshaping the demographic landscape in the past few decades it has also produced a distinct form of transnationalism with specific conditions explained by Áron Telegdi-Csetri as ones “where both (or all) endpoints of migration are institutionally functional and socially active, and at the same time, where the link between these endpoints is maintained to such a degree as to consider it a part of migrants’ daily lives.”¹⁶ It is within this specific context that the dissertation seeks to operationalize the term “transnational”.

Scholarship only recently began to undo and go up against the methodological and conceptual nationalism that obscures the contemporary social and economic realities of our times.

The transnational lens is has become essential to scholarship as it expands on and departs from older notions of identity that are based on national borders and allows a focus on

¹⁴ Glick Schiller and Blanc-Szanton n.d.

¹⁵ For instance Schiller et al explain that “there were more than 20 Haitian hometown associations in New York in the 1980’s, and many of them undertook various development projects back “home.” These associations differ dramatically in the activities and audience from hometown associations of earlier immigrants whose main focus was to help new immigrants with integration issues in the new land. Russian Jewish immigrants in the beginning of the 20th century, for example, founded “landsman” associations to provide their members with burial funds and assist the poor and orphaned in the United States.” Schiller, Nina Glick, Linda Basch, and Cristina Blanc-Szanton. “Transnationalism: A New Analytic Framework for Understanding Migration.” *Annals of the New York Academy of Sciences* 645, no. 1 (July 1992): 1–24., pp 3

¹⁶ Áron Tegledy-Csetri; Viorela Ducu; Mihaela Nedelcu; Aron Telegdi-Csetri (2018-06-08). *Childhood and Parenting in Transnational Settings (International Perspectives on Migration)* (Kindle Location 137). Springer International Publishing. Kindle Edition.

ways that identities are always in process, and constantly being inflected by different political, cultural, economic, and social factors. One key critique of the usage of the term *transnational* is that it tends to flatten out asymmetries of power between different regions of the world, nations, classes, and modes of displacement. Nevertheless, one way in which transnationalism remains such a key mode of analysis is the way it can bring players in the aforementioned bottom-up and top-down processes of transnationalism (the transnational business elites, employers, market actors as well as the formal and informal migrant workers and families) together into one conceptual field, where the social, economic, cultural, and political forces that connect them can be analyzed, along with the kinds of effects they might have on each other's lives. In that sense, transnationalism encourages a connective but not necessarily flattening way to understand the world and its inhabitants. Transnationalism does not side-step the state, but does not reify it either. It does not take for granted that labor and family law and policy are purely domestic matters.

This dissertation takes a transnational and interdisciplinary look at the familial dimensions of transnational labor migration, seeks to account for the players and their motivations and examines the role of the regional transnational governance space of the European Union in mitigating the impact of the elite-to-worker risk shifting logic of globalized labor. Does the EU merely perpetuate worker vulnerability, or can it be a site of distributive justice? The answer is paradoxically yes to both questions.

1.1. A Brief Overview of Transnational Migration Studies

Levitt and Glick Schiller distinguish four distinct traditions developed in transnational migration scholarship Between the 1990's and the early 2000's¹⁷: (1) the research done by sociologists and anthropologists in the United States; (2) studies done by the 'Transnational Community Programme' based at Oxford University; (3) and the literature on transnational families; (4) an effort to reformulate notions of space and social structure. To this their work adds a fifth, contemporary trend: the social field perspective. The connecting conceptual challenge acknowledged in these various trends as well as in this dissertation is the reconceptualization of society, family, community when national boundaries are no longer taken for granted. The following is an overview of the various research traditions as described above.

Transnationalism Scholarship in the United States:

“Transnational migration scholarship in the United States has been dominated by its critique of the linear assimilationist paradigm of classical migration research. (Glick Schiller, 1999; Basch, Glick Schiller and Szanton Blanc, 1994; Glick Schiller, Basch and Szanton Blanc, 1995). Some studies have focused on the kinds of networks that stretch between a sending community and its migrants (Grasmuck and Pessar, 1991; Levitt, 2001a; Rouse, 1992; Smith, 1998; Kyle 2001). Others have sought to determine the conditions under which migrants maintained homeland ties and identities and how commonplace transnational practices were among the migrant population as a whole (Morawska, 2003b; Levitt, 2003b; Basch, Glick Schiller and Szanton Blanc, 1994).

¹⁷ Levitt, Peggy, and Nina Glick Schiller. 2004. “Conceptualizing Simultaneity: A Transnational Social Field Perspective on Society.” *International Migration Review* 38 (3) (September): 1002–1039. doi:10.1111/j.1747-7379.2004.tb00227.x.

These studies revealed that a small but nonetheless significant number of migrants engage in regular economic and political transnational practices (Portes, Haller and Guarnizo, 2002; Guarnizo, Portes and Haller, 2003) and that many more individuals engage in occasional transnational activities. Some studies explore the relationship between migration and development, categorizing transnational migration as a product of late capitalism which renders small, nonindustrialized countries incapable of economic autonomy and makes them dependent on migrant-generated remittances (Itzigsohn, 2000; Portes, 2003; M.P. Smith and Guarnizo, 1998). The ways in which sending and receiving states continue to play a critical role in migrants' lives has also received a good deal of attention (Smith, 1998; Goldring, 2002; Levitt and de la Dehesa, 2003). More recent research on the second generation is in many ways a continuation of the debate on assimilation, with proponents of the classic approach arguing that transnational migration is an ephemeral first-generation phenomenon. Meanwhile, some transnationalists speak of new forms of transnational connection or replace the term second generation with transnational generation to encompass youth in the homeland and the new land (Levitt and Waters, 2002; Glick Schiller and Fouron, 2002)."¹⁸

The most significant early contribution to the US based transnational migration scholarship came from Basch et al. who were the first to develop transnational mobility as distinct from international mobility. In *Nations Unbound*¹⁹, the authors demand that the study of migration be 'unbound' from the nation-state as the key container of social action, because contemporary migrants inhabit a much wider field of mobility and interaction. They also stress the importance of rethinking identities such as race, class, nationalism and ethnicity as

¹⁸ Id at 1005

¹⁹ Basch, Linda, Nina Glick Schiller, and Cristina Szanton Blanc. 1993. *Nations Unbound: Transnational Projects, Postcolonial Predicaments and Deterritorialized Nation-States*. 1 edition. S.I.: Routledge.

more flexible and allowing for multiple forms of identifications. They are also credited for the common definition of transnationalism: “as the processes by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement. We call these processes transnationalism to emphasize that many immigrants today build social fields that cross geographic, cultural and political borders.”²⁰

Moving away from the origin-destination dichotomies of the US schools, the Oxford Transnational Communities Programme with the leadership of Steven Vertovec²¹ began using a broader definition of transnational ties. Their interdisciplinary research team examined how contemporary transnational communities are both products of, and catalysts for, globalization processes. The various projects focused on the transnational utilization of telecommunication and transport, the pooling of resources and patterns of investment or remittance, and how migrants find ways to successfully exploit new international markets, countering the hegemonic ‘migrant-as-victim’ narrative in global labor migration discourse. Perhaps the most significant political science and sociological contribution of the Oxford Programme, was the investigation of the various social, political and cultural resources and group identities generated transnational communities and the ways these represent an important shift toward new kinds of cosmopolitanism. As the project predicted at its outset “it is likely that transnational communities will play an ever more important role in shaping world-wide social, cultural, economic and political processes.”²²

Levitt and Glick Schiller provide the following summary of their contributions:

²⁰ Id at 8

²¹ With the leadership of Professor Prof. Steven Vertovec, between 1997-2003 Institute of Social and Cultural Anthropology (ISCA) at the University of Oxford hosted the Directorship of the Economic and Social Research Council’s £3.8 million national research programme on Transnational Communities. Although this program ended formally, further connected research activities and events surrounding migrated mainly to the ESRC’s Centre on Migration, Policy and Society ([COMPAS](http://www.transcomm.ox.ac.uk/introduc.htm))

²² “Transnational Communities Programme - Overview.” 2017. Accessed May 1. <http://www.transcomm.ox.ac.uk/introduc.htm>.

“In this project, transnational connections forged by businesses, the media, politics, or religion were all examined under the rubric of community. This work demonstrated that migrants are embedded in networks stretching across multiple states and that migrants’ identities and cultural production reflect their multiple locations. Among the important findings of the Transnational Communities project was the need to distinguish between patterns of connection on the ground and the conditions that produce ideologies of connection and community (Gomez and Benton, 2002; Ostergaard-Neilsen, 2003).”²³

The third strand in the scholarship is constituted by the so-called transnational kin or transnational family studies, elaborated in detail in Chapter 2, particularly building on the seminal work of Bryceson and Vuorela providing the European perspectives on transnational family studies.

“Some of the U.S. and Oxford studies (Ballard, 2000) urge a reconceptualization of transnational kinship, although research in this area has developed a trajectory of its own (Chamberlin, 2002; Bryceson and Vuorela, 2002). Studies of transnational kinship document the ways in which family networks constituted across borders are marked by gendered differences in power and status. Kin networks can be used exploitatively, a process of transnational class differentiation in which the more prosperous extract labor from persons defined as kin. Kin networks maintained between people who send remittances and those who live on them can be fraught with tension.”²⁴

²³ Levitt and Glick Schiller 2004:1006

²⁴ Levitt and Glick Schiller 2004:1006

The fourth group of scholars use a transnational approach to migration research in order to challenge social theory.

“Morawska (2001a, 2003a) proposes a conceptualization of migration as structuration to posit the continuing dynamic between structure and agency that extends into a transnational domain. Faist (2000a, b), reasoning along similar lines, strives to conceptualize a domain of crossborder social relations he refers to as transnational social spaces. He privileges social relations and institutions, defining these spaces as characterized by a high density of interstitial ties on informal or formal, that is to say institutional, levels (Faist, 2000b:89). Guarnizo (1997) and Landolt (2001) refer *to a transnational social formation.*”²⁵

Arguably, to these four trends we can add as a fifth distinct contribution the work of Levitt and Schiller themselves; especially their contributions to social field theory and their campaign against methodological nationalism.²⁶ They criticize the previous strands for viewing the social formations engendered by transnational migration as unique. Instead, Levitt and Schiller propose that they are one indication, among many, that the nation-state container view of society does not capture, adequately or automatically, “the complex interconnectedness of contemporary reality.” They propose adopting “a transnational social field approach to the study of social life that distinguishes between the existence of transnational social networks and the consciousness of being embedded in them. Such a distinction is also critical to understanding the experience of living simultaneously within,

²⁵ Id.

²⁶ Peggy Levitt, search. 2001. *The Transnational Villagers*. First edition. Berkeley: University of California Press.; Blanc, Cristina Szanton, Linda Basch, and Nina Glick Schiller. 1995. “Transnationalism, Nation-States, and Culture.” *Current Anthropology* 36 (4) (August 1): 683–686. doi:10.1086/204418.; Levitt, Peggy, and Nina Glick Schiller. 2004. “Conceptualizing Simultaneity: A Transnational Social Field Perspective on Society1.” *International Migration Review* 38 (3) (September 1): 1002–1039. doi:10.1111/j.1747-7379.2004.tb00227.x; Levitt, Peggy, and Nina Glick Schiller. 2004. “Conceptualizing Simultaneity: A Transnational Social Field Perspective on Society.” *International Migration Review* 38 (3) (September): 1002–1039. doi:10.1111/j.1747-7379.2004.tb00227.x.

and beyond the boundaries of a single nation-state and to developing methodologies for empirically studying such experiences.”²⁷

There are others who voiced early criticism of the nation-state centric understandings of society, such as Saskia Sassen’s seminal work on global cities, redrawing the boundaries of the geography of cities in light of globalization.²⁸ In addition, the study of migrant transnationalism has also been subject strong criticism. Portes et al. for example argue that the range of phenomena included in scholarly analysis is too broad, and should instead be limited to regular and sustained activities, occupations and social contacts.²⁹ Also, some like Beck argue that despite efforts to uncouple or unbind migration studies from the centrality of the nation-state, a lot of existing scholarship continues to reinforce bounded understandings of place and society³⁰. This often leads to migrants and migrant communities being viewed as culturally and social integrated, relatively stable groups which is further challenged by critical sociologists such as Wimmer, who critiques this as a form of transnational methodological nationalism³¹.

To this mix of scholarly trends in migrant transnationalism, this dissertation will contribute the idea of “layered transnationalism” in the case of EU-CEE transnational families. The interaction of the institutions described in the figure above, constitute the specific, layered transnationalism, the very social field within which transnational parenting and caregiving takes place between various member states of the European Union.

²⁷ Levitt and Glick Schiller 2004:1006-1007

²⁸ Sassen, Saskia. 2001. *The Global City: New York, London, Tokyo*. 2nd Revised ed. edition. Princeton, N.J: Princeton University Press.

²⁹ Portes, A., Guarnizo, L. E., and Landolt, P. (1999). The study of transnationalism: pitfalls and promise of an emergent field. *Ethnic & Racial Studies* 22 (2), pp. 217–237.

³⁰ Beck, Ulrich. 2000. “The Cosmopolitan Perspective: Sociology of the Second Age of Modernity*.” *The British Journal of Sociology* 51 (1) (March 1): 79–105. doi:10.1111/j.1468-4446.2000.00079.x.

³¹ Wimmer, Andreas. 2004. “Does Ethnicity Matter? Everyday Group Formation in Three Swiss Immigrant Neighbourhoods.” *Ethnic and Racial Studies* 27 (1) (January 1): 1–36. doi:10.1080/0141987032000147922.

1.2. The Transnational Social Field

As mentioned in the previous section, one of the greatest conceptual contributions of transnational migration studies is the social field, or social space theory. Originally built on the work of Basch, Glick Schiller and Szanton Blanc in *Nations Unbound* (1994), Levitt and Schiller define the *social field* as “a set of multiple interlocking networks of social relationships through which ideas, practices, and resources are unequally exchanged, organized, and transformed”.³² Social field is constituted by migrant’s ongoing, persistent practices. Lima refers to social fields as the product of a series of interconnected and overlapping economic, political, and socio-cultural activities.³³

Social fields may overlap with national boundaries, but are not always contiguous with them. They are constituted from a series of individual, social and institutional interactions between those that leave, members of the receiving society and those that stay behind. They represent a profound interdependency, where rootedness in any one terrain is augmented by the fact that migrant’s or related families daily lives strongly depend upon the circulation of people, resources and ideas located in another setting. This perspective sets various non-migrating people into the context of mobility and transnationalism. When social and financial relations are maintained across borders in various virtual ways, those formerly considered immobile, ‘non-migrant’ therefore not relevant to migration scholarship suddenly find themselves at the center of transnational migration inquiry.

³² Levitt and Glick Schiller 2004:1009

³³ Alvaro Lima (2010) *Transnationalism: A new mode of Immigrant Integration*, The Mauricio Gaston Institute, University of Massachusetts, Boston.

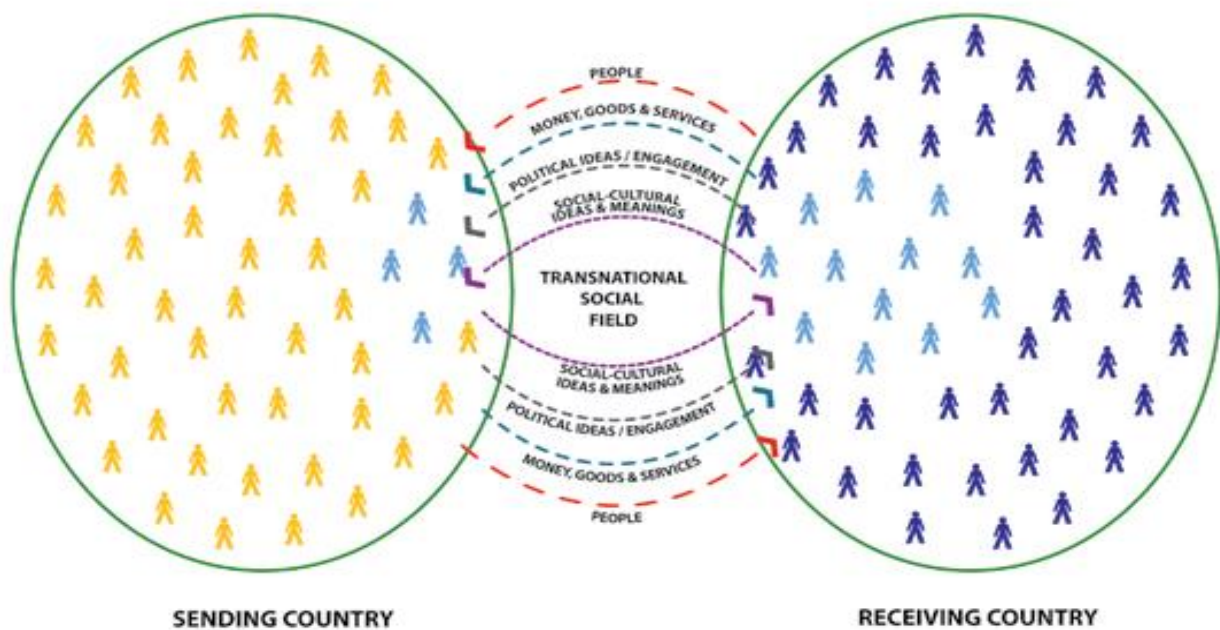


Figure 1: Basic illustration of "social field" by Alvaro Lima 2010

The concept of social field profoundly upsets clean divisions of social connections along local, national, transnational, and global lines. The global becomes the local and vice versa and de facto migration no longer determines whether someone is active in a transnational social field. Such would be the case of a migrant domestic worker, embedded in a household in the employer's nation-state and at the same time in her household in the country of origin. Her interactions with her foreign employers, the normative frameworks governing her status and employment impact upon, not only her, but also the family members left behind. Similarly, her relationship with family members left behind, the emerging care needs will in turn have an impact on members of the employing household and their ability to enjoy the care labor of their migrant employee. Therein we see numerous non-migrating people connected in a transnational social space of their respective households spanning two states within the global economy of care.

More and more of social life is taking place across borders and the nature and geography of transnational social fields varies depending on several factors. Individual ones such as gender, class, race and structural ones, such as laws, policies and various institutional settings, particularly labor and immigration regimes at countries of origin and reception. Transnational activities embedded in such fields correspond not only to the various states implicated, but also transnationalized social institutions such as various collectives, churches and households. The transnational household arrangements described in this dissertation are an example of such a social field in action, embedded in the greater social field of the European Union. They will provide a quintessential example of what happens when transnationalism from above and below intersects in the lives of individuals and their families.

1.3. Migrant Transnationalism and the Role of the Nation-State

Transnationalism – though embedded in the process of globalization - is by no means the sign of the demise of the nation-state³⁴. In fact, though migrant laborers and their kin may benefit from making sure their economic survival does not rely on a single nation-state, they can only do this by simultaneously relying on another nation-state. The same goes for those employing migrant workers; they need other states to make available crucial workforce. This may be

³⁴ I use the term nation-state throughout the dissertation, because of the terminology of “transnationalism” and given its prevalence in the transnational migration and family literature. In this operational sense, the transnational families of this dissertation post-date the formation of “nation states” in the Westphalian sense. However, as I make it clear in historical references, since the “nation” predates the modern “nation state”, the phenomena of transnational movements, networks, or familial transnationalism in fact pre-dates the nation state. Since the dissertation also takes a social functionalist approach to family, household, this is also true for the “nation-state”. Therefore at times the terms “member state” (of the European Union), or “welfare state” (as a focus on social and family policies relevant to care-giving) will be used to talk about the “state” as a normative force in the life of transnational families, along with supra-national forces (such as the EU) and market forces.

done intentionally – though guest work arrangements, agencies, bilateral policies – or through acts of omission – by simply "liberating" their citizens to leave for better opportunities by a failure to provide, not penalizing outmigration and counting on remittances.

In their excellent work on Canadian transnational caregiving practices among Latin-American migrants, Bernhard et al³⁵ criticize much of the early work on transnational migration, for idealizing and over-emphasizing the continuity of social networks and institutions across borders, whilst underestimating their limitations, especially in light of powerful state and market forces. De-territorialized family-care arrangements are important to study and map, but they must be seen as embedded in the state policies and international regulations within which transnational families are situated³⁶. The foundational works noted in the previous section, especially 'Nations Unbound' all underscore that transnational families must be studied – at least in part – in the context of nation-states. Later, the migration and development literature began to emphasize market forces – mediated by state policies - as relevant background rules to studying transnational families.³⁷ This section will illustrate the labor market mediating role of the state – by acts of omission and commission – in the global economy.

Beyond the agency and activism of transmigrant individuals and collectives, states play a significant role in contributing to the construction of transnational migrant fields. The Philippines is an excellent example of this. Well-established Filipino migrants living abroad have been constantly encouraged by representatives of the Philippines government to facilitate transnational ties, including asking for reinvest of their foreign earnings into

³⁵ Bernhard, Judith K., Patricia Landolt, and Luin Goldring. 2009. "Transnationalizing Families: Canadian Immigration Policy and the Spatial Fragmentation of Care-Giving among Latin American Newcomers1." *International Migration* 47 (2) (June 1): 3–31. doi:10.1111/j.1468-2435.2008.00479.x.

³⁶ See for example: Kilkey, Majella, and Laura Merla. 2014. "Situating Transnational Families' Care-Giving Arrangements: The Role of Institutional Contexts." *Global Networks* 14 (2): 210.

³⁷ Nyberg Sørensen, N., & Vammen, I.M. (2014). Who Cares? Transnational Families in Debates on Migration and Development. *New Diversities*, 16(2), 89-108.

Philippine economy, specifically agriculture. In fact, President Marcos had created the term balikbaym (literally home-comers)³⁸ in a national speech encouraging immigrants to visit their home country at least once a year during the holidays. This was followed by economic and legal means to facilitate their return and allowed each of them to bring yearly two, so called Balikbayan boxes duty-free³⁹. Later on, his successor President Aquino restated her concern for the numerous silent "heroes and heroines of the Philippines." She then enabled them to purchase gifts of up to \$1,000 duty-free upon entering the Philippines. Contracting for overseas labor and the system of sending remittances, so very important now for the country's economy, has been similarly institutionalized. In this case, the transnational social field and it's remittance related activities are co-constructed, officially sanctioned and regulated by the Philippine state.⁴⁰

Destination states of migrant domestic workers are not passive recipient sites either. On the contrary, as Vivienne We and Amy Sim emphasize in their study, "these destinations are actively shaped through the interactions of macro-politics at the policy level, meso-politics at the level of culture and society, and micro-politics in individual actions. In this process, the destination comes to be defined in terms of space, economy, and polity, both as current realities, as well as future trajectories."⁴¹ Destination states - that often rely on a steady

³⁸ The Balikbayan Program of the Philippines under Republic Act (RA) 6768 states the following: "The Balikbayan Program of the Philippines was enacted in November 1989 to attract and encourage overseas Filipinos to visit the Philippines. The following categories of persons can avail of the Balikbayan privilege: (a) a Filipino citizen who has been continuously out of the Philippines for a period of at least one (1) year from the date of last departure; (b) a Filipino overseas worker (OFW); (c) a former Filipino citizen who had been naturalised in a foreign country and held a foreign passport."

³⁹ Blanc, Cristina Szanton. 1996. "Balikbayan: A Filipino Extension of the National Imaginary and of State Boundaries." *Philippine Sociological Review* 44 (1/4): 178–193.

⁴⁰ Filipino Government has implemented legislation to purportedly protect the living and working conditions of overseas Filipino workers, including the *Overseas Employment Certificate* and the *Migrants Workers and Overseas Filipino Act RA10022 (Magna Carta for Migrants)*. Unfortunately, this legislation has not been enforced or regulated effectively. For example, while the *C189 - Domestic Workers Convention, 2011 (No. 189)* states that all foreign domestic helpers should enjoy same income levels and working benefits as local workers, the Filipino Government has put in little diplomatic effort to champion fair working conditions for their overseas domestic workers.

⁴¹ Wee, Vivienne & Sim, Amy. (2005). Hong Kong as a destination for migrant domestic workers. Asian Women as Transnational Domestic Workers. 175. In Singapore), International Workshop on Contemporary

presence of migrant workers – impact upon the form and conditions of the transnational field. Remaining with the Philippine example, Hong Kong – a major destination country - has been much criticized for taking insufficient legislative action to improve the working conditions and safety concerns of Filipino domestic helpers⁴². With the increasing number of mothers entering the labor market, Hong Kong Chinese citizens are increasingly relying on Filipino foreign domestic helpers to fulfill the responsibilities of caring for and looking after their dependent children, the disabled, and the elderly. Otherwise, Hong Kong Chinese families would need to sacrifice their work opportunities and leisure time to undertake household duties. As argued by Labor and Welfare Secretary Dr. Law Chi-kwong, Hong Kong requires an additional 240,000 foreign domestic helpers in the next 30 years in order to manage the needs of a fast-aging population⁴³. A particularly controversial piece of legislation is the live-in policy⁴⁴, which mandates that all Filipino domestic workers must live together with their employers, irrespective of how their employers treat them. Mandatory live-in domestic work is known to put domestic helpers in an extraordinarily unfavorable and insecure position. Migrant domestics experiencing insults, abuses, and threats of violence, have no legal rights to live outside their employers' residence when they are off from work. This policy exacerbates incidents of domestic abuses in all forms, which in turn impacts the entire transnational experience, including the ability to travel back and forth between host and home

Perspectives on Asian Transnational Domestic Workers, Shirlena Huang, Brenda S. A Yeoh, Noor Abdul Rahman, and Marshall Cavendish Academic. 2005. *Asian Women as Transnational Domestic Workers*. Singapore : Marshall Cavendish Academic. <https://trove.nla.gov.au/version/44608198>.

⁴² Jacqueline Bhabha, MANAGING LABOUR MIGRATION: The Case of the Filipino and Indonesian Domestic Helper Market in Hong Kong, 2008 April 1. <https://www.innovations.harvard.edu/sites/default/files/124761.pdf>

⁴³ “Hong Kong-Filipino Deadlock Over Filipino Domestic Helper Issues.” 2018. *JIA SIPA*. June 0. <https://jia.sipa.columbia.edu/online-articles/hong-kong-filipino-deadlock-over-filipino-domestic-helper-issues>.

⁴⁴. The standard Employment Contract (ID 407) is the only contract acceptable to the Immigration Department, the Government of the HKSAR, whenever an application is made by an employer to employ a domestic helper from abroad. Hong Kong laws govern this contract, in particular, the Employment Ordinance (Chapter 57), the Immigration Ordinance (Chapter 115) and the Employees' Compensation Ordinance (Chapter 282). “Standard Employment Contract and Terms of Employment for Helpers | Immigration Department.” 2018. Accessed May 11. <https://www.immd.gov.hk/eng/forms/forms/fdhcontractterms.html>.

country, send remittances and communicate with kin left behind. Developing greater awareness of the reliance on the domestic services provided by migrant domestic workers engages not only the migrants, their employers but also their respective states. The acts of individual agency, coordinated between private households – situated home and host states – within a globalized market of care services all happen in the shadow of the nation-state. These dynamics eventually make necessary some form of recognition and future cooperation on the part of the affected states of labor source and reception.

This is one way to illustrate that a transnational perspective does not diminish the continuing significance of nation-states within these larger global processes.

A critique of early world systems theorists⁴⁵ is that they have attempted to downplay the continuing relevance of nations, especially in the context of military, legal or ideological fronts. The global capitalist system and labor distribution however continues to be divided into nation-states with unequal powers and increasingly transnational elites – corporations – gaining greater control over formerly inherently public functions and often surpassing state autonomy in the context of global trade and taxation regulations. Contrary to classic migration scholarship, migrants as not mere units of labor, rather complex social agents embedded in the structural conditions, and the ideologies of their home and host societies. They seek to exercise legal and social rights within national structures that lay claim to a monopoly on belonging, citizenship, entitlements. Yet even in the context of legal rights, or citizenship, transmigrants belonging cannot be captured by only one political, normative,

⁴⁵ For example: Immanuel Wallerstein's 1974 piece *The modern world system*. See more on this point in Schiller, Nina Glick, Linda Basch, and Cristina Blanc-Szanton. 1992. "Transnationalism: A New Analytic Framework for Understanding Migration." *Annals of the New York Academy of Sciences* 645 (1) (July): 1–24, p 8.

national space. The very nature and future of nationalism, national political projects thus comes into question.

Migrant transnationalism and its various practices both draw from and contribute to the broader processes of globalization. The transnational lens on migrant activities allows researchers to systematically study the many ways in which migrants today conduct activities and maintain solid relationships linking them with various interest groups (such as kin-networks, neighborhood, or home-town organizations, political or religious groups) in their nation-states of origin. Today migrants are able to maintain connections through uses of technology, travel and financial mechanisms more intensely than ever before. Scholars have argued that migrant transnationalism is transformative and there are many questions about its possible impacts, pros, and cons. Notably, Manuel Castell's⁴⁶ work on transnationalism and cumulative societal transformation describes the joint impacts of various kinds of enhanced computer-mediated communication on work patterns, collective identities, family life, social movements, and states.

The concept of transnationalism was developed to provide a framework in which global economic processes and the continuing contradictory persistence of nation-states can be linked to migrants' social relationships, political actions, loyalties, beliefs, and identities. As mentioned before, social field theory is perhaps one of the most useful analytical contributions of transnationalism literature. In sum, the concept of social field argues that central to the project of transnational migration studies, and to scholarship on other transnational phenomena, is a reformulation of the concept of society. The lives of increasing

⁴⁶ See more: Castells, Manuel. 2009. *The Power of Identity*. 2nd Edition, with a New Preface edition. Malden, MA: Wiley-Blackwell.

numbers of individuals can no longer be understood by looking only at what goes on within national boundaries.

As far as determining the impacts of migrant transnationalism Vertovec points out that “while not bringing about substantial societal transformations by themselves, patterns of cross-border exchange and relationship among migrants may contribute significantly to broadening, deepening or intensifying conjoined processes of transformation that are already ongoing.”⁴⁷

This observation is essential for this dissertation as it seeks to determine what behaviors and practices of transnational families, particularly in the context of transnational care and welfare, are relevant in reshaping family life, politics, and the economy. Migrants have historically maintained long-distance social ties. The fact that with the advance of technology and a globalized economy messages or visits are more accessible does not always lead to significant alterations in structure and practice within a network. However, the extensiveness, intensity, and velocity of flows of information and resources may indeed combine to alter the way people do things fundamentally. As Patricia Landolt suggests with regard to transnational migrant activities, there are times when “a quantitative change results in a qualitative difference in the order of things.”⁴⁸ In this cumulative way, transnational migrant practices can modify the value systems and everyday social life of people across entire regions.⁴⁹ As the dissertation illustrates, family law, social citizenship are such value systems.

⁴⁷ Steven Vertovec, Migrant Transnationalism and Modes of Transformation, *International Migration Review*, Vol. 38, No. 3, Conceptual and Methodological Developments in the Study of International Migration (Fall, 2004), pp. 970-1001, p 972

⁴⁸ Landolt, Patricia. 2001. “Salvadoran Economic Transnationalism: Embedded Strategies for Household Maintenance, Immigrant Incorporation, and Entrepreneurial Expansion.” *Global Networks* 1 (3) (July 1): 217–242

⁴⁹ See for instance: Ruba Salih. 2003. *Gender in Transnationalism: Home, Longing and Belonging Among Moroccan Migrant Women*. 1st edition. London ; New York: Routledge.; Kyle, D. 2000 *Transnational Peasants: Migrations, Networks, and Ethnicity in Andean Ecuador*. Baltimore: Johns Hopkins University Press.; Levitt, Peggy *The Transnational Villagers*. 2018. Accessed March 12. <https://www.ucpress.edu/book/9780520228139/the-transnational-villagers>.

In closing, there are some general premises that we glean from the transnational lens contributed by the interdisciplinary group of scholars in migration studies. Transnationalism needs analytical approaches that go beyond bounded concepts such as tribe, nation, society. The global economy and labor market are inextricably linked to the transnational migrant experience. Transnationalism manifests itself in the daily lives, activities, and relationships of migrants. Although transnational migrants are predominately labor migrants, they are also social creatures, embedded in a complex network of kin, racial/ethnic groups and the broader society they encounter. The fluid existence of transnational migrants in a transnational social field compels us to reconceptualize social groupings from the private ones like family, household to broader ones like nation, society, and political space. Finally, transmigrants encounter various hegemonic contexts on the global and national level that impact their ability to work, move and maintain relationships. In turn, their transnationalism also has the potential to alter the normative and cultural world they inhabit.

1.4. Processes and Practices of Migrant Transnationalism

The previous section explained how contemporary scholars increasingly recognize that some migrants and their descendants remain strongly influenced by their continuing ties to their home country or by social networks that stretch across national borders. They call for a transnational perspective on migration.⁵⁰ The resulting analyses, in combination with other scholarship on transnational dynamics, are building toward a new paradigm that rejects the long-held notion that society and the nation-state are one and the same. Processes and

⁵⁰ Basch, Glick Schiller and Szanton Blanc, 1994

practices of migrant transnationalism and its consequences cannot be neatly compartmentalized. Scholarship suggests that the transformations fostered by migrant transnationalism could be cast into three broad and often overlapping groups: political, economic and socio-cultural⁵¹. The following section will touch upon each, but more focus will be on the third category, the social consequences of transnationalism, as it is most significant in the case of transnational families.

Taking this further, this dissertation suggests that the study of transnational families requires us to develop a hybrid of the three broad categories – political, economic and social transnationalism – in the form of transnational social protection, or transnational welfare. The specific focus of this dissertation, transnational parenting and caregiving, belongs to this broader field. This will also mean that the language of the dissertation will often depart from dominant social science scholarship by moving away from a focus on the term "nation-state" to that of the "welfare state" as the relevant macro unit in which migrants and their families are situated.

The constant flow of goods and activities have embedded within them relationships between people. These social relations take on meaning within the flow and fabric of daily life, as linkages between different societies are maintained, renewed, and reconstituted in the context of families, of institutions, of economic investments, business, and finance and political organizations and structures including nation-states. Thus, through a series of interconnected and overlapping economic, political, and socio-cultural activities, migrants create “social fields” that link their country of origin with their new country or countries of residence.

Whether we are talking about well-established immigrant diaspora communities or circular labor migrants, migrant transnationalism can take many forms from the more systematic and

⁵¹ Alvaro Lima 2010

regular engagements to the one-off activities and lose ties. They may include the regular phone calls a cab driver makes to loved ones in his native country; the daily transactions of an immigrant entrepreneur who continues to manage business endeavors back in home; household remittance transfers, or holiday visits to name a few. Broadly speaking, migrant transnationalism refers to the regular engagement in activities that span national borders by foreign-born residents as part of their daily routines. It is important to note that this definition distinguishes regular engagement in economic, political, and socio-cultural activities from more occasional or one-off engagement such as the rare trip to the home country or a single cross-border monetary transaction. The following are just a few examples of nature and relevance of the three broad groupings of transnational activities.

Economic transnational activities are the focus of development scholarship in particular. The World Bank estimates that officially recorded remittances to low- and middle-income countries reached \$466 billion in 2017, an increase of 8.5 percent over \$429 billion in 2016. Global remittances, which include flows to high-income countries, grew 7 percent to \$613 billion in 2017, from \$573 billion in 2016⁵².

Political transnational As Lima puts it, such activities can be formalized, such as practicing active and passive voting rights in one's country of origin. They can be informal, such as blogging, campaigning, taking part in various forms of idea-exchanges etc. There is also the extreme example of individuals such as Jesus Galvis, a travel agent in New Jersey who in 1997 ran for a Senate seat in his native Colombia. He intended to hold office simultaneously in Bogota and Hackensack, New Jersey, where he served as a city councilor.⁵³

⁵² "Trends in Migration and Remittances 2017." World Bank. Accessed May 19, 2017. <http://www.worldbank.org/en/news/infographic/2017/04/21/trends-in-migration-and-remittances-2017>.

⁵³ FRITZ, MARK. 1998. "Pledging Multiple Allegiances." *Los Angeles Times*, April 6. <http://articles.latimes.com/1998/apr/06/news/mn-36623>.

Socio-cultural transnational activities cover a wide array of social and cultural exchanges of ideas and practices. Peggy Levitt's scholarship established the concept and importance of "social remittances," providing a distinct form of social capital exchange between migrants living abroad and those who remain at home.⁵⁴ These transfers usually occur during visits between home and host countries, as well as through correspondence. For Levitt, it is not mere idea, or meaning exchange that matters, but rather its transformative effects. Her research accounts how transnational migration transforms family and work life, challenges migrants' ideas about race and gender, and alters life for those who stay behind as much, if not more, than for those who migrate. She considers immigrant assimilation and transnational lifestyles compatible. In fact, her conclusion is that in the era of increasing economic and political globalization, living transnationally may become the rule rather than the exception.

There are certainly significant shifts in social life due to transnational migration. Mobility has transformed kinship and family structure as well as how these relate to class, race and gender. Studies of transnational kinship document the ways in which family networks that cross borders are characterized by gendered differences in power and status. Far from pushing an idealized notion of transnational kinship, scholars have emphasized that kin networks can be used exploitatively. In fact transnational migration leads to new transnational class differentiations, remittance-bourgeoisie, toxic dependence, exploitation of needy kin to name a few.⁵⁵ A study of undocumented careworkers in Italy and their non-migrant children in Ukraine uncovered loaded meanings assigned to monetary and social remittances. Solari argues that migrants and non-migrant children within transnational families produce a '*transnational moral economy*' (or an economy of kin) through a set of social norms based

⁵⁴ See more: Levitt, Peggy 2001, *The Transnational Villagers*, University of California Press, Berkeley

⁵⁵ For example: Ballard R. 2001. *The impact of kinship on the economic dynamics of transnational networks: reflections on some South Asian developments*. Work. Pap. 01–14. Transnatl. Communities Progr., Oxford Univ., Oxford, UK <http://www.transcomm.ox.ac.uk/working%20papers/Ballard.pdf>

on a shared migration discourse – in this case, either poverty or European aspirations – which governs economic and social practices in both sending and receiving sites. This had significant consequences for migrant practices of integration in Italy, consumption practices for migrants and their non-migrant children, and for Ukraine’s nation-state building project.⁵⁶

Transnational family relations also change over the life-course. Living in transnational households may well become the norm, with more time passing in separation, such as the case of many Filipina migrant workers. Being raised in a transnational social space normalizes it, but changing needs – aging, illness, other life changes – can lead to new, adaptive transnational strategies, even a return and abandoning of the migrant lifestyle. Ludger Pries (2004) found such adaptations of transnational strategies over several generations, depending on individuals’ changing needs and desires throughout the life cycle.⁵⁷ Marriage or childrearing tend to lead to significant shifts in migratory attitudes and decisions to return, or strengthen ties with the home country.

Transnational motherhood and the general feminization of global migration⁵⁸ has generated the most research on the gendered experiences of parents, children, and the elderly. This work will be described in greater detail in Chapter 2, but in general transnational motherhood is seen to take a greater toll because of gendered caregiving norms, especially in the case of parents and children. It also challenges prevailing Western norms of motherhood⁵⁹, which

⁵⁶ Solari, Cinzia D. 2018. “Transnational Moral Economies: The Value of Monetary and Social Remittances in Transnational Families.” *Current Sociology* (November 9): 0011392118807531. doi:10.1177/0011392118807531.

⁵⁷ Pries, Ludger. 2004. “Determining the Causes and Durability of Transnational Labour Migration between Mexico and the United States: Some Empirical Findings.” *International Migration* 42 (2) (June 1): 3–39.

⁵⁸ The sheer number of women who migrate has grown tremendously over the past two-three decades, prompting a special volume of *International Migration Review* focusing on the “feminization of migration”.

⁵⁹ Hondagneu-Sotelo & Avila 1997, Parrenas 2005

still prioritizes proximity and hands-on caregiving, despite the advances of communication technologies making distant care more possible than ever.⁶⁰

Women – more than their male counterparts – find themselves at a conflict point between the public and the private spheres of both the homeland and the receiving societies. State policies around welfare, childcare, maternity benefits affect migrant men and women differently: Consequently they experience and exercise multiple social memberships differently, reflecting the gendered nature of migration⁶¹.

1.5 Transnational Welfare Systems

As the previous sections explained, within their complex web of social relations, transmigrants draw upon and create fluid and multiple identities grounded both in their society of origin and in the host societies. By maintaining many different racial, national, and ethnic identities, transmigrants are able to express their resistance and resilience in the face of the global political and economic situations that engulf them, even as they accommodate themselves to living conditions marked by vulnerability and insecurity. Transnational migrants and their families express this in small, everyday ways that usually do not directly challenge or even recognize the basic premises of the systems that surround them and dictate the terms of their existence. In this sense, transnational social fields are shaped by the migrants' perceptions that they must keep their options open. In the globalized economy that has developed over the past several decades, there is a sense that no one place is truly secure,

⁶⁰ Mahler 2001, Parrenas 2005

⁶¹ Caglar A. 2002. *Encountering the state in migration-driven social fields: Turkish immigrants in Europe*: Habilitationsschrift (Postdoc. thesis). Free Univ., Berlin

although people do have access to many places. As Basch, Schiller and Blanc-Szanton explain "one way migrants keep options open is to continuously translate the economic and social position gained in one political setting into political, social and economic capital in another."⁶²

As the subject of this dissertation is the transnational family, specifically transnational parenting, which are embedded in and embody a system of transnational social welfare.⁶³ The following section will focus on the various forms of welfare provided for – and sometimes by – family members left behind, including remittances and other transnational care practices. Transnational social welfare is sometimes referred to more generally as transnational social protection. It involves the study public and private as well as formal and informal forms of social protection, such as: remittances, access to social benefits as well as the use of informal resources and care practices employed by migrants as economic risk mitigation. Therefore, I argue, the combination of the two describes a semi-formal system of transnational welfare. To the state and individual level studies prominent in transnational welfare scholarship, we must add the supra-national and inherently transnational normative and political space of the European Union as well as the various –more or less regulated – labor market sectors that impact the migrant experience. Essentially, social protection is a product of the interaction between these overlapping systems which constitute transnational social welfare.

⁶² Schiller, Nina Glick, Linda Basch, and Cristina Blanc-Szanton. 1992., p 12 give the example of the Aquinos - one of the most prominent oligarch families in the Philippines - rallied political support among Filipinos in the United States and brought many of them back to the Philippines in Cory Aquino's first government. Some of these people were sent back to the United States, in turn, to pressure American politicians with regard to key issues such as economic aid and the United States military bases in the Philippines.

⁶³ From a developmental perspective migration decisions are often driven by the need to manage risk and secure livelihoods. Migration itself can also lead to derivative demands for various forms of state and non-state social protection. Researchers argue that it is in the interests of migrants and both host and source country governments to investigate and understand the implications of legal, physical and political access structures to social protection. See more in: Sabates-Wheeler, Rachel, and Ian MacAuslan. 2007. "Migration and Social Protection: Exposing Problems of Access." *Development* 50 (4): 26–32.

The concept of the global social policy and welfare governance has been articulated on the supranational levels. Most notably perhaps by Bob Deacon⁶⁴ who examined global social policy on two levels: the social policy prescriptions of international actors and institutions influencing national social policies; and the emerging supranational social policies and mechanisms of global redistribution, global social regulation and global social rights.

Deacon's work makes an argument for creating a reformed alternative to neo-liberal globalization, that is capable of addressing the social dimension of globalization. It is an argument or a more systematic approach to global redistribution, global social regulation and global social rights. This dissertation will reiterate the critique of neo-liberal economic dynamics driving national and European initiatives in the field of social protection and labor market regulation, which leave mobile workers and their families increasingly vulnerable to exploitation and adversely impact the overall wellbeing of communities involved in transnational migration.

Beyond the macro-political and developmental focus on global social policies, social obligations in transnational families are inherently personal and consist of numerous non-state-led practices that are highly relevant to the evolving transnational social welfare framework. Whatever the initiatives of the sending state, the bulk of migrants' social protection is a matter of personal responsibility.

Remittances constitute the primary means of transnational social protection,⁶⁵ yet relatively little is known about the mobilization of resources in migrants' personal networks and their

⁶⁴ Deacon defines social policy as policies and practices to do with health services, social security or social protection, education and shelter or housing. See more in: Deacon, Bob. 2007. *Global Social Policy and Governance*. Los Angeles: Sage Publications.

⁶⁵ Levitt P, Glick-Schiller N 2004. Conceptualizing Simultaneity: A Transnational Social Field Perspective on Society. *International Migration Review* 37(3): 1002–1039.

local communities.⁶⁶ They are arguably a substantial source of direct external financing that stimulates and stabilizes household level consumption in the national economy and enhances the overall livelihood of migrants' families.⁶⁷ However, as Hall's World Bank funded study reiterated, only a small percentage of remittances is used in productive business activities.⁶⁸ From a social protection viewpoint, remittances are unevenly distributed within societies and lead to mixed developmental results. De Haas points out that "notwithstanding their often considerable blessings for individuals, households and communities, migration and remittances are no panacea for solving more structural development problems. If states fail to implement general social and economic reform, migration and remittances are unlikely to contribute to nationwide sustainable development. [...] Therefore, policies aimed at increasing people's welfare, creating functioning markets, improving social security and public services such as health and education are also likely to enhance the contribution that migration and remittances can make to social development." ⁶⁹

Beyond purely economic considerations, when it comes to transnational families, remittance sending often represents the fundamental reason for migration. Remittances demonstrate the commitment of those who leave and their attachment to those left behind. Remittances: (1) provide for basic consumption needs and everyday expenses; (2) create access to social

⁶⁶ Yeates, Nicola. 2014. *Understanding Global Social Policy (2nd Ed)*. Edited by Nicola Yeates. Bristol: The Policy Press. <http://www.policypress.co.uk/display.asp?K=9781447310242>.

⁶⁷ Hall distinguishes between (a) family transfers sent by individuals to meet the basic household needs of their kin back home, such as food, clothing, consumer durables, health, and education; (b) collective remittances sent by groups of migrants for community social infrastructure projects such as the construction or refurbishment of churches, schools, and recreational facilities; and (c) entrepreneurial remittances from successful expatriates seeking profitable investment opportunities that also contribute to local economic development.

See in: Hall A (2007). Moving Away from Poverty: Migrant Remittances, Livelihoods and Development. In: Narayan D, Petesch D, eds. *Moving out of Poverty: Cross-Disciplinary Perspectives*, pp. 307–332. Washington, DC, World Bank.

⁶⁸ Ibid

⁶⁹ See in: de Haas H 2007. Remittances, Migration and Social Development: A Conceptual Review of the Literature. UNRISD, Social Policy and Development Working Paper No. 34.; p iii
[http://www.unrisd.org/80256B3C005BCCF9/\(httpAuxPages\)/8B7D005E37FFC77EC12573A600439846/\\$file/deHaaspaper.pdf](http://www.unrisd.org/80256B3C005BCCF9/(httpAuxPages)/8B7D005E37FFC77EC12573A600439846/$file/deHaaspaper.pdf)

opportunities, for example, health and education, or even further migration; and (3) pave the way towards better future living conditions back home.⁷⁰

Migrants' contribution to social protection cannot be reduced to monetary contributions. As mentioned before the transfer of goods, services, gifts also constitutes a part of transnational welfare. Carling considers these transfers as acts embedded in so 'transnational moralities'⁷¹, i.e., a contested, but nevertheless shared system of values related to leaving and returning and connecting with kin left-behind. There are moral dimensions to migrant transnationalism, which turns acts like sending remittances, or facilitating migration into a source of personal pride, or prestige, nurtures relationships, fulfills social expectations. In fact, any lapses in transnational remittances – financial or social capital transfers – may lead to moral condemnation by the community at large.

Such transnational moralities in the context of welfare and social protection are especially pronounced in the practices of transnational parenthood [further developed in Chapter 2.3.]. Transnational parenting practices are not merely responses to practical, every day needs of long-distance childcare demands. They also reflect and reinforce migrants' role as parents who are actively involved in children's upbringing, both in terms of economic and affective support. As Chapter 2 will show in detail, parent-child relationships entail regular virtual communication methods, visits back home and the sending of money as well as gifts reinforcing affective connections. Kin networks, alternative caregivers –such as relatives and friends – play a crucial role in mediating the transnational parent-child relationship. Such networks are largely informal, underfunded and often not covered by social protection

⁷⁰Boccagni, Paolo. 2011. "Migrants' Social Protection as a Transnational Process: Public Policies and Emigrant Initiative in the Case of Ecuador." *International Journal of Social Welfare* 20 (3) (July 1): 318–325.; 322

⁷¹Carling, JØrgen. 2008. "The Human Dynamics of Migrant Transnationalism." *Ethnic and Racial Studies* 31 (8) (November 1): 1452–1477.

measures promoted by the state, or NGOs. Transnational parenting is both a source of and a response to socio-economic vulnerabilities. This is especially manifest in the care-drain and care circulation research involving female migration.⁷² As the next chapter will show, the transnational care aspect of transnational welfare is an ambivalent undertaking. Especially in the context of parent-child separation there is a painful awareness of the limits of individual and family based long-distance social protection measures.

In general, migrants' provision of social protection carries immediate beneficial outcomes on the household and micro-social levels. Given the increasing need for migrant labor, their presence and work produces a net benefit to the labor-receiving countries. Yet, given the lack of supportive public policies, most transnational migrants access to a meaningful 'transnational citizenship,' with meaningful rights protections remains partial and fragmented.⁷³ As the case of transnational motherhood and commodified migrant domestic work shows, this structural vulnerability is even more pronounced in the case of migrant women, especially ones working in private households. Given class and gender dynamics, social exclusion is especially acutely present in their lives.

Transnational social protection, from the bottom-up point of view described in this section, is semi-formal, unevenly distributed, but essential source of welfare for a growing number of

⁷² Bettio, Francesca, Annamaria Simonazzi, and Paola Villa. 2006. "Change in Care Regimes and Female Migration: The 'Care Drain' in the Mediterranean." *Journal of European Social Policy* 16 (3) (August 1): 271–285.; Lutz, Helma, and Ewa Palenga-Möllnbeck. 2012. "Care Workers, Care Drain, and Care Chains: Reflections on Care, Migration, and Citizenship." *Social Politics: International Studies in Gender, State & Society* 19 (1) (March 1): 15–37.; Tyldum, Guri. 2015. "Motherhood, Agency and Sacrifice in Narratives on Female Migration for Care Work." *Sociology* 49 (1) (February 1): 56–71.

⁷³ Barry suggests that for migrants' access to rights and civic participation a more institutionalized inclusion in the national polity is needed. He also forecasted some potentials of transnational political ties developing by suggesting that with the increase in transnational activities, immigration states will begin to intervene more in the relationship of sending states and migrants, monitoring capacity or more actively seeking to influence the content and nature of emigration state-emigrant activities. Emigration states may also reconsider the role of emigrants' economic inflows and their integration into economic development projects. This may have the effect of revise citizenship constructs and reconsidering the state's role in how migrants might be able to leverage their economic influence into meaningful long-distance participation at home. Barry, Kim, "Home and Away: The Construction of Citizenship in an Emigration Context" (2006). New York University Public Law and Legal Theory Working Papers. 23. https://lsr.nellco.org/nyu_plltwp/23;

contemporary families. It entail overlapping memberships in societies, inherent in the doubles-embeddedness in the states of sending and reception within the transnational social space. This is a form of social protection contingent on living and working abroad for extended periods. While this increases opportunities for migrants to combine their external and internal status and affiliations, including social rights and resources deriving both from the country of destination and of origin, as this dissertation shows, also needed are supportive programs and legislation to ensure the wellbeing of migrants and their families.

2. INTRODUCTION TO THE TRANSNATIONAL FAMILY

Throughout the history of human kinship, family separation due to migration has been a natural coping mechanism and a source of opportunity for individuals and kin groups.⁷⁴ In fact, both the phenomenon of migration and the various institutionalized forms of “the family” predate the formation of nation-states and the contemporary landscape of borders. Nonetheless, significant developments have been observed over the last three decades. Improvements in transportation and communication technologies, changes in labor market demands, and increasing dependence of the home countries on remittances are observable.⁷⁵ There has also been a surge in the number of policies that encourage circular migration and longer stretches of separation from the reproductive sphere of the households. In this context, the first goal of this dissertation is to understand how transnational activity in the form of

⁷⁴ Christopher H. Johnson et al., eds., *Transregional and Transnational Families in Europe and Beyond: Experiences Since the Middle Ages*, 1 edition. (New York: Berghahn Books, 2011).

⁷⁵ “Migration and Development Brief 28 | KNOMAD,” accessed October 24, 2017, <http://www.knomad.org/publication/migration-and-development-brief-28>.

transnational parenting has become a regular facet of transnational family life and merits serious attention from researchers, activists and policymakers alike.

The 1990's introduced two major new threads to migration studies: gender and transnationalism. The synergy between the two perspectives resulted in the emergence of transnational family studies, but transnational families only became a topic of scholarly focus in the early 2000's. Various authors on transnationalism mentioned some of the issues facing transnational families, but more by way of side information rather than the focus of research. In the literature on transnational families, the central question is how family and kinship patterns change in the process of transnationalism. In *The Transnational Villagers*⁷⁶, Peggy Levitt discusses the challenges that come with raising children transnationally. Focusing on children left behind by their parents, and especially mothers, she highlights the emotional consequences, the problems with managing decision-making and power-sharing between parents and grandparents. Considerable attention has been paid to the issue of how family ties are maintained and transformed across borders⁷⁷. Several means to maintain these ties have been studied: through regular contact in the form of family visits, telephone calls, or the internet, by financial support through remittances or gifts, performing care tasks, ritual and material culture and emotional and moral support⁷⁸. All these activities to maintain kin ties

⁷⁶ Peggy Levitt, search. 2001. *The Transnational Villagers*. First edition. Berkeley: University of California Press.

⁷⁷ There are several subfields within the framework of research on transnational families: research on transnational motherhood, which focuses on strategies of mothers to exercise their motherhood in relation to their children left in the country; transnational childhood research, focusing on children involved in migration; transnational fatherhood research, on strategies of fathers to exercise their role as parents in relation with the children left behind; transnational couple-relationships, analyzing the implications of transnationalism on the couple and transnational migration's impact on elder care.

⁷⁸ Poeze, Miranda, Ernestina K. Dankyi, and Valentina Mazzucato. 2017. "Navigating Transnational Childcare Relationships: Migrant Parents and Their Children's Caregivers in the Origin Country." *Global Networks* 17 (1) (January 1)

across borders have been labeled 'kin work': the conception, maintenance and ritual celebration of cross-household ties.⁷⁹

In recent decades, anthropological and sociological studies have developed the term transnational family⁸⁰ by focusing on familial separation and labor migration. They have characterized this model of the family by the geographical dispersion of a family due to the migration of one or more of its members while maintaining tight relationships across borders. According to the preeminent European experts in the field, Bryceson and Vuorela, transnational families are "families [where family members] live some or most of the time separated from each other, yet hold together and create something that can be seen as a feeling of collective welfare and unity, namely 'familyhood', even across national borders."⁸¹

International migration results in a range of critical transnational processes and practices connect migrants and their families across sending and receiving societies; and consequently, bring these societies into interaction within a new transnational social space. There remain several unexplored issues regarding the ways in which policy debates employ and understand transnational family ties. The literature and debates on transnational families are either concerned with: the extensive state and policy-driven discourse on the potential benefits of migration on economic development; or the mostly academic transnational family literature focusing on issues of care and the micro-politics of gender and generation.

⁷⁹ Kin work is terminology developed earlier, see for example: Di Leonardo, M., 1987. The female world of cards and holidays. Women, families and the work of kinship. *Signs*, 12 (3), 440-453.

⁸⁰ The term first created by Rosina Brodber Wiltshire (1986) concerning migration among Jamaican/North American families. See more in: Lutz, Professor Helma. *The New Maids: Transnational Women and the Care Economy*. 1 edition. Zed Books, 2012.; Majella Kilkey and Laura Merla, "Situating Transnational Families' Care-Giving Arrangements: The Role of Institutional Contexts," *Global Networks* 14, no. 2 (2014): 210.; Baldassar and Merla, *Transnational Families, Migration and the Circulation of Care*, 6.

⁸¹ Deborah Fahy Bryceson and Ulla Vuorela, *The Transnational Family: New European Frontiers and Global Networks* (Berg, 2002), 3.

Classic migration scholarship often focused migrants not only along outdated immigrant-emigrant binaries, but also as individual actors and not as relational subjects embedded in larger social structures. Yet research on transnational family migration, has demonstrated that migration decisions – length of migration, destination, remittances, visits etc. – , are embedded in family ties and are part of household strategies, involving intimate negotiations and cooperation riddled with tensions and conflict.

In contrast, situating the migrant within the broader social context of the family and kin group is the norm within the development policy field, as the focus is on the broader social and economic impact of individual mobility. In the past two decades, transnational migratory processes have become a focus of development agendas and generated considerable attention in the scholarly and global development policy communities.⁸² The migration-development nexus features prominently in the United Nation's Development Programme's agenda, especially in the context of the Sustainable Development Goal's.⁸³ The developmental assumption is that migration has the potential to benefits societies and has significant poverty alleviating effects through remittances. Increases of female labor market participation through migration implies the empowerment of women and changes in gender relations. The more pessimistic view emphasizes the potential harmful effects of family dispersal leading to: disruption, emotional, psychological and social costs for children and other left-behind dependents (such as the sick and elderly). Under this perspective, a plethora of social

⁸² See especially in: Nyberg-Sørensen, Ninna, Nicholas Van Hear, and Poul Engberg-Pedersen. 2002. "The Migration-Development Nexus: Evidence and Policy Options." *International Migration* 40 (5) (January 1): 49; Faist, Thomas, and Margit Fauser. 2011. "The Migration-Development Nexus: Toward a Transnational Perspective." In *The Migration-Development Nexus*, 1–26. Palgrave Macmillan, London.

⁸³ The Sustainable Development Goals (SDGs), otherwise known as the Global Goals, are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity. These 17 Goals build on the successes of the Millennium Development Goals, while including new areas such as climate change, economic inequality, innovation, sustainable consumption, peace and justice, among other priorities. The goals are interconnected – often the key to success on one will involve tackling issues more commonly associated with another. "Sustainable Development Goals." *UNDP*. <https://www.undp.org/content/undp/en/home/sustainable-development-goals.html>.

problems are blamed on migration, such as truancy, school dropouts, general social breakdown and criminality. Such policy discourses contain two interconnected flaws: they do not focus on the conditions that preceded migration, namely the very conditions that drove some to leave their home countries and seek employment elsewhere; they also take for granted certain normative qualities of family relations, conceived of on the basis of nuclear families or single unit households⁸⁴.

Contemporary feminist critique of migration scholarship has placed renewed attention to social factors influencing migration and gave centrality to households and families as analytical units. Feminists specifically criticized the neoliberal (economic development focused) approach to migration research notably because it assumes that men and women move for similar reasons (i.e., for higher economic return). Additionally, they suggested that previous scholarship failed to take into account non-economic constraints around choice and the presence of structural forces affecting migrant decision-making, in particular gender.⁸⁵

What is common in the contemporary approaches to transnational family studies – including and especially feminist influences – is the attempt to resolve the structure and agency divide⁸⁶ and to suggest – in line with Giddens' structuration theory – that there is in fact a mutually constructive dependency between individual agency and social structures⁸⁷. This is

⁸⁴ Mazzucato and Schans 2011. "Transnational Families and the Well-Being of Children: Conceptual and Methodological Challenges." *Journal of Marriage and Family* 72 (3):704-712.

⁸⁵ Kofman, Eleonore. 2000. "The Invisibility of Skilled Female Migrants and Gender Relations in Studies of Skilled Migration in Europe." *International Journal of Population Geography* 6 (1) (January 1): 45–59.

⁸⁶ See in: Kofman 2000; also in: Chant, Sylvia, ed. 1992. *Gender and Migration in Developing Countries*. London ; New York: John Wiley & Sons Ltd.; Roberts, Glenda S. 2006. "Women in Motion: Globalization, State Policies, and Labor Migration in Asia." *Contemporary Sociology* 35 (5) (September 1): 533–534.; Jørgen Carling 2005, Global Commission on International Migration (GCIM), *Gender Dimensions of International Migration*, May 2005, Global Migration Perspectives, No. 35 <https://www.refworld.org/docid/42ce54e94.html>

⁸⁷ Giddens work moves beyond the dualism of structure and agency and argues for a so called the "duality of structure", where social structure is both the medium and the outcome of social action, and agents and structures as mutually constitutive entities. Agents' common interaction with structure, as a system of norms, is described as structuration. For Giddens, globalization and the emergence of the 'post-traditional' society, allow for "greater social reflexivity", complicating the structures emerging from more complex social interactions. Giddens, Anthony. 1984. *The Constitution of Society: Outline of the Theory of Structuration*. University of California Press.

particularly relevant to the study of female migration that is often hallmarked by the victimization and exploitation narrative, negating women's agency and empowerment that is also part and parcel of their mobility. A couple of the social units that this interplay of structural factors and individual agency play out is the family and the household. The definition of both units – though never quite fixed terms to begin with - is complicated by transnationalism.

In transnational households, one parent, both parents or adult children may be producing income abroad while other family members carry out the functions of reproduction, socialization, and consumption in the country of origin. The vital contribution of feminist scholars like Chant and Radcliffe⁸⁸ is that they pay attention to the nature of gender roles in different social and economic contexts and how production and reproduction are performed and determined by divisions of power within households. The work of Parrenas and others research the role of economic and power disparities between man and women in shaping gender-selective migration from the Philippines.⁸⁹ Individual migration choices in the household are often constrained by normative gender roles. Households are often divided along gender, and generational lines and are thus not fully cooperational units, though in a general sense members tend to share the same goals and objectives, especially with regard to welfare maximization.⁹⁰ Traditionally the household meant people living together and

⁸⁸ Chant, S. and Radcliffe, S.A. 1992. "Migration and development: the importance of gender" in Chant S. (ed) *Gender and migration in developing countries*. London and New York: Belhaven Press. Pp. 1-30.

⁸⁹ Chant, Sylvia H, and Cathy McIlwaine. 1995. *Women of a Lesser Cost : Female Labour, Foreign Exchange, and Philippine Development*. London ; Boulder, Colo. : Pluto Press. <https://trove.nla.gov.au/version/46660627>. Parreñas, Prof Rhacel Salazar. 2008. "Transnational Fathering: Gendered Conflicts, Distant Disciplining and Emotional Gaps." *Journal of Ethnic and Migration Studies* 34 (7) (September 1): 1057–1072.

Parreñas, Rhacel. 2005. *Children of Global Migration: Transnational Families and Gendered Woes*. 1 edition. Stanford, Calif: Stanford University Press.

———. 2015. *Servants of Globalization: Migration and Domestic Work, Second Edition*. 2 edition. Stanford University Press.

Parrenas, Rhacel Salazar. 2001. "Mothering from a Distance: Emotions, Gender, and Intergenerational Relations in Filipino Transnational Families." *Feminist Studies* 27 (2): 361.

⁹⁰ Hondagneu-Sotelo, Pierrette A. 1994. *Gendered Transitions*. First edition. Berkeley, Calif: University of California Press.

cooperatively participating in basic reproductive and productive duties. Transnational family studies reassess the idea of a household based on cohabitation and investigate the endurance of household dynamics in the face of spatial separation of its members. Any collaboration in a transnational household takes place without at least some of its active members living together.

Family as a term is about as contested as the household. In fact, sociologists and anthropologists have moved on to focusing on the complexity and variety of family practices, in trying to determine the existence of family relationships.⁹¹ It is hard to determine who actually belongs to the family given how culturally conditioned notions of family and belonging are, making it a less than ideal unit of analysis for social scientist. However, in reality, many migrants frame their migration in a family relation context hence the family remains the important unit of analysis for understanding how decisions surrounding migration are made. Haina Zlotnik explains why the role of the family perspective in the migration process is important, especially in the context of female migration. She emphasizes that women are major participants in 'family migration' and although they benefit from family reunification provisions, they are also constrained by them. Migrant women are also important economic actors, directly responding to the needs of their families. Their migratory and work related choices cannot be understood without taking into account the situation of their families and women's roles within them. Women also rely on their families to provide various types of support that both make migration possible and condition its outcome. Zlotnik points out that given the strong influence of economic theory in migration research, productive activities take precedent and familial dynamics are often disregarded in favor of

⁹¹ Bruce, JOHN A. 1973. "Family Practice and the Family: A Sociological View" *Journal of Comparative Family Studies* Vol. 4, No. 1, FAMILY, HEALTH AND ILLNESS (SPRING 1973), pp. 4-12; Morgan, David H. G. 2011. "Locating 'Family Practices.'" *Sociological Research Online* 16 (4): 14.; Phoenix, Ann, and Julia Brannen. 2014. "Researching Family Practices in Everyday Life: Methodological Reflections from Two Studies." *International Journal of Social Research Methodology* 17 (1) (January 2): 11–26.

focusing on state-to-state interactions. Data collection often does not make links between different family members and does not carry out quantitative analyses on family issues and strategies in migration.⁹² The role of families in shaping migration and how migration shapes family dynamics are questions in need of ongoing exploration. The family remains a fundamental socialization unit. It mediates and transforms the forces of culture, society and economy. It is the sphere where identities and gendered roles are assigned and expressed.⁹³ This means that investigating how migration decisions are made, interpreted and shape identities must include a focus on the family.

As such, transnationalism forces us to rethink our understanding of households and families based on the idea of co-residency and physical unity and to accept that family unity may be expressed and experienced despite the spatial separation.⁹⁴ The following section will explain some of the basic concept of the ‘transnational household’ that I seek to operationalize throughout the dissertation.

⁹² Zlotnik, H. 1995. “Migration and the Family: The Female Perspective.” *Asian and Pacific Migration Journal* : APMJ 4 (2–3): 253–271.

⁹³ Parsons, Talcott, and Robert F. Bales. 1998. *Family Socialization and Interaction Process*. Psychology Press.

⁹⁴ As Tegledi Csetri aptly describes: “While space as territorialized by nation-states – or transnational institutions, for that matter – is static, delimited, and readily present at the disposal of collectivities, on a transnational plane it becomes fluid, due to being contingent on the choice and habitation of humans (as individuals or collectivities), only present as a space to be navigated in its multiple sub-dimensions.” Viorela Ducu; Mihaela Nedelcu; Aron Telegdi-Csetri (2018-06-08). *Childhood and Parenting in Transnational Settings (International Perspectives on Migration)* (Kindle Locations 147-150). Springer International Publishing. Kindle Edition.; Taking his comments a step further I would add that during their temporary periods of separation through a combination of space and time they create their own space, state, or sphere of the ‘in-between’, not easily located within spatial and temporal dimensions. This is obviously a logistical challenge for families involved. For the researcher it presents exciting challenges in mapping what normative and social forces may impact transnational families at any given time and point of their life-course.

2.1. Transnational Household

The following section assesses the significance of a household-level perspective for the study of transmigration and why it makes sense to focus on households and families in the study of transnationalism.

In the previous sections, the dissertation made the case for recognizing the continuing importance of states and structural/institutional factors in transnational migration. However it also acknowledges that transnationalism research has often focused its attention on the public arena of politics or citizenship at the expense of more domestic and private activities. Given the deeply gendered traditions in the history of political participation this tendency reflects patriarchal viewpoints and prioritizes the male perspectives at the expense of female experiences. The reproductive aspects of transnational social life are often overlooked which leads to a partial and fragmented understanding of transnational migration. As Gardner and Grillo point out: “to understand the meanings and implications of transnationalism for ordinary people we need also to consider activities and relationships within households and families”.⁹⁵

Household organization is increasingly taking place across the spectrum of transnational social spaces. The household is a terrain of reproductive and productive work, especially in the context of migrant domestic work where the two spheres are intimately interlinked. Argawal’s defines the household (and the family, as the two terms are often used

⁹⁵ Gardner, Katy, and Ralph Grillo. 2002. “Transnational Households and Ritual: An Overview.” *Global Networks* 2 (3) (July 1): 179–190., p. 182

interchangeably) as “an arena of (albeit not the sole determinant of) consumption, production and investment, within which labour and resource allocation decisions are made”.⁹⁶

Normally the household can be defined as " a group of people who share the same residence and participate collectively, if not always cooperatively, in the basic task of reproduction and consumption."⁹⁷The ‘household’ in classic anthropological literature is the ‘basic unit of society involved in production, reproduction, consumption and socialization’⁹⁸. As Moore points out its exact nature and function, as well as who belongs in it is culturally variant.

However, households remain an important part of feminist analysis, because of their impact on organizing women’s domestic and reproductive labor. “As a result, both the composition and the organization of households have a direct impact on women's lives, and in particular on their ability to gain access to resources, to labour and to income.”⁹⁹

For purposes of this dissertation the transnational household seeks to reconcile its role as a basic unit of economic and social production and has been facing significant challenges in the “age of migration”. It is a site of family life and in the context of migration it is losing its moorings in a single nation state. Increasingly the transnational household is a terrain of overlapping laws and policies introduced by migrants leaving for work, or migrants entering the household as a site of work.

The transnational household is the site of maintenance of material, emotional and social ties among household members across the states¹⁰⁰. As Haidinger puts it, transnational

⁹⁶ Agarwal, Bina. 1997. “Bargaining” and Gender Relations: Within and Beyond the Household.” *Feminist Economics* 3 (1) (January 1): 1–51.

⁹⁷ See in Chant and McIlwaine 1995, pg 4

⁹⁸ Moore, Henrietta. 1988. *Feminism and Anthropology*. 2nd Edition-Series: Feminist perspectives. edition. Cambridge, UK: Polity.

⁹⁹ Id at 55

¹⁰⁰ Haidinger Bettina 2008. Contingencies Among Households: Gendered Division of Labour and Transnational Household Organization – the Case of Ukrainians in Austria in LUTZ Helma (ed.) *Migration and Domestic Work. A European Perspective on a Global Theme*, London, Ashgate pp.127-144

households use a “package of organizational strategies and emotional ties in both locations, based on mutual dependencies of the involved agents”¹⁰¹. Household members may be persons different from those that belong to the classic nuclear family. A transnational household, especially for migrant domestic workers, may be an area regulated by personal networks, private arrangements that make for a space that is largely ‘free of social rights but full of social duties.’¹⁰²

Household strategies are developed to balance resources and consumption needs in a way that is adaptive to the pressures of social and economic globalization. In reality the cooperation that is needed to formulate these strategies is riddled with tensions often as a result of hierarchical relations and external structural factors. Social and political forces outside the household unit drive many of the decisions regarding the intimate division of labor within the household and migratory decisions. As this dissertation shows, members of transnational households develop economic and social reproduction strategies that transcend national labor markets and national divides – as, for example, when immigrant women work abroad as nannies and housekeepers while their children remain in the home country in the care of others. This way the household becomes the place of remunerated housework, a mixed sphere of informality and intimacy as well as an increasingly professionalized relationship between employer and employee. For the live-in worker (see in Chapter 4 of this dissertation) the tension between the household as a place of refuge and home and as a workplace often remains unresolved. Yet the dependency on transnational arrangements can be shown at both ends of the household spectrum, at points of origin and reception. This interdependence of the

¹⁰¹ Id at 140

¹⁰² Ibid

involved household spaces means that ‘the reproduction of one household unit cannot be ensured without the other.’¹⁰³

The dissertation aims to illustrate what happens to households under conditions of migration and transnationalism, and to examine what a focus on household relations and practices might tell us about transnationalism. In practice, however, the text shifts back and forth between family, social networks and household, or ‘people belonging to the household’. In the transnational context, where people, practices and resources are spread between places, ‘the household’ becomes more and more difficult to define. Indeed, the term is often unhelpfully narrow because wider networks of kin, neighbors and friends were clearly central to many practices of ‘doing family’ and parenting. Nevertheless the case studies illustrate some of the ways in which the transnationalization of households happen in practice.

For instance the household allows one to compare welfare systems – key to the gendered division of care and labor – and their distributive consequences for transnational mothers and fathers. The dissertation will provide a case study of Romanian women migration to Italy’s domestic care work sector which shows the unique integration of two households.

Households are a part of larger social units, contexts and economic forces. Several forces meet in the fast emergence of Romanian female migration to Italy: wider demographic trends related to ageing in the society, the increasing presence of two-career families, the increasing number of nuclear families and the consequent “care deficit” in Italy and, last but not least, labor market policies. The regularization of domestic work encouraged many Romanian women to migrate. The system of privatized, commodified 24-hour elder care simply fills in the gap which emerged due to the demographic and social changes in Italian society. An important influence, on the part of Romania, was the economic downturn, increasing

¹⁰³ Haidinger 2008:128

unemployment and worsening life situation. The maintenance of the household in Romania was a key expressed push factor among the informants' life-stories. In many cases the complicated situation of the household was strengthened by the unemployment of the partner/husband. Wages from providing care abroad make a noticeable contribution to the household budget.

In the case of female domestic care workers migration, the dissertation focuses on how transborder migration influences care-giving, organization of the household and family practices in both the domestic workers' families in Romania and the employers' in Italy. These are dense transnational household links because both paid and unpaid labor is situated in various households. Thus two households are simultaneously transnationalized. This means that two welfare states must reckon with the need to rearrange their care-regimes not only along the lines of national political considerations, but they should exercise some level of transnational or at least bi-lateral social policy coordination as the matter of child, elder and invalid care are dependent on the presence or absence of women in the household.

Contrasted with this is the relatively weaker transnationalization of the household in the case of fathers' migration as the cases from Poland and Hungary show. Here the transnationalization of the household is one-sided, meaning the focus remains on the transnationalization of the household in the country of origin. Men do not see themselves as creating a household in the country of labor (destination). It is true that male migrants' labor and reproductive concerns do not affect household and care arrangements in the country of employment the way female domestic care givers' work does. However the concept of the transnational household means that migration, labor and welfare policies in the country of reception are no longer strictly national, but become transnationalized insofar as they impact directly or indirectly the dependents of the male migrant worker. Thus the transnational

household allows us to analytically combine the impacts of laws and policies of both countries of origin and reception that are now intimately linked in the processes of familial transnationalism.

Transnational parents in both case studies become active in transnational households. As transmigrants they are “acting, deciding and caring and identifying themselves as members of networks which tie them to two or more societies at the same time”¹⁰⁴. The social categories of difference, gender and age have a further differentiating influence on transnational social practices. The dissertation will illustrate some of the social practices and strategies that migrant men and women develop for transnational households and their own transnational families.

2.2. Transnational Care

A fundamental way that the expression of transnational familyhood happens is through the kin work of caregiving in family life. Caregiving is traditionally thought to require personal, proximate and hands-on care. A comprehensive study of long-distance care found that distance complicates the exchange of essential information and the types of care that can be provided. Geographic separation can exacerbate care-related stressors.¹⁰⁵ Physical proximity as essential to caregiving builds on the traditional views of the family as a private and static domain, residing within a single household and nation.¹⁰⁶ This approach to caregiving,

¹⁰⁴ Haidinger 2008:128

¹⁰⁵ Cagle, John G., and Jean C. Munn. 2012. “Long Distance Caregiving: A Systematic Review of the Literature.” *Journal of Gerontological Social Work* 55 (8): 682–707.

¹⁰⁶ See especially: Morgan, D. 2011. *Rethinking Family Practices*. Palgrave Macmillan UK.

families, and states mirrors the way nations and communities were theorized and located in geography, before the advent of transnational migration studies. Migration in this view, means inevitable fracture, divided national loyalties, the fracture of families and the neglect of care responsibilities.¹⁰⁷ What the various contributions of transnational family scholarship show is that togetherness and family unity can go well with beyond physical proximity. That “doing family” is increasingly maintained by fulfilling duties and mediating relationships from afar. In line with this trend, the dissertation critically examines the implicit assumption that effective family caregiving cannot be performed without proximity.¹⁰⁸ It does not however take the stance that distant care is ideal or desirable.

Much of the care literature in the context of migration was preoccupied with so-called “global care chains.” Arlie Hochschild developed the term ‘global care chain’ to describe the link between the need for dependent care (especially childcare) and the feminization of migration. It is the process of female migrant domestic workers being employed by working women wealthier societies, which in turn leaves a care deficit/care drain in the home country, impacting families left behind.¹⁰⁹ Global care chain literature’s other notable contributors, along the migration and development lines, are: Rachel Salazar Parreñas and her work – noted in several times in this dissertation – on both transnational mothering and fathering, and the international division of reproductive labor, Lutz and Pallenga-Möllenbeck on their

¹⁰⁷ Baldassar, Loretta, and Laura Merla. 2013. *Transnational Families, Migration and the Circulation of Care: Understanding Mobility and Absence in Family Life*. Routledge. p. 40.

¹⁰⁸ It must be added that there are culturally specific dimensions to this question. Child fostering, distant-care may be more acceptable in non-Western cultures and less of a sign of harm and fracture. Child fostering was, for a long time, not just one way of raising children, but seen as the appropriate way of doing so. See in: Alber, Erdmute. 2018. *Transfers of Belonging: Child Fostering in West Africa in the 20th Century*. Brill.; Elsewhere while research points out that some marginalization may occur in child fostering practices, authors caution against demonizing non-parent residence as unequivocally detrimental to children See in: “Child Fostering in Africa: When Labor and Schooling Motives May Coexist.” 2009. *Journal of Development Economics* 88 (1) (January 1): 157–170.

¹⁰⁹ Hochschild, A. R. 2000. “Global Care Chains and Emotional Surplus Value“. In: T. Giddens and W. Hutton, eds., *On the Edge: Globalization and the New Millennium*, 130-146. London: Sage Publishers.

work on migrant domestic care work¹¹⁰ and the edited volume of Ehrenreich and Hochschild called '*Global Woman: Nannies, Maids, and Sex Workers in the New Economy*.'¹¹¹ This volume is aimed at undoing some of the "have it all" ideal western working woman image as one that needs the oppression of less fortunate women in order to succeed as an reality. Ehrenreich's arguments in particular are primarily directed at a capitalism that exploits the weak through commodifying whatever they have to sell, even a mother's love. The unforgiving pace of capitalism creates a long-hours, full-time work culture in which women cannot compete and still be mothers. The ultimate argument is that the nature of work must change. Care chain analysis shows that economic globalization is linked to the globalization of social reproduction. The care chain theory this calls attention to the commodification of female care work and its diminished value on a global scale.¹¹²

Critics of the global care chain scholarship point out that it focuses mainly on the global victimization of women and has not adequately taken into account diverse local contexts, or the institutionalized and professionalized care work migrations involving trained doctors and nurses.¹¹³ As this dissertation demonstrates, distant care – though not necessarily ideal – represents resilience, ingenuity and success beyond the mere victimization and exploitation narrative that plagues understandings of transnational parenthood.

¹¹⁰ Lutz, Professor Helma. 2012. *Migration and Domestic Work: A European Perspective on a Global Theme*. Ashgate Publishing, Ltd.

¹¹¹ Ehrenreich, Barbara, and Arlie Russell Hochschild, ed. 2004. *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*. First edition. New York, NY: Holt Paperbacks.

¹¹² Yeates, Nicola 2005. "Global Commission on International Migration (GCIM), *Global Care Chains: A Critical Introduction*", September 2005, Global Migration Perspectives, No. 44, available at: <https://www.refworld.org/docid/435f85a84.html>

¹¹³ Yeates revisits and critiques the chain chain literature for missing diverse and formalized institutional care arrangements and reifying women's role in caregiving: See in Yeates, N. (2012) 'Global care chains: a state-of-the-art review and future directions in care transnationalization research,' *Global Networks*, 12 (2), 135–54.; Raghuram also calls for the need for empirical research from other parts of the world to inform, build on and challenge the existing theorizations of transnational care, using examples from India. Raghuram, Parvati. 2012. "Global Care, Local Configurations – Challenges to Conceptualizations of Care." *Global Networks* 12 (2) (April 1): 155–174.

Beyond the dominant literature surrounding women's care work, some scholars have begun focusing on men's reproductive roles and care practices. In addition, there is more focus on aging and elder care as well as children's work as caregivers – often for younger siblings. Beyond focusing on the care-roles of fathers left-behind by migrating mothers, various scholars have added the case of male migrant workers entering the domestic care market and how this transition reconstructs masculinity and men's traditional roles as breadwinners and heads of households.¹¹⁴ In particular, Kilkey points out that in addition to examining how men are implicated in stereotypically female tasks of domestic labor, we need to broaden our conceptualization of social reproduction to interrogate the ways in which stereotypically male areas of domestic work, such as gardening and household repair and maintenance, are embedded in global care chains. Some of this will be echoed in the chapter on transnational fatherhood in this dissertation.

The children's role in the transnational care chains is gaining more scholarly interest, especially focusing on older female siblings caregiving roles in transnational settings.¹¹⁵ There is also an increase of contemporary studies on transnational care for the elderly¹¹⁶.

Global care chain literature provided many valuable analytical tools and perspectives. As Fiona Williams' work demonstrates when she used home-based care in Europe as a basis for

¹¹⁴ Gallo, Ester, and Francesca Scrinzi. 2016. *Migration, Masculinities and Reproductive Labour: Men of the Home*. Springer.; Kilkey, Majella. 2010. "Men and Domestic Labor: A Missing Link in the Global Care Chain." *Men and Masculinities* 13 (1) (October 1): 126–149.

¹¹⁵ Lee and Pacini-Ketchabaw suggest that not only do immigrant girl caregivers provide unpaid emotional labour to the family, they also perform important cultural transmission/translation work through shaping younger siblings' transnational citizen identities. See in: Lee, Jo-Anne, and Veronica Pacini-Ketchabaw. 2011. "Immigrant Girls as Caregivers to Younger Siblings: A Transnational Feminist Analysis." *Gender and Education* 23 (2) (March 1): 105–119.

¹¹⁶ Coe, Cati. 2017. "Transnational Migration and the Commodification of Eldercare in Urban Ghana." *Identities* 24 (5) (September 3): 542–556.; Wilding, Raelene, and Loretta Baldassar. 2018. "Ageing, Migration and New Media: The Significance of Transnational Care." *Journal of Sociology* 54 (2) (June 1): 226–235.; Horn, Vincent, and Cornelia Scheppe. 2017. "Transnational Aging: Toward a Transnational Perspective in Old Age Research." *European Journal of Ageing* 14 (4) (October 28): 335–339.; Sreerupa. 2017. "Migrant Children, Ageing Parents and Transnational Care Strategies: Experiences from Central Travancore, Kerala." In *Elderly Care in India*, 259–267. Springer, Singapore. doi:10.1007/978-981-10-3439-8_15. https://link.springer.com/chapter/10.1007/978-981-10-3439-8_15.

developing a transnational analysis of the ‘political economy of care’.¹¹⁷ The role of the global migration industry in producing care chains – household based, or institutional – has proven to be vastly profitable. State policies on welfare, immigration and labor law have played a major role, as have recruitment and training agencies, other private mediators often in exploitative ways, leaving migrant workers vulnerable and employing families reliant on informal care-work arrangements.¹¹⁸

Another critique of the care chain literature was that it viewed the flow of transnational care as unidirectional, and tended to reduce migrants' involvement in sending remittances. As a response to the chain literature, scholars Baldassare and Merla decided to develop the notion of transnational care circulation.

Care circulation is defined as “the reciprocal, multidirectional and asymmetrical exchange of care that fluctuates over the life course within transnational family networks, subject to the political, economic, cultural and social contexts of both sending and receiving societies.”¹¹⁹ This, of course, builds on the aforementioned broader and more flexible understanding of both family and care. Care practices are embedded in relationships wider than the nuclear family as acknowledged by any given normative system, and care relationships are shaped by broader socio-structural contexts in which families operate transnationally. Caregiving, of course, remains heavily gendered as women tend to carry a far greater burden than others, regardless of whether they migrate, or are left behind by migrants.

¹¹⁷ Williams, F. 2011. “Towards a Transnational Analysis of the Political Economy of Care”. In: R. Mahon and F. Robinson, eds., *Feminist Ethics and Social Policy: Towards a New Global Economy of Care*. Vancouver: University of British Columbia Press.

http://www.su.se/polopoly_fs/1.55510.1321514497!/SULCISWP2011_6.pdf

¹¹⁸ Yeates, Nicola. 2009. *Globalizing Care Economies and Migrant Workers - Explorations in Global Care Chains* / N. Yeates / Palgrave Macmillan.

¹¹⁹ Baldassar, Loretta, and Laura Merla. 2013. *Transnational Families, Migration and the Circulation of Care: Understanding Mobility and Absence in Family Life*. Routledge., pg 22

Private and domestic set of caregiving activities constitute a fundamental feature of transnational family life.

They are at the same time deeply connected to the more public and formal dynamics of economic, political and social forces. Increasing mobility, the impact of modern communication technologies have made care not only commodified but also more portable than ever before. Recognizing that migrants continue to participate in family care circuits foregrounds the need for policies that support this activity. Governments – including European ones – tend to consider migrant workers as breadwinners, liberated from family caring duties. Migrants employed in precarious labor sectors – such as the often informal migrant domestic care sector – are often excluded from so-called "defamilialization policies"¹²⁰ that would enable them to balance their paid work and simultaneous reproductive (care) obligations related to family life. Thus, de-familialization policies would need to be adapted to the non-proximate care realities of the migrant worker, who are trying to balance paid work and family life across borders.

Various types of care circulate across borders in transnational settings. Finch in 1989 delineated five dimensions of caregiving¹²¹, which was later adopted by transnational scholars Baldassar, Bladock and Wilding in 2007 and applied to transnational care¹²². These are: economic, accommodation, personal, practical, emotional and moral.

¹²⁰ These are policies that are aimed at helping workers uphold a socially acceptable standard of living, independently of family relationships, either through paid work or through social security provision. Defamilialization can therefore be used as a way of testing the extent to which welfare states facilitate female autonomy and economic independence from the family. However, these policies conceive of the family as a geographically proximate unit.

¹²¹ See in: Finch, Janet. 1991. *Family Obligations and Social Change*. Cambridge, UK: Polity.

¹²² Baldassar, Loretta, R. Wilding, and C. Baldock. 2007. "Long-Distance Caregiving: Transnational Families and the Provision of Aged Care:" 201–228.

Using Finch's list and the insights of Baldassar et al., the following table lists the basic forms of care as it corresponds to transnational care and adds necessary requirements for the performance of care in the transnational context.

Care	Transnational Care	Requirements
Personal	Hands-on care practiced directly during visits.	The right, time and assets to travel cross-borders.
Economic	Cash remittances, gifts, services	Sufficient earnings, (combined with possible access to additional social benefits); efficient, cost-effective transfer of remittances
Practical	Exchanges of advice, information, assisting with tasks.	Either visits or the ability and resources to use internet/telecommunication technologies on both ends of the transnational spectrum.
Emotional/Moral	----	Can be expressed both in proximate and distant settings; throughout all forms of care

Adding to this it is essential to point out that the delegation of care and support to others – particularly in personal and practical matters - is another important method of ensuring transnational care. This is especially relevant to transnational parenting where alternative

childcare arrangements must be made, involving caregivers who are often not either of the parents.

This basic list gives us an idea of not only the practical aspects of transnational care but also the various institutional frameworks and informal policies in the home and host countries that – combined with gender, ethnic and class dynamics – shape transnational migrants ability to care from afar. Though not featured prominently in this dissertation transnational caregiving also fluctuates over the individual and family life course and migration process. Crisis situations can also trigger a rearrangements of care.

Caregiving is not merely a logistical and realistic concern of transnational families.

Particularly in the context of transnational parenting, care equals validation of the existence of parent-child relations. This is what Finch defined as the importance of „displaying" within the existence of families¹²³. She argues that family practices should be recognized as such by others, and by the families themselves as well, in order to make sense, this is sharing of family practices constituting the way of „displaying" of the family. According to Finch displaying is essential in a social context where family relationships are becoming more diverse and fluid. The critical factor is that observers should recognize an action as constitutive for displaying the family in order for this to be validated as such. This is potentially problematic, insofar as certain relationships can be considered by observers to be so far from their preconceived notions about family life, that they might refuse to recognize certain acts as constitutive displaying of the family, regardless of the intention of actors¹²⁴.

Similarly, transnational family practices may seem so contrary to preconceived notions about

¹²³ Finch, J. (2007) „Displaying Families," *Sociology* 41,1, 65–81.

¹²⁴ For example see Almack's example of an illustrative case, showing many lesbian mothers in her study who argue that parents have refused to recognize their partners as co-parents on an equal footing with the partners of their heterosexual children who had babies in their turn. Almack, K (2008) „Display Work: Lesbian Parent Couples and their Families of Origin Negotiating New Kin Relationships," *Sociology*, 42, 6, 1183-1199.

family life, that they may also be rejected by observers as legitimate family displaying. This has important normative consequences, which will be spelled out in Chapter IV where I use law to develop a three-prong approach to parental care in order to narrow the broad spectrum of transnational care practices and convert them to legally applicable elements of rights and obligations related to care.

2.3. Transnational Parenthood

The dissertation so far relied on two broad categories of scholarship in transnational migration. On the one hand social science academics provide deep, case-study based analysis on the potentials and pitfalls of mobility as it impacts gender relations, care provision family and household arrangements. On the other hand state and international organization led policy-pragmatist research – especially in development studies – focuses on the macro-politics of the potential benefits of migration in poverty alleviation and economic stimulus. Both strands of research have much to gain and learn from each other as the next section on transnational parenting, motherhood, fatherhood and childhood, will demonstrate. It will also show that greater collaboration and synergy between the various subfields of transnational family and migration research as well as legal scholarship is a persistent need.

The most prolific area of transnational family and care related research focuses on the ties between parents and children. These connections are not only based on biological relationship, but represent and are embedded in strong social and normative expectations and obligations. The key motivation for migrant parents is securing their children's wellbeing and future. The decision to leave presents difficult trade-offs between provisions of adequate material support and presence and hands-on parenting. As mentioned in Chapter II, the

essence of migrant transnationalism is that physical absence is compatible with social presence and participation. This is a much-contested reality in the case of migrant parents. The study of transnational parenthood requires a careful analysis of the everyday practices and experiences of parent-child relationships within the constraints of physical separation. This section examines the literature on the essential attributes of transnational motherhood, fatherhood, and includes a brief note on transnational childhood although the dissertation will not delve into the transnational childhood literature in any exhaustive manner.

Transnational migration affect family members in multiple ways, whether or not they actually take part in the migratory process.¹²⁵ Within the theme of parent-child separation, the dissertation deliberately concentrates on parents' experiences and practices. This is mainly due to the availability of more parent (adult) centered case studies and the relatively higher potentials of rights advocacy in the case of migrant parents versus their children. This is because adults are political stakeholders with electoral clout and agency that mobilize action in a way that children do not. Even so, the aspect of the child's experience is approached as being integrated into the parent-child relationship and in this sense, also integrated into this dissertation, albeit with significant limitations as opposed to a primarily child-centered approach.

Transnational family studies suggest that although migrant parents leave children and/or other dependents behind in a physical sense, migration is most often grounded in one's sense of responsibility to the family. Most seek to retain their family relational status, e.g., by carrying out fatherhood or motherhood in new ways, challenging conventional notions of

¹²⁵ M. Antman, Francisca. (2012). The Impact of Migration on Family Left Behind. International Handbook on the Economics of Migration. 10.4337/9781782546078.00025.

family life as defined by geographical proximity. The costs and benefits of family separation are not fixed; instead, they vary according to the micro and macro-level contexts in which they occur.¹²⁶ The transnational family research field has grown extensively during the nearly three decades, especially in the field of changing parental roles and alternative childcare arrangements. Many studies are concerned with typical Global South to North migrations, movements from less developed regions of the world. Consequently, these studies are more preoccupied with the perceived back-end of the transnational migration spectrum, matters of adaptation and integration to the host society¹²⁷. The focus on migration from developing to developed countries is misleading in comparison with current international migration where the majority of migration happens either between developing or between developed countries¹²⁸.

Migration from Latin America and Asia and subsequent transnational family development are the predominant regions of investigation. Less attention is given to South-South migrations especially African Migrations, though some scholars are studying how South-South and interregional migration affects the involved families, especially in the context of educational attainment and child fostering practices. These research interests include comparative studies focusing on the effects of internal, regional and international migration within Africa, often rather context specific such as focusing on the impact of HIV/AIDS on family dispersal.¹²⁹

¹²⁶ See Zentgraf and Stoltz Chinchilla referencing the scholarship of Bernhard et al. (2005), Suarez-Orozco et al. (2002) in Zentgraf, Kristine M., and Norma Stoltz Chinchilla. 2012. "Transnational Family Separation: A Framework for Analysis." *Journal of Ethnic and Migration Studies* 38 (2) (February 1): 349

¹²⁷ Beauchemin, Cris, ed. 2018. *Migration between Africa and Europe*. 1st ed. 2018 edition. New York, NY: Springer.; Beauchemin, Cris, and James Tovey. 2015. "Migration between Africa and Europe (MAFE): Advantages and Limitations of a Multi-Site Survey Design." *Population* Vol. 70 (1) (July 2): 13–37.; Padilla, Yajaira M. 2013. "The Central American Transnational Imaginary: Defining the Transnational and Gendered Contours of Central American Immigrant Experience." *Latino Studies* 11 (2) (June 1): 150–166.; König, Reinhilde Sotiria, and Marina de Regt. 2010. "Family Dynamics in Transnational African Migration to Europe: An Introduction." *African and Black Diaspora: An International Journal* 3 (1) (January 1): 1–15.

¹²⁸ "International Migrant Stocks." 2018. *Migration Data Portal*.
<https://migrationdataportal.org/themes/international-migrant-stocks>.

¹²⁹ Adepoju, Aderanti. 1974. "Migration and Socio-Economic Links Between Urban Migrants and Their Home Communities in Nigeria." *Africa* 44 (4) (October): 383–396.; Young, Lorraine, and Nicola Ansell. 2003. "Fluid Households, Complex Families: The Impacts of Children's Migration as a Response to HIV/AIDS in

Lately there is an emergence of transnational family studies focusing on the European region, especially in the context of Central and Eastern European migrations within and towards the European Union's wealthier member states. This dissertation argues that the study of European transnationalism would benefit from the conclusions and methods of internal, trans-regional migration studies, as the European community and its free movement provisions and common family policies have in fact created a form of transnational yet pseudo-internal / regional migratory and welfare system for families.

Transnational parenthood is structured in gender-specific ways. Parenting roles are strongly gendered, meaning that transnational motherhood and transnational fatherhood are distinct phenomena. The gendering of migration opportunities sometimes creates tensions with traditional gender relations, as when mothers migrate and assume a breadwinner role. When fathers migrate, the parenting role of the mother can also change as a consequence of her being the de facto head of household.

Mothers are routinely placed at the center of parenting research, given prominent gender ideologies on women's roles in reproductive care work and childcare. The so called 'ritualized practices of everyday intimate life'¹³⁰ (cooking, caring, cleaning) are considered the domain of the feminine. Even when mothers migrate for work, the de facto care practices in the household continue to be carried out by other women: grandmothers, female

Southern Africa." *The Professional Geographer* 55 (4) (November 1): 464–476.; Gandhi, Dhruv. 2018. "Figures of the Week: Internal Migration in Africa." *Brookings*. <https://www.brookings.edu/blog/africa-in-focus/2018/06/07/figures-of-the-week-internal-migration-in-africa/>;

¹³⁰ Falicov, Celia J. 2007. "Working with Transnational Immigrants: Expanding Meanings of Family, Community, and Culture." *Family Process* 46 (2) (June): 157–171.

siblings, friends etc. The gendered division of labor in the sending household is thus less impacted by migration regardless of whether fathers or mothers migrate.

Shown prominently in the work of Parrenas, referenced earlier, fathers' caregiving roles remain relatively peripheral in the eyes of members of the household as well as society at large. This isn't to say that children experience no disruption with fathers' migration, but this is primarily emotional, not functional in the daily life of the household. The emotional disruption and sense of displacement may be far greater with the mothers' absence. When other women step in to de facto mothering roles for long periods, children may start recognizing these women as their parent, more than the biological mother who left for work.¹³¹

As far as international migration and development discourse is concerned, the migration of women was for a long time viewed as derivative of productive male migration. Gender started playing a more important role lately focusing on specific forms and increases of independent female migration: such as migration for domestic work¹³², the trafficking of women for sex work¹³³ or organized migration for marriage ('mail order bride' industry).¹³⁴

While it is fair to say that gendered dynamics within households are hard to change, gender identities and the social expectations connected to them are fluid and show plasticity not only in the migratory context. As part of the social remittances developed in the scholarship of

¹³¹ Sternberg, Rosa Maria. 2010. "The Plight of Transnational Latina Mothers: Mothering from a Distance." *Field Actions Science Reports. The Journal of Field Actions* (Special Issue 2) (September 8). <http://journals.openedition.org/factsreports/486>; Schmalzbauer, Leah. 2009–2010. "Disruptions, Dislocations, and Inequalities: Transnational Latino/a Families Surviving the Global Economy." *North Carolina Law Review* 88: 1857.;

¹³²The ILO Global Action Programme on Domestic Workers and their Families http://www.ilo.org/global/topics/labour-migration/projects/WCMS_222567/lang--en/index.htm

¹³³ See the Coalition Against Trafficking in Women <http://www.catwinternational.org/>

¹³⁴ Cudowska, Maria. 2016. "Mail-Order Brides and Marriage Migration: A Comparative Study of the Problems in the U.S., Great Britain and Ireland." *Miscellanea Historico-Iuridica* Miscellanea Historico-Iuridica, 2016, tom XV, Z. 1. doi:10.15290/mhi.2016.15.01.21. http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.hdl_11320_5385.

Levitt, ideas about caring, parenting and appropriate gender roles are exchanged (and changed) within transnational households. The entire transnational parenting enterprise is an exercise of departure from idealized notions of family relations and social expectations.

The child-centered point of view is both under-researched and at the same time the subject of heated debates in policy, media and among various NGOs focusing on child welfare and the so called ‘orphans’ of globalization and labor migration. Against the backdrop of the overall remittance gains of migration, children are thought to be paying the price for economic development in the form of family separation.¹³⁵ As discussed in the section on remittances in this dissertation, children and members of transnational households undoubtedly benefit in the form of higher earning power and coverage of housing, health and education related expenses. In sections 2.5 and 2.6. of this Chapter more attention will be devoted to the structural conditions within which migrant parents maneuver and navigate their family lives. Particularly focusing on how the states regulatory role, welfare structures and market dynamics play out in the life of migrant families. Few of the existing literature systematically problematize this "maneuvering," which is crucial to my brand of analysis.

2.3.1. Transnational Motherhood

The term ‘transnational motherhood’ was developed in the late 1990’s by Hondagneu-Sotelo and Avila¹³⁶ as a result of their research on Latina domestic workers in the United States. Their case study revealed migrant mothers’ creativity born of necessity in rearranging and

¹³⁵ Carling et al 2012:193

¹³⁶ Hondagneu-Sotelo, Pierrette, and Ernestine Avila. 1997. “‘I’m Here, but I’m There’: The Meanings of Latina Transnational Motherhood.” *Gender and Society* 11 (5): 548–571

reconstructing care arrangements vis a vis their own mothering as well as supervising alternative child care arrangements in their absence during long periods of separation from their children. Subsequent scholarship on transnational motherhood utilizes both social constructivist theory and feminist critique in their gendered analysis of motherhood and mobility. Most of the case studies follow general trends in female labor migration, focusing on the domestic care sector, as in the case of Parrenas (Filipina migration) and Lutz (European perspectives on migrant domestic work). With striking commonalities – despite the geographical diversity of these studies – the authors highlight that family reconfigurations are deeply rooted in and mediated by preexisting social stratification factors. Local cultural forces and moralities present emotional challenges for migrant mothers, beyond the practical ones that derive from distant parenting.¹³⁷

Transnational motherhood upsets deeply rooted familial gender norms. It turns women into primary breadwinners and caretakers at the same time, placing them at the head of the household causing private and public disruptions in assumed male-female role divisions in society.¹³⁸ The social concept of ‘good motherhood’ as reflected in physical proximity and hands-on childcare is at odds with the realities of distant mothering, leading to narratives of abandoning and neglectful mothers, responsible for family breakdown and social instability as they trade in their quasi natural role as parent for monetary gains.¹³⁹ As mentioned in the section on transnational care (2.2) of this dissertation, in many cultural contexts, alternative child-rearing practices involving distant and extended family members is the norm and not seen as a particular anomaly or harm. In the European context however transnational motherhood is still highly stigmatic. This is true despite modern internet and telecommunication technologies enabling migrant parents to monitor and supervise critical

¹³⁷ Parrenas, 2001, 2005; Lutz, Helma. 2012.

¹³⁸ Hondagneu-Sotelo and Avila 1997; Parreñas 2010, 2005; Dreby 2006;

¹³⁹ Dreby 2006; Parreñas 2010; Boehm 2011

aspects of their children's lives. Unprecedented levels of virtual 'co-presence' is enabled by audio-visual technology as texting, video chatting become part of the daily practice of transnational motherhood.¹⁴⁰ However, enhanced communication can also increase pressures of women regarding the expectation of virtual presence, despite their own productive work obligations and it may marginalize their parental roles when caregivers or children decide to refuse communication via phone or the internet, or when such communication serves to emotionally upset children and remind them of the absence of their mother.

Again, as research points out, traditional household gender roles are powerful and do not necessarily change with the absence of mothers, as other female kin step into caregiving roles. This has the potential to perpetuate rather than reform gender norms in the countries of origin, and for that matter in the country of employment, as migrant women take on household care tasks instead of a more egalitarian domestic work arrangement between men and women. Beyond the emotional and social impacts, there are economic implications to the conflicting expectations faced by female migrants. On the one hand, they tend to overcompensate with increased remittances, often straining their actual resources¹⁴¹. This can adversely affect women's socio-economic and integration prospects in the host country, make

¹⁴⁰ These studies show the potentials and limitations to ICT communications. The emergence of new media (email, instant messaging, social networking sites, webcam and texting) enables migrant mothers to contact and even see their left-behind children several times a day, achieving a sense of co-presence.

See in particular: Kang, Tingyu. 2012. "Gendered Media, Changing Intimacy: Internet-Mediated Transnational Communication in the Family Sphere." *Media, Culture & Society* 34 (2) (March 1): 146–161.; Madianou, Mirca, and Daniel Miller. 2012. *Migration and New Media: Transnational Families and Polymedia*. 1 edition. Abingdon, Oxon ; New York: Routledge.; Parreñas, Rhacel Salazar. 2014. "The Intimate Labour of Transnational Communication." Text. November.

<https://www.ingentaconnect.com/content/tpp/frs/2014/00000003/00000003/art00007>.

¹⁴¹ Abrego finds that even though immigrant mothers are structurally more disadvantaged than immigrant fathers, mother-away families are often thriving economically because of mothers' extreme sacrifices. See in: Abrego, Leisy. 2009. "Economic Well-Being in Salvadoran Transnational Families: How Gender Affects Remittance Practices." *Journal of Marriage and Family* 71 (4) (November 1): 1070–1085; also: Le Goff, Maelan. 2016. "Feminization of Migration and Trends in Remittances."

https://core.ac.uk/display/93349241?source=2&algorithmId=14&similarToDoc=19951565&similarToDocKey=CORE&recSetID=386f2448-35c5-4e65-be93-c54c48742277&position=2&recommendation_type=same_repo&otherRecs=46117268,93349241,6224443,6298518,45688096.

them vulnerable to exploitation and opting for irregular working hours and conditions in order to make more money.

There are notable gaps in research on transnational motherhood – and parenthood in general – because most studies do not extend a comparative analysis to cover non-migrant families in order to reliably assess any social harms and benefits associated with migration. This will play prominently in the case studies in Chapter 4 as political and normative concepts of ideal parenthood fail to take into account the states' acts of omission and commission in creating the preexisting economic conditions that drive families apart. Structural factors leave many transnational parents – mothers in particular – vulnerable in the global labor market and impede their enjoyment of the right to family life and unity. In the context of transnational childhood, we will also see that the age of children and the life-course changes within a family also differentiate the transnational parenting experience.

2.3.2. Transnational Fatherhood

Contrary to the literature on transnational motherhood, the scholarship on migrant fathers and gendered perspectives on their parenting roles is rather small and new.

These studies are particularly important since temporary male-labor migration seems more prevalent in Hungary than female migration, and is a pervasive phenomenon in other CEE countries. The theme of assumed 'abandonment' is also resonant in the case of transnational fatherhood, however research in the area has been impeded by the fact that "*gender in transnational relationships generally concentrate on women's experiences and lack a more*

nuanced understanding of men's lives in migration."¹⁴² This has left migrant men either invisible, or stigmatized in their roles as fathers, downplaying their reproductive contributions both as migrants and potentially as parents who stay behind caring for children upon a wife's migration.¹⁴³ In fact, ideas of masculinity and involved fatherhood are already changing putting dual pressure on so-called 'Skype dads' (see in Chapter 4), but also inspiring and empowering fathers to take a more proactive role in hands-on childcare tasks and develop more affective relationships with their children. Granted given broader social expectations these pressures are not as acute, nor as normatively entrenched as they are in the case of mothers. There are studies dedicated to assessing the differential impact of fathers' migration on children compared to the absence of mothers. These reiterate how parenting in the case of transnational fatherhood is connected to traditional breadwinning roles and absence and remittance sending is therefore more readily accepted a testament of 'good parenthood'.¹⁴⁴ That being said, even though being a provider is seen as intrinsic to being a father, some studies find that fathers remit less than mothers, in particular Abrego's study on the gendered comparisons of remittance sending behavior in Salvadoran transnational families. This is a general truth however. In fact, as will be highlighted in Chapter 4, studies on CEE male migrants (expl Polish) show that it is often more acceptable (less stigmatic) for the fathers to leave the country for work and that remittances are steady.

As mentioned above, the specter of 'abandonment' looms large in the case of paternal migration as well. Much like in the case of migrant mothers, this assumption lacks nuance when it fails to take into account the structural and economic pressures that drive men's

¹⁴² Pribilsky, Jason. 2004. "'Aprendemos A Convivir': Conjugal Relations, Co-Parenting, and Family Life Among Ecuadorian Transnational Migrants in New York and The Ecuadorian Andes." *Global Networks* 4 (3) (June 18): 313

¹⁴³ See in: Lam, Theodora, and Brenda S. A. Yeoh. 2018. "Migrant Mothers, Left-behind Fathers: The Negotiation of Gender Subjectivities in Indonesia and the Philippines." *Gender, Place & Culture* 25 (1) (January 2): 104–117.; See also: Abrego 2009; Mazzucato and Schans 2011

¹⁴⁴ Lamb, Michael E., and Lori D. Bougher. 2009. "How Does Migration Affect Mothers' and Fathers' Roles Within Their Families? Reflections on Some Recent Research." *Sex Roles* 60 (7–8) (April 1): 611–614.

migration. In some cases migrant fathers' find themselves unemployed, earning less than expected, in precarious legal status, not being able to meet their families expectations, driving them to sever ties with spouses and children left behind.¹⁴⁵ Even when abandonment doesn't happen, as our case studies show, fathers working conditions may prohibit or impede their ability to exercise adequate and regular contact and supervision from afar. This may change over time, but as this dissertation demonstrates, labor and migration policies prioritizing productive work at the expense of reproductive care concerns, significantly diminish parents' ability to care for their children as well as children's corresponding rights to contact, support and supervision. Working conditions and the normative structures that reinforce them are deeply implicated in instances of 'abandonment', more so than any traditionalist notions of masculinity and absent-fatherhood.

Whatever the reasons behind fathers' absence, or actual permanent abandonment of their families, overall men are less likely to be socially stigmatized for 'defaulting' on their parental responsibilities than women. Privately however, many migrant men experience isolation and depression – in some cases leading to substance abuse – in the face of prolonged family separation. They might also feel life failures as fathers and husbands, when they are unable to meet remittance needs of their families.¹⁴⁶ Meeting remittance needs may mean that families become wholly dependent on foreign income, thus fathers need to remain transnational, as returning is not an option given local labor market constraints. When assessing any social harms or benefits related to fathers' absence the same scrutiny needs to be utilized as was called for in the case of transnational motherhood. In other words, correlating fathers' migration with family disruption, or harm to child welfare misses the mark on pre-migratory conditions as well as other instances of absent fathers in the home

¹⁴⁵ Pribilsky 2007; Abrego 2009; Coe 2011

¹⁴⁶ Carling, Jørgen, Cecilia Menjivar, and Leah Schmalzbauer. 2012. "Central Themes in the Study of Transnational Parenthood." *Journal of Ethnic and Migration Studies* 38 (2) (February 1) pp 193-195

country, such as divorce, death, or abandonment. In some cases, concerns about the welfare of migrants' children might be exaggerated and other vulnerable children – for example children of divorcees – might be at risk of being overlooked in a policy environment that focuses on migration ‘orphans’.¹⁴⁷

2.3.3. Transnational Childhood

The field of childhood studies is inherently interdisciplinary drawing on psychology, sociology, history, and social anthropology. Contrary to early concepts of children as “passive recipients of adult’s actions”¹⁴⁸ children have come to be seen as persons with agency. Childhood development studies focus on children’s voices, experiences, and their active participation in processes affecting their lives¹⁴⁹. Consequently, the social value of children increased and international legal and policy instruments reflect this shift by honoring children’s participatory rights.¹⁵⁰ Scholars in migration studies are beginning to include children’s perspectives and voices and central to their inquiry, though adequate child-centered research is still largely lacking. Here – as is the case with research on migrant fathers – the migration of mothers dominates the scholarly discourse, treating children as derivative subjects of the field, largely passive recipients of distant and proximate care and remittances; alternatively ‘victims’ of abandonment and globalization. Dreby’s work in

¹⁴⁷ Carling and Tonnessen provide a unified framework using Demographic and Health Survey data from Malawi, comparatively assessing welfare indicators for children who live with their parents; whose fathers migrated, as well as children whose father is absent due to divorce, or death. They find a clear pattern of welfare differences: children whose father is either present or a migrant are better off, and children whose father is deceased or whose parents are divorced are worse off. See in: Carling, Jørgen, and Marianne Tønnessen. 2013. “Fathers’ Whereabouts and Children’s Welfare in Malawi.” *Development Southern Africa* 30 (6) (December 1): 724–742.

¹⁴⁸ Lee, N. 2001. *Childhood and society*. Buckingham: Open University Press. p. 8

¹⁴⁹ James, A 2011. “Agency” in: Qvortrup, Jens, William A. Corsaro, and Michael-Sebastian Honig, ed. 2009. *The Palgrave Handbook of Childhood Studies*. 2009 edition. Houndmills, Basingstoke, Hampshire ; New York: Palgrave Macmillan.

¹⁵⁰ See for example UN Convention on the Rights of the Child

particular challenges this approach by simultaneously embracing Mexican children's vulnerability and their agency.¹⁵¹

Childhood – whether impacted by migration, or not - can be considered a relational experience, one that is influenced by wider social and economic processes, as Zeitlyn and Mand have pointed out.¹⁵² Thus, parents' transnational migration has profound effects on children. Children are active, constitutive participants in maintaining transnational family life. This is true whether they stay behind, join parents in the country of destination, or migrate on their own for education, refuge, or to support their families. Yet as mentioned above, migration literature usually focuses on children through the lens of their parents¹⁵³. However, a more child-agency centered approach is emerging in recent scholarship¹⁵⁴, using children's own perspectives on family, gender and migrancy.

Just as children do not constitute a homogenous group, their experiences with and feelings about parental migration also differ widely. Childhood does not stand still during the migrant parents' absence. As they go through developmental stages and are exposed to changing social contexts children's relationships with absent parents as well as bonds with caregivers may change significantly. Age seems to be a significant factor both at the initial point of separation and throughout the period of long-distant transnational family arrangements.¹⁵⁵

¹⁵¹ Dreby, Joanna. 2007. "Children and Power in Mexican Transnational Families." *Journal of Marriage and Family* 69 (4) (November 1): 1050–1064.

¹⁵² Zeitlyn, Benjamin, and Kanwal Mand. 2012. "Researching Transnational Childhoods." *Journal of Ethnic and Migration Studies* 38 (6) pp. 990–991

¹⁵³ Mazzucato and Schans 2011

¹⁵⁴ Dreby and Adkins take a child-centered approach to explore how the migration of different family members affects children's ideas about their families. They use a unique data set of 421 drawings collected from Mexican school children, ages 5–15. See: Dreby, Joanna, and Tim Adkins. 2012. "The Strength of Family Ties: How US Migration Shapes Children's Ideas of Family." *Childhood* 19 (2) (May 1): 169–187.

¹⁵⁵ Artico, Ceres I. 2003. *Latino Families Broken by Immigration: The Adolescent's Perceptions*. New York: Lfb Scholarly Pub Llc.

The meditative power of the transnational care arrangement is a significant part of how children process separation. As Artico's study¹⁵⁶ revealed children's perception of the transnational parenting experience was influenced by how families interpreted the parent's absence. This strongly guides children's interpretation of the parents' departure as abandonment or as sacrifice. Such representational models, in turn, predisposed them to develop specific affective, cognitive, behavioral, and relational patterns.

Age at the migration of a child evidently impacts children's social and educational adaptation in the receiving countries.¹⁵⁷ For children left-behind, age at separation from the parents is just as relevant in the quality of relationships with parents during separation and the potential for success at reunification.¹⁵⁸ The younger the children are at separation, the more the parent-child bond depends on outside mediators, other adults who help maintain regular communication, video chats and calls between parents and in some cases toddlers, sending regular updates on the child's development, exchanging photos, information on illnesses or any other daily activities that emerge in the normal course of early childhood development. When parents are absent for prolonged, or uncertain periods of time – as is the case for Filipina, or Central-American parents who leave sometimes for decades - some children end up with no real memories of the parents. They are left with narratives relayed to them by the extended family, gifts sent and the occasional visits from the distant parent where that is legally possible. This not only severely weakens the parent-child relations, but also often

¹⁵⁶ Ibid

¹⁵⁷ Beck, Audrey, Miles Corak, and Marta Tienda. 2012. "Age at Immigration and the Adult Attainments of Child Migrants to the United States." *The ANNALS of the American Academy of Political and Social Science* 643 (1) (September 1): 134–159.

¹⁵⁸ Artico 2003; Dreby 2010

leaves the absent parent with no family to return to, at least not in the parent-child relational sense.

When parents leave older children behind, other dynamics ensue. Much like our understanding of post-divorce parenting dynamics, older children have more memories of life before separation, which shapes their idea of normal family life and relationships. This may also contribute to their experience of separation as trauma.¹⁵⁹ Mediators' roles may be more limited in these cases, meaning the children have their own access to cellphones and internet and thus more control over their communication and contact with parents. In fact, when adolescents are left in the care of ageing grandparents¹⁶⁰ – as is often the case in many Eastern European regions – supervision and discipline may become significant challenges for local caregivers and parents control is attenuated by distance and children opting in and out of telecommunications with them.

The longer the separation and the less opportunities there are for visits, changes in children's developmental stages become hard for parents to navigate as well. Parental roles tend to evolve and adapt along the life-course, however during prolonged separation parents may have unrealistic images of their children that do not meet their actual age, stage of life and needs. This can lead to further tensions in the parent-child relationship, especially when daily interactions are sparse or not possible.¹⁶¹

Age as an objective reality is a significant variable not only on the individual, psychological and social levels, but also when considering how children are affected by migration in terms

¹⁵⁹ Parrenas 2005

¹⁶⁰ Glaser, Karen, Rachel Stuchbury, Debora Price, Giorgio Di Gessa, Eloi Ribe, and Anthea Tinker. 2018. "Trends in the Prevalence of Grandparents Living with Grandchild(Ren) in Selected European Countries and the United States." *European Journal of Ageing* 15 (3) (September 1): 237–250.; Barbara H. Settles, Jia Zhao, Karen Doneker Mancini, Amanda Rich, Shawneila Pierre, and Atieno Oduor. 2009. "Grandparents Caring for Their Grandchildren: Emerging Roles and Exchanges in Global Perspectives." *Journal of Comparative Family Studies* 40 (5): 827–848.

¹⁶¹ Parrenas 2001

of their treatment by law and policy. Age may impact their eligibility for child-centered services, access to education, public health and especially family reunification programs.¹⁶²

A core feature of the “right to family life” often threatened by the lack of state recognition of parent-child bond in the face of a prolonged transnational separation, or assumptions of abandonment.

As the dissertation focuses on parenting through the binary lens of transnational motherhood and fatherhood, it must be mentioned that childhood is also a gendered category. As Assmuth et al. point out ‘Girls’ childhoods are often very different from boys’¹⁶³. Beyond general social expectations, older female siblings may be expected to take care of her younger siblings, whereas boys of a similar age are allowed much more freedom. A recent case study when considering leaving their teenage children to finish their educations in Estonia, parents’ worries about their daughters getting into trouble are of a different kind as compared to teenage boys¹⁶⁴. Age and gender are interrelated in complex ways and transnational family life adds additional nuances to their intersections.

The quality and recognition of caregiving arrangements is essential within both the family unit as well as society and the legal system at large. Caregivers may also struggle for recognition when authorities intervene or investigate alternative caregiving arrangements, such as in the case of Romanian children left behind. Some legislative moves have been made in CEE, for example, Bulgaria that parents working abroad would not receive child benefits. This, however, has changed. That said domestic legislation does not allow for a formal transfer of custody to a third party for a specified period. This deprives the children of some of their fundamental rights. The CEE region potentially provides an excellent example of a

¹⁶² Carling, Menjivar and Schmalzbauer 2012

¹⁶³ Assmuth, Laura, Marina Hakkarainen, Aija Lulle, and Pihla Maria Siim. 2018. *Translocal Childhoods and Family Mobility in East and North Europe*. p. 6.

¹⁶⁴ Ibid

region that is just beginning to recognize the social reality of familial transnationalization and distant parenting but has not yet developed formal, legally sanctioned alternatives to accommodate alternative parenting practices. Thus a transnational childhood - in all its bio-social construct and complexity - has not only developmental, but legal distributive consequences along age and gendered lines, which are part of the calculus in the strategies that happen on the household levels.

Even with the best alternative care arrangements, several studies find that though remittances result in overall better economic family situations, these do not necessarily translate to better developmental outcomes for children.¹⁶⁵ While remittances increase overall funding for housing, health and education, the emotional strain of separation may negatively impact mental health and school performance.¹⁶⁶

Children might decide to follow their parents and migrate on their own to reunite with them. This has been and is today the case with many Central American children who migrate alone to the US to reunite with their parents, often after multiple years of separation due to immigration restrictions. Children move independently for a variety and combination of other reasons, including escaping from systematic gang violence, poverty, or domestic abuse.¹⁶⁷ The special sub-category of 'unaccompanied minors' reveals the often conflicting political impulses of child protection – especially in the context of smuggling and trafficking - and immigration control. This tension often remains unresolved as children find themselves

¹⁶⁵ See especially: Dreby 2007; Parreñas 2008, 2010

¹⁶⁶ Zhao, Chenyue, Feng Wang, Xudong Zhou, Minmin Jiang, and Therese Hesketh. 2018. "Impact of Parental Migration on Psychosocial Well-Being of Children Left behind: A Qualitative Study in Rural China." *International Journal for Equity in Health* 17 (June 15); Fellmeth, Gracia, Kelly Rose-Clarke, Chenyue Zhao, Laura K. Busert, Yunting Zheng, Alessandro Massazza, Hacer Sonmez, et al. 2018. "Health Impacts of Parental Migration on Left-behind Children and Adolescents: A Systematic Review and Meta-Analysis." *The Lancet* 392 (10164) (December 15); "Parental Migration and the Children Left Behind." 2018. *BOLD*. November 0. <https://bold.expert/parental-migration-and-the-children-left-behind/>.

¹⁶⁷ Shandy, Dianna. 2008. "Kids at the Crossroads: Global Childhood and the Role of the State." *Anthropological Quarterly* 81 (4). https://works.bepress.com/dianna_shandy/24/.

unwanted and unprotected in violation of international human rights law and national child protection obligations.¹⁶⁸

Going forward the dissertation will point out the role of physical and immaterial infrastructures that are crucial in the creation, organization and maintenance of transnational childhoods. It will also expose the limitations of this form of childhood and the ways in which, in the context of transnationalized labor, both states and the European Union fail to safeguard the parent-child relationship.

2.4. Methodological Challenges – Social Science and Legal Scholarship, bridging the gap

The study of migration through a transnational lens means that migrants and non-migrants as well as multiple levels of transnational social spaces need to be taken into account simultaneously. Transnational family studies therefore, present unique methodological challenges. Research in the field is dominated by in-depth case studies that are relatively small scale, but that have allowed longitudinal follow-ups and a level of trust between researchers and subjects.¹⁶⁹

¹⁶⁸“Unaccompanied Minors and Separated Children | Young, Alone, and Vulnerable - UNHCR Central Europe.” 2016. *UNHCR*. <https://www.unhcr.org/ceu/90-enwhat-we-docaring-for-the-vulnerableunaccompanied-minors-and-separated-children-html.html>.; “Unaccompanied Refugee Children at Extreme Risk in the Balkans.” 2017. *Save the Children International*. April 0. <https://www.savethechildren.net/article/unaccompanied-refugee-children-extreme-risk-balkans>.

¹⁶⁹ See especially: Baldassar, Loretta, Cora Vellekoop Baldock, and Raelene Wilding. 2006. *Families Caring Across Borders: Migration, Ageing and Transnational Caregiving*. 2007 edition. Basingstoke {England ; New York: Palgrave Macmillan.; Joanna Dreby, search. 2010. *Divided by Borders: Mexican Migrants and Their Children*. First edition. Berkeley: University of California Press.

Carling et al categorize the studies on transnational parenthood and child care according to data collection: (1) using migrant parents as informants; (2) using children as informants; (3) using young adults as informants, asking retrospective questions about their experiences as children; and (4) using significant ‘third persons’ as informants (for example, non-migrant parents or others who are providing care for children in their parents’ absence).¹⁷⁰

The studies included and referenced in this dissertation have relied on two or more of these strategies through multi-sited fieldwork echoing Levitt and Glick Schiller’s call for an intersectional methodology including “those who have migrated and those who have stayed in place”¹⁷¹. As mentioned in the first Chapter they all belong to the social field of transnational family life. In contrast, the value of research that deals with either end of the transnational spectrum can still yield useful information on the lived experiences of migrants, or family left behind at a particular time and space of the transnational family spectrum.

Transnational family configurations are dynamic and require researchers to adapt to the complexity of changing migratory decisions, movements, family- and care arrangement reconfigurations. Even the concept of mobility and investigating multiple sites separately is not all that straight forward in methodology. Multi-sitedness is not always an ideal approach to what researchers are actually trying to accomplish. Ghassan’s research ethnographic work on Lebanese migrants in a number of international locations is a good example of this conundrum. The study examines the notion of multi-sited ethnography and argues that in the study of migrants sharing a unifying culture across a number of global locations, multi-sitedness is less helpful than a notion of a single geographically discontinuous site. The article also examines the uncritical assumption often made that the study of migration is the

¹⁷⁰ Carling, Jørgen, Cecilia Menjivar, and Leah Schmalzbauer. 2012: 208

¹⁷¹ Levitt, Peggy, and Nina Glick Schiller. 2004. “Conceptualizing Simultaneity: A Transnational Social Field Perspective on Society1.” *International Migration Review* 38 (3) (September 1): 1012

study of ‘mobility’. It argues that migrants do not really spend that much time ‘moving’ in the sense assumed by the notion of ‘mobility’.¹⁷² Other studies focus on more binary scenarios, examining well established migratory routes and communities between two countries of origin and destination. Such is the case of Romanian women’s migration to Italy, described later in this dissertation, as mapped by Viorela Ducu.

It is small wonder then that legal scholarship hasn’t quite caught up with theorizing and mapping the interplay between the fluid social configuration of transnational families and its normative and policy implications. However, it is all the more important that it does so, because studying the presence of law in the lives of transnational families must not be reduced to a cursory investigation of immigration rules.

There are other reasons why trust and in-depth explorations are essential in the study of transnational parenthood. As described in the previous section, transnational motherhood and fatherhood are both riddled with moral and emotional tensions surrounding childcare obligations and labor market demands. Mapping and capturing the emotional landscape of distant parenting calls for the research methods of sociology and anthropology, which can navigate complicated emotional territory theorizing these critical aspects of the migration experience.¹⁷³ Scholarship also needs to recognize the social, cultural and normative forces that shape gendered expectations surrounding transnational parenthood. Not least because these may carry normative consequences. For instance, social scientist as well as society at large, readily recognize the relevance of vulnerabilities in the case of transnational motherhood and childhood research. However, studies of transnational fatherhood often lack in countering culturally reinforced notions of masculinity and classic male breadwinner roles

¹⁷²Hage, Ghassan. 2005. “A Not so Multi-Sited Ethnography of a Not so Imagined Community.” *Anthropological Theory* 5 (4) (December 1): 463–475.

¹⁷³ See in particular references to Levitt’s, Glick Schiller’s and Derby’s work in this dissertation

and do not always reveal underlying emotional and social isolation and vulnerability in male migrants separated from their families.¹⁷⁴ This lacuna is not reflective of underlying social assumptions, but creates normative challenges as male migrant worker's fatherhood and related work-life balance needs are diminished in family policy, migration and labor regulations.

Studies using children as informants – albeit much needed in adding the child's perspective to migration research – present their own ethical and methodological concerns. Beyond classic ethical challenges in working with children as research subjects, a particular issue with children left behind is the vulnerability inherent in the very absence of the parent as well as the absence of the parent being the subject of the inquiry. Not only is transnational family life and distant parenting sensitive as a reality, it may be difficult for children to honestly relay their feelings about it, for fear of seeming to blame their parents and violating a bond of trust and intimacy.¹⁷⁵

Mazzucato and Schans¹⁷⁶ have criticized transnational family studies claiming that they are overwhelmingly 'small-scale and do not collect data systematically on the topic'. They point out that this makes it difficult to assess and verify the information, and that studying cases of the phenomenon itself does not necessarily allow for a conclusion on whether and to what extent the phenomenon is increasing. However, as Carling points out, absence of measurement and quantification does not mean that there is no methodological rigor in a study. Qualitative approaches can be highly systematic, meticulously comparing and

¹⁷⁴ See for instance Parrenas 2008 on transnational fathering and emotional gaps; also: Pribilsky, Jason. 2012. "Consumption Dilemmas: Tracking Masculinity, Money and Transnational Fatherhood Between the Ecuadorian Andes and New York City." *Journal of Ethnic and Migration Studies* 38 (2) (February 1): 323–343.

¹⁷⁵ Carling, Jørgen, Cecilia Menjivar, and Leah Schmalzbauer. 2012: 209

¹⁷⁶ Mazzucato, V. and Schans, D. 2008 *Transnational Families, Children and the Migration Development Nexus*. New York: Social Science Research Council.
<https://globalnetwork.princeton.edu/piirs/Mazzucato.pdf>

contrasting information from interviews, ethnographic fieldwork and an array of complementary sources.¹⁷⁷

Nevertheless, as this section briefly outlined, there are several strength to the in-depth, qualitative research, including reliability and the ability of researchers to follow up with families throughout the life-course. Many of the most influential studies are not in fact small-scale.¹⁷⁸ Other cases – such as the ones used in this dissertation – may in fact be small scale, but overall migratory trends and data correspond well to using small-scale social science research to investigate some normative and distributive implications of the transnational parenting phenomenon in Europe. Larger scale studies do not allow for the same level of intimate view of the every-day lives of individuals that reveal valuable interactions with and interpretations of structural factors in their lives, crucial to legal analysis. The studies of transnational parenthood referenced in this dissertation primarily address themes that would have been ill suited to quantitative approaches.

As in all social science research, different methodological approaches to the study of transnational families may complement each other in fruitful ways, as long as limitations of methods are acknowledged. That is why this dissertation seeks to bring into conversation legal scholarship with the rest of social science in the context of transnational parenthood. It highlights the problem of lack of communication and conceptual synergy between the two fields.

Social sciences focus on the impact that transnationalism has on individual's family lives.

Emphasis lies on how families shape and are shaped by movement, separation, and reunion.

¹⁷⁷ Carling, Jørgen, Cecilia Menjívar, and Leah Schmalzbauer. 2012: 210

¹⁷⁸ For example Dreby's work on Mexican Migrants and Their Children (2010) and Parrenas (2005) on the impact of Filipino emigration on children left behind, offer In-depth interviews with 100 informants or more, contextualized by participant observation and follow-up over several years (and destinations), this yields enormous empirical material.

These studies, however, lack a systematic account of the multiple sets of law and institutions shaping transnational families. Socio-legal scholarship is increasingly engaging with transnational legal processes, albeit on the top-down, macro levels.¹⁷⁹ In the burgeoning socio-legal literature on transnationalism and transnational legal process, individuals, families and household level analyses are often missing¹⁸⁰.

This dissertation makes the case for bridging the gap: adding the study of transnational family members to transnational legal processes and adding law and the concept of legal pluralism to transnational families. Transnational families are legal actors implicated in transnational legal processes. Complementing social science perspectives on transnational families with a focus on the legal structure and legal pluralism can reveal aspects of family life that are results of legal constraints. An interdisciplinary understanding of familial transnationalism contributes to a more nuanced and accurate blueprint for the complex legal structure surrounding transnational families.

2.5. Rethinking the Institutional Context in Transnational Family Life

Despite the developments in conceptualizing mobility in transnationalism scholarship, the literature on transnational parenting still points to a tendency to think in binaries when focusing on either adults, or children, home or host countries etc. Many in academia have insisted upon thinking intersectionally and acknowledging diversity and policy debates have

¹⁷⁹ Cotterrell, R., 2009. Specters of Transnationalism: Changing Terrains of Sociology of Law. *Journal of Law and Society*, 36 (4), 481-500.; Van der Kloet, J., De Hart, B., Havinga, T., 2011. Socio-Legal Studies on Transnationalism. *Recht der Werkelijkheid*, 32 (3).

¹⁸⁰ Kay, Tamara. 2011. "Legal Transnationalism: The Relationship between Transnational Social Movement Building and International Law." *Law & Social Inquiry* 36 (2): 419–454.

been generally responsive to this plea. This has resulted in more attention paid to the diverse experiences, risks and rewards involved in transnational family life for women, men and children; and more consideration is given to the wellbeing of the entire family. However, as explained earlier, much of the diversity of migrant experiences derives from structures that produce this diversity.

The present section unpacks some of these structures to map out a more comprehensive view of the institutional arrangements in which families circulate in transnationally. Important focus is given to the role of the nation-state and its shift to welfare systems that apply to transnational families as well as supra national entities (such as the EU) and the market. All of these operate together to constitute the transnational social space that the familial household is located in. While this section provides this macro institutional context for transnational families, the following section will zoom into the level of overlapping fields of law making up transnational family law.

Awareness of the importance of the structural forces, such as the institutional frameworks created by laws, policies and market forces governing transnational family life, is essential and is gaining some recognition in social science scholarships on transnational migration theory.¹⁸¹ When seeking to establish any positive gains or negative losses connected to migration one must always take state policies into account. As Goulbourne points out, transnational families must be understood to function as agents within the context of nation-states.¹⁸² State policies that both constrain and facilitate family contact and its various

¹⁸¹In particular, the influential works of Basch, Glick Schiller and Szanton Blanc 1994; Levitt and Glick Schiller 2004

¹⁸² Goulbourne, Harry. 2011. *Transnational Families: Ethnicities, Identities and Social Capital*. 1 edition. London: Routledge.

exchanges and more often than not legal status of individual family members is paramount in managing transnational family life.

In addition there is a supra-layer of transnationalism within the free movement zone of the EU (among EU citizens). Here the structural forces include the hard and soft regulatory power of the European Union in shaping migrating EU citizens' family lives¹⁸³. The transnationalism of the EU must compel social sciences to shift their focus on various areas of law in the lives of transnational families, not merely scrutinize the legal status of migrants and include (albeit in a cursory manner) immigration law in their analysis. With the givenness of EU citizenship and its consequent promise of a more normatively streamlined mobility, focus may shift to other areas of law meaningfully regulating the family. The following section will delve into these in more detail. In general, the status of the individual transnational family member with regards to immigration and citizenship, labor, welfare and family law is a crucial axis of differentiation and thus one of entanglement with migration and development policy. The tendency of existing scholarship's primary focus on the individual or micro-social context of transnational motherhood, fatherhood or childhood obscures for example the subject of overlapping welfare regimes – that of nation states, the EU and the informal welfare / care regimes of transnational families; and the power of institutionalized gender dynamics.

The migration-development nexus scholarship is perhaps the only field that embraces a broader institutional context in transnational family studies. However it can be criticized for reproducing a relatively one-sided positive image of transnational family arrangements in the context of the developmental impact of family remittances and it fails to emphasize the social

¹⁸³ From directives on working time regimes, families' and individuals' rights to basic levels of sustenance, free movement, transferability of social benefits, to the policy initiatives surrounding gender equality, work-life balance and various EU funded initiatives in the area of internal migration research and advocacy. (See more in Chpt 5)

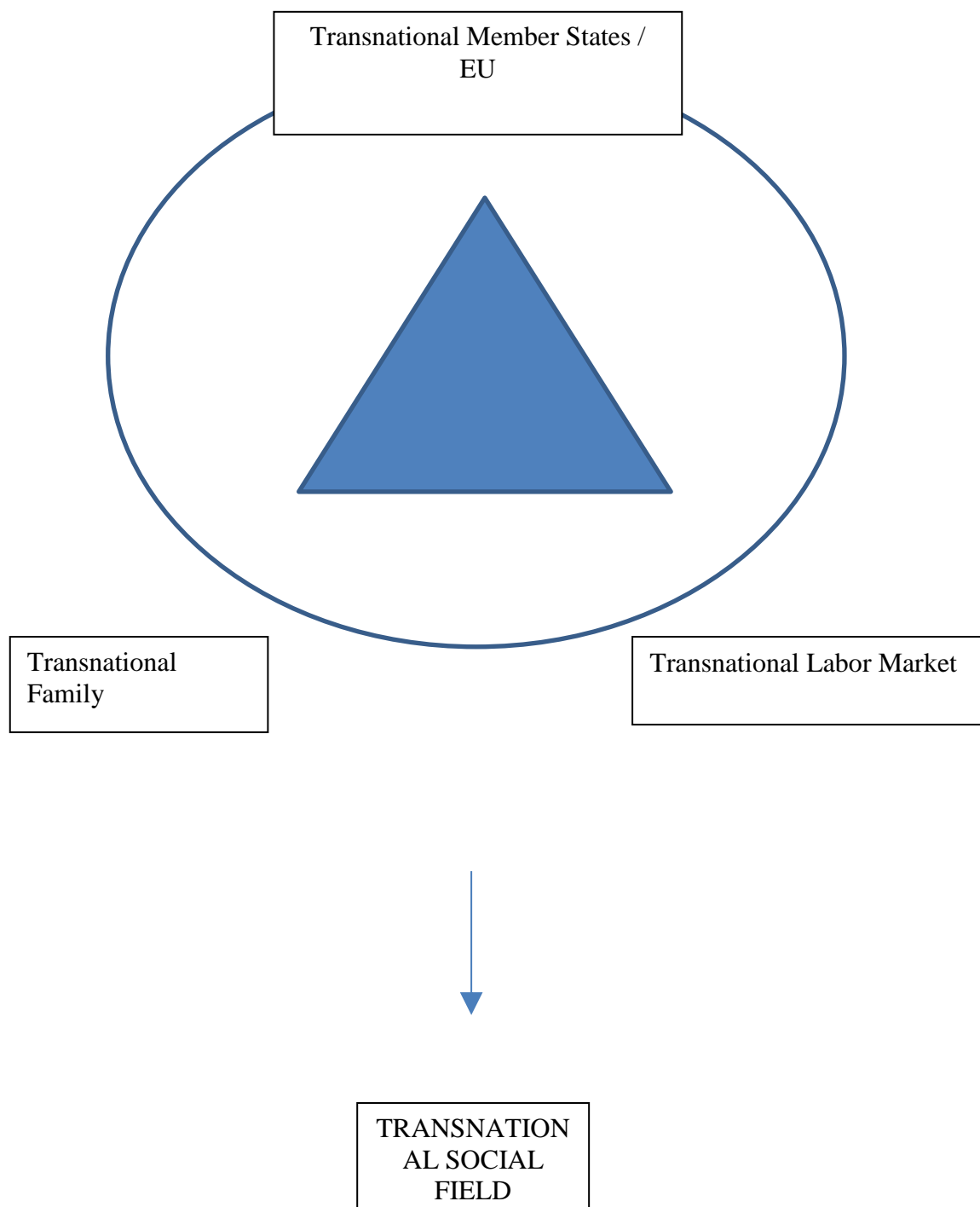
conflicts these remittances give rise to and the state neglect they make up for¹⁸⁴. For this dissertation, a more helpful framework of analysis (rather than the migration-development nexus that dominates macro policy debates on migration) is to map the impact of the institutional context - on transnational families and parenting – and project it onto corresponding tiers of a reimagined version of Family Law.

Particularly in the context of transnational parenthood, where parental care desires a new framework for the study of the regulation of family relations. One that uses perspectives from social science, but also from critical legal scholarship that goes beyond the family – state dyad. Here the dissertation takes its inspiration from the work of Hila Shamir, Ann Schalleck, Jannet Halley et al.¹⁸⁵ who are credited for analyzing how the institution of the family is defined, and shaped through its interaction with the institutions of the labor market and the welfare state.

¹⁸⁴ However, familiarity with the development discourse is indispensable as it generates relevant literature, and policy responsiveness by having latched onto the global care chains concept. See more in: Delgado Wise, Raúl, and Humberto Márquez Covarrubias. 2007. *The Migration and Development Mantra in Mexico: Toward a New Analytical Approach*. Vol. 20.

¹⁸⁵ See more on their work and the “Up against Family Law Exceptionalism” movement in the next section; but particularly important given the focus on care-work migration is SHAMIR, HILA. 2010. “The State of Care: Rethinking the Distributive Effects of Familial Care Policies in Liberal Welfare States.” *The American Journal of Comparative Law* 58 (4): 953–986. doi:10.2307/25766173.

Applying this lens to my inquiry the classic family-state dyad gives way to the transnational family – state/EU – transnationalized labor market dyad:



Kilkey and Merla 2013¹⁸⁶ speak of a so called “situation transnationalism” which highlights that the specific contexts of sending and receiving societies significantly shape transnational caregiving. To this I add this context of “layered transnationalism” in the case of EU-CEE transnational families. The interaction of the institutions described in the figure above, constitute the specific, layered transnationalism, the very social field within which transnational parenting and caregiving takes place between various member states of the European Union.

However this is a very general, macro view of the institutional context. Within this macro setting there are overlapping institutional contexts that shape transnational care, the economic, personal, practical, emotional and moral as described in Chapter II. Some may belong to the above three categories, or overlapping with more than one of them. It is impossible to come up with an exhaustive list of such institutions, and policies. However, leading scholars in the field of transnational care circulation Kilkey and Merla, have drawn on the “regime scholarship” to specify a few, namely: migration regime; welfare regime; gendered care regime and working-time regime.¹⁸⁷

- Migration Regime refers to the entry-exit rights of migrants and their family members as well as access to the welfare regime of any given community.
- Welfare Regime, describes the Quality of social enticements to benefits and service and their accessibility and portably.

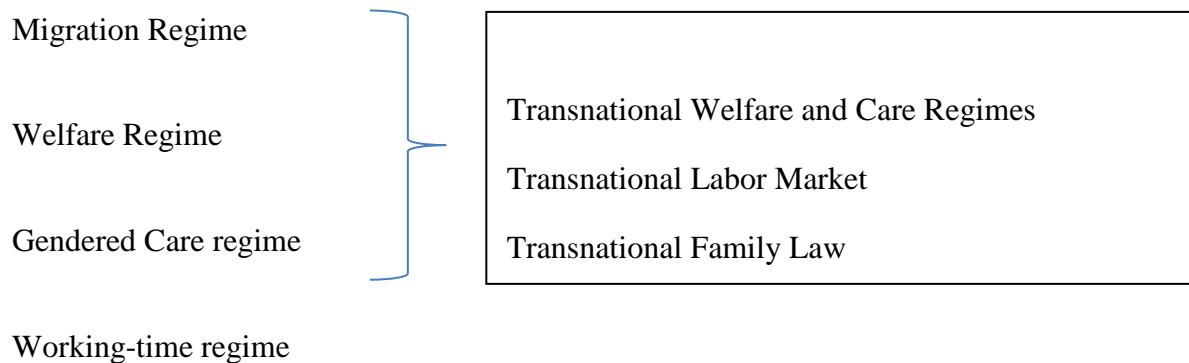
¹⁸⁶ Kilkey, Majella, and Laura Merla. 2013. “Situating Transnational Families’ Care-Giving Arrangements: The Role of Institutional Contexts.” *Global Networks* 14 (2) (September 5): 210–229. doi:10.1111/glob.12034.

¹⁸⁷ A **Macro Perspective on** Transnational Families and Care Circulation in Baldassar, Loretta, and Laura Merla. 2014. *Transnational Families, Migration and the Circulation of Care: Understanding Mobility and Absence in Family Life*. Routledge., pp 117- 119

- Gendered Care Regime, refers to the rights to care, including gendered division of labor and care-giving in the household, financial support system etc.
- Working-time regime involves the policies of working time, leave, maximum hours, holidays etc in various sectors of the labor market.

To address some of the overlaps and fragmentation in the above typology, the thesis suggests that it would be helpful to tighten it into three broader groups, in order to examine the institutional settings of EU-CEE transnational parental care practices. These different regimes and policies, with specific features in different countries, impact to facilitate or hinder the transmission of care in transnational families.

In this sense:



a. Transnational Welfare and Care Regimes

As we will see in the case studies, transnational parenting operates in deeply gendered ways as care obligations are allocated between men and women with regards to childcare and paid labor. Transnational families develop their own semi-formal welfare system through the circulation of care. This system operates within overlapping welfare regimes of the host and home countries as well as within the welfare regime of the EU. The *Three Worlds of Welfare Capitalism* written by sociologist Gosta Esping-Anderson¹⁸⁸, is the iconic work which developed the original opinions of different welfare state regimes among developed countries. The three most commonly noted welfare state regimes are: Liberal, Conservative and Social Democratic. Scholarship later added the Southern European system. To this Chapter 4 will add a consideration of the separate CEE post-soviet welfare state model and its impacts on labor and labor migration and parenting capacities of men and women¹⁸⁹.

Instead of a full-scale analysis of the various theories of welfare and care regimes, this thesis points out that a central topic - which relates to gender and welfare states - is the access which every individual has to decent employment and that care needs of dependents can simultaneously be met. This entails equal opportunity for quality part time or full time employment, with the same chance of advancement. Each regime (liberal, conservative, and social democratic) has different views on the amount of social capital a person should possess. The liberal welfare state believes in laissez-faire attitude towards the market economy. The liberal welfare state is supposed to eliminate inequalities and privileges with

¹⁸⁸ Esping-Anderson, G. 1990. "introduction" in *The Three Worlds of Welfare Capitalism*. Princeton university Press

regards to employment by having minimal government interference. The conservative welfare state views on job opportunity supported government interference, which create hierarchal powers and class differentiation, for the sake of promoting efficiency. The conservative regime believes strong leadership and traditional gender and family roles are what allow a society to function smoothly. Lastly, in social democratic welfare, states go out of their way to make all citizens employed.

In tandem with trends in contemporary European migrations underlying welfare state policies and their perception of the roles of men and women strongly influenced and were influenced by the increasing feminization of labor migration. Female participation and employment rates in the EU have increased substantially over the last decades¹⁹⁰, yielding to a gradual decline in the employment gender gap. In many countries, the observed patterns in both participation and employment have occurred in conjunction with a progressive deregulation of the labor market and a growing attention to policy interventions aimed at increasing women's labor market participation. Most studies discuss policies affecting female labor force participation such as: labor regulation, part-time, flexible employment, temporary employment, child-care provisions, taxation and so forth. It is perhaps important to note that the observed aggregate increase in participation and employment hides substantial differences both across different groups of women and across countries suggesting an important role for cross-country heterogeneity in the factors that affect women's labor market outcomes.¹⁹¹

Since the early 1990s, a vast corpus of comparative literature has been devoted to understanding inter-country differences in women's labor market behavior. These analyses

¹⁹⁰ "Working Women: Key Facts and Trends in Female Labor Force Participation." 2017. *Our World in Data*. Accessed October 16. <https://ourworldindata.org/female-labor-force-participation-key-facts>.

¹⁹¹ Angela Cipollone & Eleonora Patacchini & Giovanna Vallanti, 2013. "Women Labor Market Performance In Europe: Novel Evidence On Trends And Shaping Factors," Working Papers LuissLab 13107, Dipartimento di Economia e Finanza, LUISS Guido Carli.

identify different “regimes” of female activity corresponding to behavior patterns linked to their family situations, and in which part-time work has a variable role. These differences are anchored in a diversity of modes of regulation governing the link between public policies and family solidarity, gender relations and labor market organization. However, the groups of countries identified in terms of the work-family relationship only partly coincide with the broader typology of welfare state regimes proposed by G. Esping-Andersen in the early 1990s.¹⁹² This typology does not reflect the full range of different labor market behaviors, and the trends observed are relatively contrasting, depending on the scope of the work-life balance policies deployed in each country.¹⁹³ Many studies highlight the role of part-time employment and other ‘atypical’ job trends. On the one hand the increasing availability of ‘atypical’ jobs (part time, temporary) and more flexible forms of employment may have helped women to better integrate in the labor market. On the other, this integration process has often occurred at the expense of an increasing gender gap in terms of quality of occupation.

Another relevant factor in female labor market participation trends has been the emergence of the European Common Market and the increasing salience of the social dimension within the European Union. The recent Resolution on "the balanced participation of women and men in family and working life", as well as the Maternity Directive, the Parental Leave Directive, and the Recommendation on Childcare, are all examples of the major role played by the European Union in the field of family policies. This role is complicated, however, by the diversity of national family policies and by the principle of subsidiarity. In the Europe 2020 Strategy http://ec.europa.eu/europe2020/index_en.htm the European Council agreed on five headline targets, the first being to raise the employment rate for women and men aged 20–64

¹⁹² Esping-Andersen G., 1990

¹⁹³ “OECD Better Life Index.” 2018. <http://www.oecdbetterlifeindex.org/topics/work-life-balance/>.

years old to 75 % by 2020. A large part of the expenditure from the [European social fund \(ESF\)](#) during the period between 2007 and 2013 aimed at promoting access to employment and social inclusion for various groups. Specific actions were also aimed at helping women to get (back) into work, reducing gender-based segregation of the labor market and aimed at better reconciliation work and private life.

The general push for and increase of formal female labor market participation has particularly relevant impacts on countries along the conservative welfare regime spectrum. For example the southern countries, where family-oriented policies are still less developed and, at the same time, the extended family (traditionally a source of support) has been gradually evolving into the smaller nuclear family. Italy is one such example, as highlighted in the case study in Chapter 4, where the push for greater female labor market participation and the parallel social atrophy of extended kin networks as sources of dependent care, led the way to a care deficit and the influx of migrant women (many from Romania) into the home-based, newly commodified care-work sector. The Italian state is only recently formally acknowledging this trend, the way in which it ties it to the Romanian welfare state policies that for better or worse liberate their women to participate in paid forms of care-work abroad. As the section on European transnational fathers will show, these trends in the life and labor of women are far from irrelevant to men. The matter of welfare states gendered care regimes impact upon the transnational work-life, or work-care balance opportunities of transnational fathers, whether they stay home to care for children, or migrate and depend on female substitute care arrangements for the wellbeing of their children in their home countries.

b. The Transnational Labor Market

Market forces are presented here to refer to the impact on labor sectoral trends on the capacity to care in transnational families. It is the least deeply theorized of the three elements this dissertation lays out. At its core, it refers to the ability to succeed in balancing the productive and reproductive responsibilities of transnational parents in different fields of more or less formal migrant employment. Studies have found that human and social capital resources as well as labor market characteristics serve as key factors for job search and labor market integration among cross border commuters in the CEE – EU transnational labor market.¹⁹⁴ Other studies have highlighted the role of ‘obscure European law’ in opening Europe’s labor markets. Particularly tensions arose upon the EU enlargement waves between local workers and EU citizen posted workers in various member states, particularly in the United Kingdom. All over Europe, worker posting is becoming a standard way for employers in some industries to access cheap, unregulated labor. This transnationalization of labor markets deeply influences the trajectories of national political economies.¹⁹⁵ As Chapters III and IV highlight, the conditions of and social and political reactions to transnational migrant labor for example in the construction and domestic care work sectors, are also reshaping the face of care and parenting in the European community.

The common feature about them is that they influence people’s migratory status, citizenship rights, labor market participation, social entitlements, mobility, the right to care and be cared for and cultural and gendered norms regarding the notion of appropriate care and “good

¹⁹⁴ Verwiebe, Roland, Christoph Reinprecht, Raimund Haindorfer, and Laura Wiesboeck. 2015. “How to Succeed in a Transnational Labor Market: Job Search and Wages among Hungarian, Slovak, and Czech Commuters in Austria.” *International Migration Review* 51 (1) (July 16): 251–286.

¹⁹⁵ Lillie, Nathan. 2011. “European Integration and Transnational Labor Markets.” In *Transnational Europe*, 113–129. Palgrave Macmillan, London. https://link.springer.com/chapter/10.1057/9780230306370_7.

parenting”. It is important to account for the distributive effects of various sectors of a now globalized labor market and how it orders and organizes reproductive and productive work within families. Often these market dynamics circumvent the states’ or the supra-national entity’s regulatory power.

It is also important to reiterate that people’s situation within any iteration of institutional regimes will vary according to other key structural factors such as, gender, class, age, ethnicity and their various roles and positions in the transnational family. As stated by Boehm, transnational family positions are “indeed riddled with difficult decisions, ambivalent emotions, and multiple negotiations in the face of limited options”¹⁹⁶.

This dissertation seeks to fill an essential gap in the literature by engaging legal scholarship in transnational family studies by turning attention towards the structural conditions which migrant families navigate on a daily basis. Paying attention to how structural forces shape motherhood, fatherhood and childhood leads to more nuanced normative assessments of transnational family arrangements. In general, it is fair to say there is a need for policy development to support safe mobility for children, women and other vulnerable migrant groups, and a need to recognize that access to and experience with migration is highly gendered.¹⁹⁷ Avoiding punitive measures and stigmatization is one way to increase the coping mechanisms of transnational parents and children. There is also room for providing some institutional support and stability for family members left behind to maximize the benefits of migration. However, policymakers need to recognize their own role in the home and host societies in generating and maintaining transnational family arrangements. Mere facilitation of transnational family life runs the risk of promoting it as opposed to addressing systemic

¹⁹⁶ Boehm, Deborah A. 2008. “‘For My Children:’ Constructing Family and Navigating the State in the U.S.-Mexico Transnation.” *Anthropological Quarterly* 81 (4) (December 25):788

¹⁹⁷ See http://www.migrationdrc.org/publications/misc/Making_Migration_Work_for_Development.pdf

shortcomings that drive families into undesired prolonged separation. To support such efforts, transnational family research needs include key institutional factors in its analysis on family relations.

Thinking through the various institutional regimes that impact transnational family life - and therefore must be added to the analytical framework - has drawn extensively from social science scholarship. In sequence, this thesis addresses the collective impact of the various laws of the transnational family to examine the way the right to family life and family law is shaped by transnationalization.

c. Transnational Family Law

This concept will be further introduced in the following sub-chapter and applied in the case study. It describes the various fields of law – on national and EU levels – that in explicit and direct, or implicit and indirect ways, have the potential to regulate the transnational family: traditional family law; welfare, tax and labor law; other legal rules like gender non-discrimination.¹⁹⁸

2.6. Transnational Families: Remodeling Family Law

Although individual and social contexts may differ widely, much of the tension in the lives of transnational families comes from normatively reinforced assumptions about family life and

¹⁹⁸ See more in: Halley, Janet. “What Is Family Law?: A Genealogy Part I.” *Yale Journal of Law & the Humanities* 23, no. 1 (May 8, 2013)

‘good parenting.’ This is especially relevant to tracing the gap between transnational family life as a lived experience and the boundaries and limits of the discipline of family law. For instance, parent-child relationships in transnational households are commonly viewed through the traditional confines of family law that do not represent the multiple forces ordering the daily functioning and labor division in the transnational family. This legal disparity forces transnational families to navigate in the shadow of overlapping structural regimes on the state and supranational levels.

A useful methodological approach to navigating transnational parent-child relationships comes from the “Undoing Family Law Exceptionalism Project” that emerged from a collaboration of scholars from American University, Washington College of Law’s Women & International Law Program and the Harvard Law School Program on Law and Social Thought.¹⁹⁹ This movement demonstrates how several fields of public and private law include family targeted provisions that directly shape the functioning, forms, and bargaining dynamics among family members within households.

Family Law here is understood a contained discipline in its own to legal field. Alternative and more accurate approaches have been adopted to combat this notion. For instance, Janet Halley et al describe a four prong typology of family law (FL): FL 1 the traditional formal family law governing marriage, divorce, custody etc; FL 2 explicit family targeted provisions (such as welfare, tax. Labor law); FL3 legal rules that contribute to the functioning of family

¹⁹⁹ For more please see: Shalleck, Ann. "Introduction Comparative Family Law: What is the Global Family? Family Law in Decolonization, Modernization and Globalization." *American University Journal of Gender Social Policy and Law* 19, no. 2 (2011): 449-458.

life (i.e. gender non-discrimination etc.) but do it silently; and FL 4 non-codified, informal norms and practices.²⁰⁰

In particular, welfare regimes and family care giving policies directly order the status of husbands, wives, and children and in some cases, other guardians, who provide primary care. As Hila Shamir puts it “welfare law reshuffles the boundaries between the labor market, the welfare state and the family in providing individual and familial welfare and social security [...],”²⁰¹ consequently affecting the division of labor within the household. In this context, the main driver for migration is welfare maximization for both mobile and immobile members.

As the Family Law Exceptionalism project shows us, family law’s traditional boundaries continue to lay claim to the legitimate contours of what the family ought to look like, even though there is no commonly accepted definition of the family and mobility further obscures our understanding of family life. This line of thought suggests a useful shift of focus from the “family” to the “household,” with numerous implications for research and policy. By diverting from the often negative public discourse surrounding migration and family life, it challenges the traditional boundaries of family law and suggests an understanding of the institution of the family through the functions preformed within a transnational household as well as through its interaction with the institutions of the labor market and the welfare state.

²⁰⁰ See more in: Halley, Janet. “What Is Family Law?: A Genealogy Part I.” *Yale Journal of Law & the Humanities* 23, no. 1 (May 8, 2013)

²⁰¹ Hila Shamir “The State of Care: Rethinking the Distributive Effects of Familial Care Policies in Liberal Welfare States *The American Journal of Comparative Law* Vol. 58, No. 4, CRITICAL DIRECTIONS IN COMPARATIVE FAMILY LAW (FALL 2010), 954

These insights are also useful insofar as they pave the way to map the family law shift from the idea of ‘family’ to the idea of ‘household.’²⁰² The Family Law Exceptionalism project shows that family and family law are often treated as occupying a unique and autonomous domain - as exceptional - and for a wide variety of reasons based on cultural and political assumptions and loaded with normative consequences: claims that “family law *should* be different because of the unique, special, crucial, affective, altruistic, social-ordering of the relationships that it houses.”²⁰³ The focus to guide these social and legal relationships, therefore, shifts from the family to the household.

This distinction becomes necessary to avoid that an artificial segregation of family law from other branches of law would incorrectly map the distributive functions of the household and the economic maintenance and survival of the household. The FLE project, therefore, applies an economic family paradigm to family decision-making by tying the etymology of both ‘economy’ – as household management – and ‘family’ – as members of a same house(hold).

In depth qualitative and ethnographic studies have traced how motherhood, fatherhood and childhood as well as alternative parenting arrangements evolve and change in the face of prolonged separation. Health and personal relationships can become strained and damaged by long and frequent absences especially when parents and children are separated for extended periods. Importantly, these studies explain how family life is redefined in the

²⁰² Haidinger helpfully elaborates on the household as a place of reproductive labor, a flexible unit that includes a broader circle of members beyond the nuclear family; and migration can be seen as a household maintenance strategy. See more: Bettina Haidinger, 2008. “Contingencies among Households: Gendered Division of Labour and Transnational Household Organization—The Case of Ukrainians in Austria.” In *Migration and Domestic Work: A European Perspective on a Global Theme*, edited by Helma Lutz, 127–44. Studies in Migration and Diaspora.

²⁰³ Janet Halley and Kerry Rittich (2010).

absence of proximity and its implications for individuals and societies.²⁰⁴ As such, the dominant social approach to the subject of transnational household highlights both the opportunities and the darker side of living ‘mobile lives.’

Finally, the study of transnational family, therefore calls for a revision of the concept of “care”: not as to its normative substance, but as to the manner in which rights and obligations *are* and *can be* performed in the context of transnational families. The idea of “care” has long been acknowledged as the central function of family life, both socially and normatively reinforced. Care is a central function of the family and especially in the context of transnationalism as it reinforces belonging and lends legitimacy to the family unit especially in times of physical separation.²⁰⁵ Socially, the sense of familyhood is related to the various caregiving activities associated with “doing”, or “displaying” family,²⁰⁶ in both transnational and non-migrant families. From the perspective of law however, it is not that families become transnational, but rather that they transnationalize their households by dividing production and reproduction across borders. This separation is characterized by constant

²⁰⁴ Joanna Dreby, “Children and Power in Mexican Transnational Families,” *Journal of Marriage and Family* 69, no. 4 (November 1, 2007); Rhacel Salazar Parrenas, “Mothering from a Distance: Emotions, Gender, and Intergenerational Relations in Filipino Transnational Families,” *Feminist Studies* 27, no. 2 (n.d.): 361; Pierrette Hondagneu-Sotelo and Ernestine Avila, “‘I’M HERE, BUT I’M THERE’ The Meanings of Latina Transnational Motherhood,” *Gender & Society* 11, no. 5 (October 1, 1997): 548–571; Elisabetta Zontini, *Transnational Families, Migration and Gender: Moroccan and Filipino Women in Bologna and Barcelona*, 1 edition. (New York: Berghahn Books, 2011); Loretta Baldassar, Cora Vellekoop Baldock, and Raelene Wilding, *Families Caring Across Borders: Migration, Ageing and Transnational Caregiving*, 2007 edition. (Basingstoke {England ; New York: Palgrave Macmillan, 2006).

²⁰⁵ Baldassar, Loretta, and Laura Merla. *Transnational Families, Migration and the Circulation of Care: Understanding Mobility and Absence in Family Life*. Routledge, 2014.

²⁰⁶ David H. G. Morgan, “Locating ‘Family Practices,’” *Sociological Research Online* 16, no. 4 (2011): 14; Janet Finch, “Displaying Families,” *Sociology* 41, no. 1 (February 1, 2007): 65–81,

shifts and alterations based on negotiations between members of the household (often entailing non-family members, ie: caregivers),²⁰⁷ their needs, and bargaining powers.²⁰⁸

An example of this struggle can be seen in the following chapter which describes how EU regulation and jurisprudence attempts to balance often competing interests of the right to free movement and the right to family life. The issue of social rights, especially the transferability of benefits for non-cohabiting children of certain migrant workers; and all of these domestic and supranational frameworks constantly interact with market dynamics²⁰⁹. Care obligations and rights also intersect with the welfare and care regimes of the nation states that transnational family members inhabit.²¹⁰ This further problematizes the public-private divide of family law and policy and shows that care is not merely a private concern, but is embedded in the broader political context of migration and transnational labor consequently family policy and law must also account for this transnational turn.

²⁰⁷ See for example a similar discussion: Hila Shamir, What's the Border Got to Do with it? How Immigration Regimes Affect Familial Care Provision - A Comparative Analysis *American University Journal of Gender, Social Policy, and the Law*, Vol. 19, No. 2, p. 601, 2011

²⁰⁸ Classic example: one, or both parents migrating for work while other parent/relative/alternative care-giver preforms care-work (paid or unpaid).

²⁰⁹ "Free Movement of Persons | Fact Sheets on the European Union | European Parliament."

<http://www.europarl.europa.eu/factsheets/en/sheet/147/free-movement-of-persons>; d'Addio, Anna Cristina, and Maria Chiara Cavalleri. "Labour Mobility and the Portability of Social Rights in the EU." *CESifo Economic Studies* 61, no. 2 (June 1, 2015): 346–376. doi:10.1093/cesifo/ifu014. ; "A Comparative Analysis of the Portability of Social Security Rights within the European Union." <https://www.bath.ac.uk/publications/a-comparative-analysis-of-the-portability-of-social-security-rights-within-the-european-union/>.

²¹⁰ See for example in: Hila Shamir (2010); for an overview of comparative family policy see: John Eekelaar and Rob George, eds., *Routledge Handbook of Family Law and Policy*, 1 edition. (Abingdon, Oxon ; New York, NY: Routledge, 2014), chap. 6.1.

3. TRANSNATIONAL FAMILY LIFE IN THE EUROPEAN UNION

Transnational family formation in Europe, and worldwide, is tied to economic and political trends in the region's history. This chapter provides a brief overview of the history of European transnationalism before turning the attention to the unique nature of transnational families in the European Union. It will describe the institutional background of welfare regimes and the EU's own conflicting policies in the conflicts of work and family life experienced in transnational households.

3.1. A Brief History of Migrant Transnationalism in Europe

In the contemporary sense, transnational families are families that have members in more than one of the 195 nation states of the world²¹¹. However, it is important to note that both kinship – early forms of family – and migration have been a part of human society since its earliest forms. As a recent, comprehensive historic study of European transnational and transregional families suggests “transregional families as a response to geographical inequalities in resources and opportunities began, at the least, in the Neolithic and developed their basic strategies of assistance and moving in the metal age.”²¹² The next three thousand years have been a story of acceleration and massification of this phenomenon with different patterns. Both the family as a social unit and mobility a part of the human condition far

²¹¹ Referring here to the fact that there are 195 countries in the world today. This total comprises 193 countries that are member states of the United Nations and 2 countries that are non-member observer states: the Holy See and the State of Palestine. <http://www.worldometers.info/geography/how-many-countries-are-there-in-the-world/>

²¹² Johnson, Christopher H., David Warren Sabean, Simon Teuscher, and Francesca Trivellato, ed. 2011. *Transregional and Transnational Families in Europe and Beyond: Experiences Since the Middle Ages*. 1 edition. New York: Berghahn Books., pg 38

predated the notion of nation-state as an administrative unit that roughly dates back to five centuries ago²¹³. In the context of transnational family migration, the state is the one that, in fact, is the more contemporary construct.

In Europe, the phenomenon of transnationalism coincides with the rise of the nation-states following centuries of regional conflicts. Coupled with the intensification of European trade and colonialism around the world, European nation-states became the engines that propelled societal life into a transnational sphere for over the past four centuries. As such, it is not an exaggeration to say that transnational families post-date the formation of European nation-states. Europe's first transnational families were primarily drawn from the nobility and wealthy merchant classes. Inter-marriage across national boundaries was the norm for Western Europe's royal families. Hierarchical class systems mandated that individuals find marriage partners of equivalent social standing to ensure the continuation of nobility and wealth accumulation. Against the backdrop of wars and periods of instability, dynastic marriages were a vital tool for forging strategic geographical alliances and consolidating the political power of Europe's royal families.²¹⁴

Individuals in their marriages as well as their children often found themselves within two competing rather than blended cultures. The idea of the nation offered and enforced locational and cultural loyalties amongst its citizenry. These early elite and privileged transnational families did not constitute a mass phenomenon. While it may not have been care

²¹³ Referring here to the so-called "Westphalian system" in reference to the Treaty of Westphalia (1648). It established a modern system of states that the idea of a nation state was and is associated with. The balance of power, which characterized that system, depended on its effectiveness upon clearly defined, centrally controlled, independent entities, whether empires or nation states, which recognize each other's sovereignty and territory. The Westphalian system did not create the nation state, but the nation state meets the criteria for its component states (by assuming that there is no disputed territory).

²¹⁴ Deborah Cadbury. 2017. *Queen Victoria's Matchmaking: The Royal Marriages That Shaped Europe*. S.I.: PublicAffairs.

that circulated within these transnational elite kin networks, there was certainly a circulation and transmission of power and influence, as well as coordination involving not only intimately personal, but explicitly state interests. The private matters of these transnational families were very much public concern. This is in contrast with contemporary transnational families that enjoy a certain level of state sanctioned respect of and right to privacy.

However, the way families organize themselves across borders and the transmission of welfare in the form of care within the household is very much a concern of the state.

In the centuries that followed, there were different migration waves within and between European countries.²¹⁵ Beyond the movement of noble elites and the subsequent onset of elite migration in the era of European colonialism, for the masses the United States became the first major destination of emigration as a survival strategy. This is pertinent to our analysis of contemporary transnational family practices as evidence suggests that intra-familial communication was the central channel through which information was transmitted and family ties were maintained across great distances. This also helped spur ‘chain

²¹⁵ As Bryceson and Vuorela point out: since the establishment of nation-states, the spatial mobility of mass populations has been closely associated with political border controls and occupational restructuring. Western Europe has witnessed periods of relatively high mobility as well as long periods of relative immobility of its national populations. There were several distinct eras of mobility: first, the relative immobility of pre-industrial Europe where mobility was an elite matter; then the long-distance mass movement of outbound Europeans from 1840-1910. The famines experienced in Ireland during the late 1840s, launched the transatlantic exodus of tens of thousands of tenant farmers. The Scandinavian countries of Norway, Sweden and Denmark evidenced a similar pattern but not in such volume. Southern European migration started a decade or more, peaking in the first two decades of the 20th century. The period of wars between 1910 and 1950 put significant checks on European mass movement. The reactivation of mass mobility and its reorientation towards rather than away from Europe started from the 1950's onwards. (See more in Bryceson and Vuorela. 2002., pp. 31-59). As the countries of Europe recovered from World War II, they again became attractive destinations for migration, especially from developing countries. Technological improvements in land and air travel decreased the cost of migration. The 1950's and 60's were hallmarked by various waves of guest worker migrations (see for example transnational guest worker corridors between Germany and Turkey). Many workers from former colonies of European powers migrated to Europe in search of work, facilitated by pre-existing ties between the imperial countries and their colonies. These migrant groups included Indians, Pakistanis, and West Indians who moved to England, and Vietnamese, Cambodians, Algerians, Tunisians, Moroccans, and other Africans who migrated to France. The previous pattern of migration seen during the colonial period was reversed. This led to major social and demographic changes in European countries that were experiencing the effects of growing multicultural societies. This coincided with the gradual expansion of the European Union and its promotion of freedom of movement making internally mobile EU citizens, out of the former “migrants” from the Central and Eastern European regions.

migration'. During the mid 1800's and early 1900's migrants already settled in the United States sent letters through the postal services or word-of-mouth messages with go-betweens containing general information about living conditions, employment prospects.²¹⁶ Around this time, remittance sending also had its early forms. After finding jobs, some migrants were able to save sufficient sums of money to pay for the immigration of relatives to follow, or help them in times of acute financial distress²¹⁷. The need for help in finding housing, work or farmland in unfamiliar surroundings using a foreign language, and the lack of other institutional support, led most migrants to rely heavily on family relationships in the settlement process.

The two World Wars put a significant damper on voluntary migration, both transatlantic and regional. Ultra-nationalism, Nazism and fascism promoted 'cultural purity' rather than 'cultural blending'. Ethnic groups were "othered" and considered a risk to the "nation" and those with any known, operative transnational family ties, notably Jews, were highly suspect. Even moderate governments were enacting policies promoting isolationism rather than international migration. Economic emigration significantly decreased in the 1920s and virtually disappeared in the 1930s with the emergence of fascist regimes. The war brought about mass displacement in Europe of unprecedented scale (an estimated that 40 million Europeans were displaced between 1940 and 1945).²¹⁸

In the post-war era, Western Europe began opening up to multiculturalism and transnationalism during the latter half of the 20th century. European countries, having

²¹⁶ For example, the short-term emigration patterns of Dutch to Wisconsin in the United States, these consisted of roughly 2-3 year waves which corresponded to the time frame of information exchange between the continents, informing potential new waves of Dutch migrants. Saueressig-Schreuder, Yda. 1985. "Dutch Catholic Emigration in the Mid-Nineteenth Century: Noord-Brabant, 1847–1871." *Journal of Historical Geography* 11 (1) (January 1): 48–69.

²¹⁷ For example see US remittances during the Irish famine See: Woodham Smith, C. *The Great Hunger: Ireland 1845-9*, Great Britain, Hamish Hamilton, 1977 (1962)

²¹⁸ "75 Years of Major Refugee Crises around the World." 2015. *Washington Post*. <https://www.washingtonpost.com/graphics/world/historical-migrant-crisis/>.

experienced net emigration for the better part of the two preceding centuries, now witnessed a rising tide of immigration²¹⁹. Between 1950-75 various European countries actively encouraged immigration especially labor migration and guest worker programs. Subsequently, (roughly between 1975-90) immigration laws for labor-recruitment became tighter, but rules around family reunification and political asylum were relaxed²²⁰. From the 1990s to the present, the supply of potential migrants has surged and European immigration has become a hotly contested public issue with strong political lobbies on either end of the pros and cons spectrum, only exacerbated by the recent so-called “European Migrant Crisis” of 2015.²²¹

²¹⁹ As the countries of Europe recovered from World War II, they again became attractive destinations for migration, especially from developing countries. Technological improvements in land and air travel decreased the cost of migration. The 1950's and 60's were hallmarked by various waves of guest worker migrations (see for example transnational guest worker corridors between Germany and Turkey). Many workers from former colonies of European powers migrated to Europe in search of work, facilitated by pre-existing ties between the imperial countries and their colonies. These migrant groups included Indians, Pakistanis, and West Indians who moved to England, and Vietnamese, Cambodians, Algerians, Tunisians, Moroccans, and other Africans who migrated to France. The previous pattern of migration seen during the colonial period was reversed. This led to major social and demographic changes in European countries that were experiencing the effects of growing multicultural societies. This coincided with the gradual expansion of the European Union and its promotion of freedom of movement making internally mobile EU citizens, out of the former “migrants” from the Central and Eastern European regions.

²²⁰ See more: Hansen, Randall. 2004. “Migration to Europe since 1945: Its History and Its Lessons.” *The Political Quarterly* 74 (January 12): 25–38. doi:10.1111/j.1467-923X.2003.00579.x.; Mol, Christof Van, and Helga de Valk. 2016. “Migration and Immigrants in Europe: A Historical and Demographic Perspective.” In *Integration Processes and Policies in Europe*, 31–55. Springer, Cham. doi:10.1007/978-3-319-21674-4_3. https://link.springer.com/chapter/10.1007/978-3-319-21674-4_3. ; König, Reinhilde Sotiria, and Marina de Regt. 2010. “Family Dynamics in Transnational African Migration to Europe: An Introduction.” *African and Black Diaspora: An International Journal* 3 (1) (January 1): 1–15. doi:10.1080/17528630903368232. ; Martin, Philip L., and Mark J. Miller. 1980. “Guestworkers: Lessons from Western Europe.” *Industrial and Labor Relations Review* 33 (3): 315–330. doi:10.2307/2522569.

²²¹ The European migrant, or refugee crisis refers to the mass migratory event beginning in 2015 when rising numbers of people arrived in the European Union (EU), predominately from war and poverty ridden regions in the Middle East and Africa, travelling across the Mediterranean Sea or overland through Southeast Europe. It is part of a pattern of increased immigration to Europe from other continents which began in the late 20th century and which has encountered resistance in many European countries. Although not a subject of this dissertation the political and normative maneuvers surrounding the crisis, the consequent rise of political populism and isolationist, ethno-nationalist social and migration policies deserve a mention. These developments threaten to adversely impact the unity of the European Union (see Brexit and the anti-immigration rhetoric that was instrumental to that campaign); international refugee rights system, but also potentially damage the internal free movement system of the European Union. The increasing of border control measures, generalized xenophobia and talk of curbing social protections for non-citizens may well spill over to effect EU citizens and their families working and living in a member state other than their home country. For more on the corrosive effects of the handling of the “migrant crisis” see for example: Lendaro, Annalisa. 2016. “A ‘European Migrant Crisis’? Some Thoughts on Mediterranean Borders.” *Studies in Ethnicity and Nationalism* 16 (1) (May 10): 148–157. doi:10.1111/sena.12169.; Holmes, Seth M., and Heide Castañeda. 2016. “Representing the ‘European Refugee

Along the way the notion that families belong to one nation state has been increasingly given way to the reality and pressures of globalization from below and above.²²² Among the well-known transnational entities from firms and states such as the European Union we are increasingly becoming aware of the prevalence of transnational families. In general, transnational family formation in Europe and indeed worldwide has remained strongly tied to economic and political trends in Europe's history. As such, the families depicted in this dissertation are not taken from the small segment of highly mobile, wealthy global elites. Instead, most of the existing sociological studies examine transnational families who are struggling to make ends meet and migrating out of economic necessity. They navigate global capitalism and national boundaries – both physical and normative – by creatively configuring their own semi-formal welfare systems of mutual assistance.

Family and spatial belonging signified by the home, or household, used to be synonymous. In ancient Rome belonging to the household of and owned by the *pater familias*²²³ including not merely woman and children, but also slaves and livestock. Through its many evolutions the sense of family being those related to each other and living under the same roof²²⁴ suggests that common domicile continues to be crucial. One might turn the notion of “roof” to mean nationality. Certainly mirrored in the case of the welfare state regulating benefits in accordance with habitual residence. For transnational families the same roof, or living within the same nation has given way to maintaining family life in a transnationalized household. In fact most “one-nation” families live in an inherently transnationalized environment of the

Crisis' in Germany and beyond: Deservingness and Difference, Life and Death.” *American Ethnologist* 43 (1) (January 18): 12–24. doi:10.1111/amet.12259.; Goodman, Simon, Ala Sirriyeh, and Simon McMahon. 2017.

“The Evolving (Re)Categorisations of Refugees throughout the ‘Refugee/Migrant Crisis.’” *Journal of Community & Applied Social Psychology* 27 (2) (February 24): 105–114. doi:10.1002/casp.2302.

²²² Beck, Ulrich, and Elisabeth Beck-Gernsheim. 2014. *Distant Love*. 1 edition. Cambridge, UK: Polity.

²²³ In Roman Law, the *pater familias*, was the head of a Roman family, a roman citizen, the oldest living male in a household, and exercised autocratic authority over his extended family. The term is Latin for “father of the family” or the “owner of the family estate”.

²²⁴ Mitterauer, Bernhard; Sieder, Reinhard. 1980. *Vom Patriarchat zur Partnerschaft. Zum Strukturwandel der Familie*. München: 2/Beck, München 1980. pg 19

European Union without ever migrating. The transnational family with members dispersed across borders and the one-nation family are merely two ends of a spectrum.²²⁵

3.2. The Transnationalism of the European Union – CEE Context

From the structural perspective, at the core of the differences between EU transnational families – those comprised of European Union citizens - and transnational families around the world, is that EU transnational families operate within the inherently transnational social, political and economic space of the European Union.²²⁶

²²⁵ Ulrich Beck describes this spectrum using the term “world families” explaining that this continuum includes many intermediate, subsidiary and mixed forms. (Beck, pg 17)

²²⁶ See more in: Publications Office of the European Union. 2018. “The European Union : What It Is and What It Does.” Website. January 26. <https://publications.europa.eu/en/publication-detail/-/publication/715cfcc8-fa70-11e7-b8f5-01aa75ed71a1/language-en>.

The European Union (EU) is a political and economic union of 28 member states. The EU has developed an internal single market through a standardized system of laws that apply in all member states. EU policies aim to ensure the free movement of people, goods, services and capital within the internal market, enact legislation in justice and home affairs and maintain common policies on trade, agriculture, fisheries and regional development. For travel within the “Schengen Area”, passport controls have been abolished. A monetary union was established in 1999 and came into full force in 2002 and is composed of 19 EU member states which use the euro currency.

The EU was created by the Maastricht Treaty, which entered into force on November 1, 1993. The treaty was designed to enhance European political and economic integration by creating a single currency (the euro), a unified foreign and security policy, and common citizenship rights and by advancing cooperation in the areas of immigration, asylum, and judicial affairs. The EU was awarded the Nobel Prize for Peace in 2012, in recognition of the organization’s efforts to promote peace and democracy in Europe.

The EU traces its origins to the European Coal and Steel Community (ECSC) and the European Economic Community (EEC), established, respectively, by the 1951 Treaty of Paris and 1957 Treaty of Rome. The original members of what came to be known as the European Communities were the Inner Six: Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany. The Communities and its successors have grown in size by the accession of new member states and in power by the addition of policy areas to its remit. The latest major amendment to the constitutional basis of the EU, the Treaty of Lisbon, came into force in 2009. While no member state has left the EU or its predecessors, the United Kingdom signified an intention to leave after a membership referendum in June 2016 and is negotiating its withdrawal. The European Union provides more foreign aid than any other economic union.[20] Covering 7.3% of the world population,[21] the EU in 2017 generated a nominal gross domestic product (GDP) of 19.670 trillion US dollars, constituting approximately 24.6% of global nominal GDP[22] and 16.5% when measured in terms of purchasing power parity.[23] Additionally, 27 out of 28 EU countries have a very high Human Development Index, according to the United Nations Development Programme. Through the Common Foreign and Security Policy, the EU has developed a role in external relations and defense. The union maintains permanent diplomatic missions throughout the world and represents itself at the United Nations, the World Trade Organization, the G7 and the G20. Because of its global influence, the European Union has been described as an emerging superpower.

They develop further layers of social spaces with their family practices between various member states within this macro social space. This is the layered transnationalism of European transnational families referred to in Chapter II. This supra-level transnationalism means that beyond the normal bilateral normative navigation that the transnational family conducts it must also consider the overarching normative structure of the European Union as it relates to family life and the labor market they are involved in.

There are various ways in which the EU is present in the lives and agency of transnational families: the jurisprudence of the courts of the European Union, its normative framework on the four freedoms, its regulatory power in various fields of labor regulations; along with its human rights norms especially as they pertain to the right to and respect of family life and welfare, to name a few. However, the EU's presence in the lives of individuals is almost always mediated by the relevant member state. Transnational family life will continue to experience supra-national structural forces as they are mediated by the member state of destination (state of employment) and the member state of origin (where dependent relatives, especially children reside). This regulatory overlap has the potential to both constrain and empower members of transnational families.

It would be tempting to simply draw a top down (or bottom up) hierarchy between the individual/family – the state – and the European Union when mapping the relationship between these distinct players. However, there are ways in which more direct relationships can be envisioned between the migrants their families and the institutions of the European Union. In fact, as the EU decides to pay more attention to the problem of balancing work and family life in the context of transnational migration, various initiatives, programs and funds may become available as a source of support for transnational families. Examples include the EU deciding to get directly involved in transnational family research, policy drafting though

initiatives and funding, similarly funding support systems (NGOs etc...) in various member states that aim to protect and help transnational parents and children navigate family life during times of separation.²²⁷

The EU represents one in a series of efforts to integrate Europe since World War II. At the end of the war, several western European countries sought closer economic, social, and political ties to achieve economic growth and military security and to promote a lasting reconciliation between former adversaries²²⁸. The result of these efforts culminated into an increasingly dense transnational political space at the outset of the twenty-first century²²⁹. Political parties continuously work to intensify their transnational cooperation in policy-making at the European level. Foundations and think tanks organize the exchange of ideas and the transfer of policy concepts across borders. Business associations and trade unions work together and coordinate their responses to comparable globalization pressures. Multinational companies and individual business leaders forge contacts in order to influence the agenda at all levels of governance. More and more non-governmental organizations develop transnational links that are usually more intensive within the European Union, even

²²⁷ As elaborated in Chapt IV

²²⁸ “European Union | Definition, Purpose, History, & Members.” 2018. *Encyclopedia Britannica*. Accessed 2017 May 15. <https://www.britannica.com/topic/European-Union>.

²²⁹ The unique nature of European Union’s transnationalism has received insufficient attention and theorization from social scientists. Wolfram Kaiser and Peter Starie explain in their Introductory chapter on the transnational political space of the EU that: “transnational European-level associations are very heterogeneous and usually formulate policy at the lowest common denominator (Greenwood, 2003:75–85). As was first shown by Wayne Sandholtz and John Zysman (1989), it was the largely informal European Round Table of Industrialists (ERT) and individual, transnationally connected business leaders not business associations who successfully pushed for the Single Market Programme. At the same time, transnational actors develop multiple links with governmental actors at all levels in order to influence European policy-making. This includes representatives of the member states in the Council of Ministers, not just the European Commission and the European Parliament (EP).” Beyond political actors and networks, there are their associated think tanks and foundations, which undertake extensive transnational activities. In her chapter, Dorota Dakowska analyses how NGO’s use their image as publicly funded, but functionally independent, foundations act as ‘go-betweens’ between state institutions and non-governmental organizations. See more in: Kaiser, Wolfram, and Peter Starie. 2005. *Transnational European Union: Towards a Common Political Space*. Routledge.

if they often extend beyond its borders to the wider world. To a large extent, this process of transnationalization has been induced by European constitutionalization, which not only results in new opportunities for transnational actors to influence policy-making at the European level, but also expands the scope for cross-border exchanges, transnational socialization and policy transfer below the EU level.

Nonetheless, European transnationalization does not only result from further supranational integration. It also has its roots in the long term historical, socio-economic and cultural similarities of European states and societies and transnational links. An example of this is the significant influence of transnationally constituted social institutions like the Catholic Church. In this sense, up to a point, this process of growing transnationalization remains elite driven. Kaiser and Starie make the case that, when compared with other international and transnational formations, the European Union and its institutions are still not particularly suitable or important sites of mass grass roots social action: “Indeed, in some ways global events like the summits of the G-8 appear to be more attractive for transnational protest movements that wish to secure media attention for their causes. In contrast, non-governmental organizations involved in lobbying at the European level usually find it difficult to get their members more interested and involved in EU politics, as they are often more focused on global questions of poverty or environmental pollution, for example. Nevertheless, transnationalization at the elite level appears to be embedded in a more profound process of incipient European society formation, which increasingly engages more and more European citizens, and does so in a variety of ways. These include, for example, expanding educational exchanges and mass tourism. The formation of a European society is

also reflected in increasing numbers of inter-marriages and dual citizenship across member states.”²³⁰

3.3. Institutional Context of Transnational Families in CEE

European family life is inevitably embedded in these processes of transnationalism. The creation of the integrated, transnational market of the EU necessitates the coordination of rights and social entitlements of migrant workers and families. EU citizens naturally migrate to seek better enjoyment of their rights, which can be crucial for founding and maintaining a family. Instead of focusing on the much-debated topic of non-EU citizen’s migration to the EU, this dissertation focuses on the less theorized transnational families of EU citizens from member states that are part of the Central and Eastern European region (CEE) making use of free movement and open borders.²³¹ This specific type of migration is characterized by labor mobility within the European Union, with some members of the family migrating for work while others are left behind for increasingly longer stretches of time²³². The present research also unpacks some of the significant background institutional context to understand how gender biases and welfare needs are manifested in the shadow of transnationalism.

²³⁰ Kaiser, Wolfram, and Peter Starie. 2005, p 1.

²³¹ Most of the existing research is financed and conducted by independent, non-governmental organizations such as the Soros Foundation’s work on children left behind in Romania; Norwegian and Swiss institutions and some EU initiatives; See for example: <http://www.childrenleftbehind.eu/become-a-member/> ; COFACE Families Europe <http://www.coface-eu.org/>

²³² Generally in migration research a year of absence is what counts as longer term separation, applying the same approach here To this I add that the absence may be punctuated by periodic visits which are generally easier and more affordable within the Euroepan Union for EU citizen labor migrants, when compared to their counterparts from the Asia-Pacific region, Africa or the routes between South and North America.

The CEE region has undergone significant demographic transformations since the fall of the Soviet Union allowing for greater mobility. The consequent emergence of a transnational family model in Europe was accelerated by the ‘Eastern enlargement’ of the European Union during its 2004 and 2007 accession waves.²³³ Both the shocks of the neo-liberal restructuring of the former Eastern Block countries – the consequent retreat of the welfare state²³⁴ – as well as the global economic crisis of 2008 and its aftermath have been significant push-factors for migration among CEE households.

As mentioned in Chapter II of this dissertation, gender and welfare regimes are overlapping structural forces regulating household division of labor and impacting care arrangements within transnational families. They must be part of any analysis on transnational parenting. Such distinctions in migration patterns and care structures independent of migration are important to note when examining migration-induced care arrangements, as there is no uniform pattern of care that exists or works for all migrants.

The Relevance of Welfare Regimes

Welfare regimes are important components in mapping the system of transnational welfare established by transnational families care practices. In fact, by navigating parenting and care-

²³³ These accession waves largely involved countries joining the European Union from the CEE region. Specifically in 2004: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia (also Malta and Cyprus from the Southern regions) and in 2007: Romania and Bulgaria. See in: “EU Enlargement - Consilium.” 2018. Accessed June 20. <http://www.consilium.europa.eu/en/policies/enlargement/>.

²³⁴ Solidarity in Struggle Solidarity in struggle: feminist perspectives on neoliberalism in East-Central Europe (ed. Eszter Kovats, 2016, Friedrich-Ebert-Stiftung) Authors: Aniko Gregor, Andrea Czervan, Kata Amon, Lubica Kobova previous students of the Department of Gender Studies

giving across borders, these transnational families bring into contact two welfare states and care regimes in previously unexplored ways. This most intimate part of public policy – welfare, family and social policy – is thus teased out of its domestic shell within these transnational households, by the private care practices of its members. Scholars have long debated whether post-communist welfare states of Central and Eastern Europe can be classified within the Esping-Andersen system of welfare types regimes, or if they form a distinct group of their own. Several studies have insisted that the start of the twenty-first century saw clear differences in the governmental programs and the social situation between traditional Western welfare states and post-communist welfare states²³⁵.

Fenger's piece draws some general conclusions about the more developed Post-communist Central and Eastern European welfare states (Bulgaria, Croatia, Czech Republic, Hungary, Poland and Slovakia). He claims that this group of states enjoy a more relaxed economic development, than their former USSR counterparts. They have higher levels of economic growth and lower inflation; the level of social well-being is somewhat higher, which is reflected in the infant mortality and the life expectancy scores. Finally, this group of countries is more egalitarian than the previous group.²³⁶ Finally he adds: "In general, the level of trust, the level of social programmes and social situation in the post-communist countries are considerably lower than in the other countries. The subgroup of Central and Eastern European post-communist countries most closely resembles the Western countries."²³⁷

²³⁵ See for example: Fenger, Dr H. J. M. 2007. "Welfare Regimes in Central and Eastern Europe: Incorporating Post-Communist Countries in a Welfare Regime Typology, Contemporary Issues and Ideas." In *In Social Sciences*, August 2007. Available Online: [Http://Journal.Ciiss.Net/Index.Php/Ciiss/Article/ViewFile/45/37](http://Journal.Ciiss.Net/Index.Php/Ciiss/Article/ViewFile/45/37) Ferlie E., Ashburner. University Press. - The article argues that the welfare states in post-communist countries might be subdivided into three groups: (1) a group of former-USSR countries, including Russia and Belarus; (2) a group of rather successful Central and Eastern European countries including Poland and the Czech Republic, and (3) a group of developing welfare states, consisting of Romania, Moldova and Georgia.

²³⁶ Id at 24

²³⁷ Id at 25

Though welfare state typologies in the CEE region are not neatly divided.²³⁸ the political and economic transition of the political transformation of the post-soviet era dismantled much of the formerly very powerful care structures of the welfare state. Within the CEE region this became a significant problem for a large number of women, because they are under-paid professional or unpaid in the household, and they are carrying out the caring and reproductive tasks that the state has withdrawn from. They were the primary users of the various welfare services of the socialist era. They were the ones who worked in the care-sector as an occupation. As resources are increasingly extracted from at home care-work; public education (increasing demands for private education and home schooling) and health care, it will be women – especially mothers – who will have to step into more and more welfare/care roles²³⁹.

²³⁸ I do have to mention Kasza's criticism of the idea of neatly divided, distinct welfare state regimes. Mostly because his criticism neatly maps the kind of layered and overlapping picture of Family Law that we gained in Chpt XXX from the FLE movement. Beyond that, although Kasza does not allude to this, but this approach helps us in beginning to think about the impact of European Union's impact on welfare state regimes, specifically how the social policy of the EU shapes and burrs the contours of any neat welfare regime typology.

"He argues that most countries "practice a disjointed set of welfare policies due to the following typical features of welfare policy making: (1) the cumulative nature of welfare policies, (2) the diverse histories of policies in different welfare fields, (3) the involvement of different sets of policy actors, (4) variations in the policymaking process, and (5) the influence of foreign models" (Kasza 2002). First, Kasza argues that each regime consists of a variety of welfare programmes: housing, health, pensions, unemployment benefits and so on. Today's welfare policies are the cumulative work of different governments and different forms of governance, and they represent responses to a variety of historical circumstances. As a result, few policies are likely to reflect any one set of practical concerns or ideologies (Kasza, 2002: 273). Next, because these policies have different histories, "the likelihood that they will somehow form a coherent 'regime' is low from the start and becomes increasingly less probable as a country's policies multiply and age" (Kasza, 2002: 277). Thirdly, policy processes in the welfare area are not necessarily linked to each other. The policy arena in the health area consists of a totally different group of public, non-profit and private actors than for instance in the employment policies domain. Policies formed by diverse bodies of officials and subject to the demands of different pressure groups are likely to show different institutional characteristics and policy outcomes. Fourth, different policy domains might have different policymaking characteristics. This depends on the culture in the bureaucracies and policy arenas that deal with the field, but it also follows from different formal procedures, like the consultation of advisory boards. Finally, the diffusion and transfer of policy ideas from other countries might blur the pureness of the welfare regimes, making it unlikely that distinct, coherent regimes will emerge (Kasza, 2002: 277-280)."²³⁸

See in full in: Kasza, G.J. 2002. The Illusion of Welfare 'Regimes'. *Journal of Social Policy* 31 (2):271-287.

²³⁹ See more: "Why the War on 'Gender Ideology' Matters – and Not Just to Feminists." 2018. *Your Site NAME Goes HERE*. <https://visegradinsight.eu/why-the-war-on-gender-ideology-matters-and-not-just-to-feminists/>; Grzebalska, Weronika, Eszter Kováts are scholars working on gender issues from various disciplinary perspectives They collaborated together on the volume "Gender as Symbolic Glue The position, Role of Conservative, and articles < far right parties in the anti-gender mobilizations in Europe" >. 2017. "Gender as Symbolic Glue: How 'Gender' Became an Umbrella Term for the Rejection of the (Neo)Liberal Order."

The welfare state views the family and the household as the essential nucleus of society and the local economy. There is a deep interdependency between state and family and the transnationalization of households - the spreading of separation of reproduction and production across more than one state – seems to challenge this relationship. For example, say Italy, Austria and Germany open up their immigration and labor market to attract migrant domestic caregivers to fill the reproductive needs of local households given increasing female labor market participation. Consequently households in the Eastern-bloc of the EU (for example Romania) answer by rearranging household divisions of labor as women, often mothers themselves, migrate for work. Families become transnationalized which in turn impacts the welfare states and family policy responses of the sending countries.

The paradox is striking. The state's fragmented and compartmentalized approach to migration control labor and family policy has led to unexpected results. In the case of domestic care-work the attempt of many states to exclude these migrants from various formalized avenues to their respective societies and labor markets they managed to push them into the heart of family life in the privacy of employing households where work and social connections are often curtailed from the state. Consequently, even in asymmetrical bargaining positions the migrant worker and the employing household become quite dependent on each other.

Families in these migrant receiving states begin to rely heavily on a steady flow of affordable migrant caregivers who are able to temporarily leave their own reproductive obligations behind, at least physically.

As the dissertation turns to the example of Romanian mothers' migration to Italy, into the care-work sector, Romania's CEE welfare state regime and the way it orients women in the

household and care market will interact with Italy's welfare state structure. Italy traditionally belonged to the Conservative-corporatist type (along with Austria, Belgium, France, Germany, Greece, The Netherlands and Spain). However the Southern-European countries are now considered to form a distinct subtype of the conservative type. Some of the well-known features of the conservative-corporatist type: low female participation, reliance upon social contributions instead of taxes, moderate income redistributions, and rather high levels of unemployment. To this underlying structure came the gradual change in the increasing privatization of care in Italy, the demand for greater female labor market participation and the consequent care deficit in the household, resulting in a private care shortage, which has been filled almost exclusively by migrant women.

The Conflicted Role of EU Policies in Work-Life Balance

The European Union plays a constructive role in shaping transnational family life and household arrangements. The underlying assumption expressed in the dissertation is that transnational families within the European Union enjoy greater quality of family life and related rights due to their EU citizenship and related rights: free movements, right to reside and work in other member states, transferability of social benefits to name a few. Indeed both individual European countries and the EU itself have taken progressive stances in promoting "work-life balance" and gender equality. EU plays a significant legislative and policy role in harmonize domestic laws and policies of its member states in key areas such as: compensated

maternity leave, parental leave for both parents and the prohibition of discrimination against working parents.²⁴⁰

Putting this issue into the broader context of the transnational commodification and mobilization of care as capital, there is a wide spread convergence in Europe of using cash benefits as a way of delivering care services based upon a discourse of ‘choice’ and the use of the private sector to generate cost efficiencies. Thus, contemporary EU measures on gender mainstreaming and work-life balance can be better understood as economic instruments designed to increase the labor participation of high skilled men and women. This neo-liberal tendency in the EU, paired with the afore mentioned overall weakening of domestic social welfare states, wage inequalities give rise to increasingly precarious work across the Union²⁴¹, further marginalizing low-qualified and low-paid workers. This is due both to the structure of such EU measures and the context in which they are deployed.

In fact the EU and its structural reforms to labor regulations and social protection is deeply implicated in the general retreat of the welfare state across Europe. The Union’s stated goal is achieving “fiscal sustainability”, and the facilitation of “market participation” by increasing flexibility in the labor market. The sheltering and risk-averse goals of the post-war European welfare regimes now give way to the need to adapt an ever-greater number of workers to market needs.

Following the dual effects of the 2008 global financial crisis and the 2010 sovereign debt crisis austerity has featured prominently in EU economic governance structures. The European Commission highlighted the need to cut labor costs, reform minimum wage

²⁴⁰ See, e.g., World Economic Forum, *The Global Gender Gap Report 2017*, available at http://www3.weforum.org/docs/WEF_GGGR_2017.pdf; OECD, “Better Life Index for Work-Life Balance”, available at <http://www.oecdbetterlifeindex.org/topics/work-life-balance/>.

²⁴¹ <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/precarious-work>

standards, and dismantle regulatory burdens on firms.²⁴² Thus European policies regarding work-life balance have little to do with the facilitation of the right to family life, or even substantive equality. Instead, these are essentially labor supply policies designed to ensure greater participation in the formal labor market. Much of the burgeoning European domestic care work market for instance remains lacking in basic labor regulations and protections. This prioritizes people as workers only, as agents to broaden the overall tax base and pathologizes their care needs: both to give and receive care. The European Commission in its communication on the new directive on “work-life balance” reveals the true economic objective of these equality measures: putting highly qualified women back to work²⁴³.

These measures prioritize women’s (and men’s) work-life balance related needs only insofar as they are part of the high-skilled, non-commodified labor force. The new proposal on “work-life balance” excludes from legal protection informal workers, most of whom are women working in the domestic and institutionalized care and health service sectors. The men, especially the Polish case, mentioned in this dissertation also fall into the category of low-paid, or “atypical employment” and given the discretion left to EU member states, it is unclear whether some of the new provisions will be applied to workers in “atypical” employment environments.

Though this issue will be further fleshed out in Chapter 4, it is worth mentioning that the EU currently proposes relatively low levels of financial compensation for parental leaves.

²⁴² <http://data.consilium.europa.eu/doc/document/ST-9436-2018-INIT/en/pdf>

²⁴³ According to the European Commission, “[a]cross the European Union, women remain underrepresented in the labor market. The economic loss due to the gender employment gap amounts to €370 billion per year. Women are increasingly well-qualified and more women than men graduate from universities in Europe but many disappear from the labor market due to their responsibilities as parent of as career of family relatives Taking action is not only a question of fairness, gender equality and optimal allocation of skills but also a question of countries’ fiscal sustainability.” See in: European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: An Initiative to Support Work-Life Balance for Working Parents and Carers” (26 April 2017), available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52017DC0252&from=GA>.

Currently, maternity leave is compensated relatively more generously, but paternity leave is already lagging far behind: overall, 17 Member States already meet the proposed minimum of 2 weeks' paternity leave at the time of the child's birth. However, of these countries, only 13 offer 2 weeks of so called "well-paid" paternity leave. Overall there is a great variation among member states. According the above mentioned new proposal, paternity and parental leave should be compensated at the same pay level as sick leave. This will adversely affect low-wage workers, as these benchmarks will make periods of leave unaffordable for them. Given the rise of the gig-economy, precarious and atypical work arrangements are on the rise within and outside of the migration context. Migrant women in the domestic sector may never even benefit from leave policies and migrant men in the low-paid workforce will likely fall out of these protections as well. Thus while their numbers are rising, economically vulnerable workers will continue to face barriers in their access to welfare benefits that subsidize reproduction, childrearing and other dependent care-related needs.

4. TRANSNATIONAL PARENTHOOD IN THE EU – CEE CONTEXT

In the wake of overlapping events of post-socialist transition and the accession waves of CEE countries into the European Union a mass migrant worker population emerged in the region, both as a continuation of long histories of emigration (Poland and Hungary)²⁴⁴ as well as a result of sudden changes in the trajectory of migration (such as in the case of Romania, Bulgaria). This not only altered the demographic landscape of the labor market in the

²⁴⁴ The distinction between destination and sending countries is by no means clear-cut. There is in fact migration to Poland, from Ukraine and to Hungary from Romania, often that of migrant women entering the domestic care sector, in some cases to augment the care deficit of women from Poland and Hungary migrating abroad, or simply taking up full time paid employment in the home country and needing affordable care-workers.

destination countries of older, more developed Western and Southern member states of the EU (i.e. Germany, Austria, UK and Italy); but also resulted in the depletion of the working population in sending countries (i.e., an estimated fifty per-cent decline in Romania).²⁴⁵ Labor migration and family separation within the newly enlarged transnational space of the EU has yielded a new form of transnational family as mentioned before.

As far as selecting the appropriate cases to illustrate contemporary European transnational families and how they reshape parenthood, the dissertation relies on the still nascent social science research in the field. Therefore, a few clarifications on the focus of analysis need to be made.

The dissertation only focuses on the internal transnational labor migration of the European Union and the impact it has on European transnational parenthood. Therefore, it only focuses parental labor migration from Central and Eastern European member states with children left behind in the home countries²⁴⁶. The focus is on specific migratory trends during and after the EU's 2004 – 2013 accession waves. The cases involve lower-skilled migration from the CEE region into the labor markets of older, better-situated EU member states²⁴⁷. EU membership and the principle of free movement of goods, capital, services and people are key to the functioning of these families. Social science research focusing specifically on the case of CEE transnational families is in its infancy and it is heavily inspired by a sense of crisis surrounding the issue of hundreds of thousands of children being 'left-behind' by their parents within the EU. Given the implicit gender bias of the field, the migration of mothers is

²⁴⁵ Glorius, Birgit; Izabela Grabowska-Lusinska, and Aimee Kuvik, eds. *Mobility in Transition: Migration Patterns after EU Enlargement*. Amsterdam: Amsterdam University Press, 2014.; Andr n, Daniela, and Monica Roman. "Should I Stay or Should I Go? Romanian Migrants During Transition and Enlargements." In *Labor Migration, EU Enlargement, and the Great Recession*, 247–269. Springer, Berlin, Heidelberg, 2016.

²⁴⁶ The definition of "child" follows the The **United Nations** Convention on the Rights of the **Child**, as "a human being below the age of 18 years unless under the law applicable to the **child**, majority is attained earlier".

²⁴⁷ Primarily migration of women into the domestic care work sector, and of men into the 'craftsman', 'handyman', household work sectors.

over-represented and research on transnational fatherhood is only taking off. There is no clear and definite map of the demographic profile of the parents and children involved in this emergent form of transnationalism. Whilst data on general migration trends is regularly collected in the EU and globally, the existing studies on transnational families and parenting are based on small-scale qualitative rather than quantitative approaches²⁴⁸.

There are two regions privileged in transnational parenthood related studies stemming from EU member states of the CEE region: Romania with research focusing mainly on maternal migration; and Poland leading the way with the first in-depth look at transnational fatherhood. Both the Romanian and Polish cases mentioned in this dissertation, entail migration into the domestic work sector: relating to the domestic care work of women and the household, ‘handy-man’ work of men. This allows for a gendered perspective how the division of labor in home and host households is reflected in the commodified market of domestic work and how this affects the ability of men and women in their practice of transnational parenthood. To these cases, the dissertation will add an illustrative case from Hungary, specifically the migration of men into the relatively more skilled construction sector of the Netherlands to highlight how more formalized, regulated labor sectors impact distant parenting.

Accepting the limitations of what we can ascertain from social science methodologies, mentioned in section 2.4., the following is a brief outline of the transnational family landscape, based on available research in other CEE-EU member countries.

Slovakia: there is some emergent literature of small-scale anthropological research on female elder care providers from Slovakia working in Austria. Only a few of the participants in these

²⁴⁸ Informing the dissertation are the available findings of empirical studies, mostly relying on semi-structured interviews with migrant men and women and their kin.

studies had dependent children (under the age of 18).²⁴⁹ Generally though it does give very useful accounts of female labor migration and domestic care-work, highlighting the overlapping care-giving responsibilities of women in their home and host countries.

Hungary is lagging behind²⁵⁰ in the research on transnational families, a fact exacerbated by the lack of political will to accept that Hungary is now a net emigration country. The emigration of fathers has long garnered greater social awareness. TV shows, online articles and common social discourse have used the term “Skype apukák” (Skype dads’)²⁵¹ to describe the thousands of fathers leaving family behind for work, especially in Austria, Germany and the UK²⁵². However the overall phenomenon of transnational family life, parenting and especially focus on migrant mothers has only recently been put on the radar of sociologists²⁵³.

²⁴⁹ Sekulová, M. (2013). Transnational Households in the Context of Female Migration from Slovakia to Austria. *URBAN PEOPLE / LIDÉ MĚSTA*, 15(2), 217–236.; Sekulová, M., & Rogoz, M. (2018). Impacts and Particularities of Care Migration Directed Towards Long-Term Care: Zooming in on Slovakia and Romania. Vienna. Retrieved from https://www.reminder-project.eu/wp-content/uploads/2018/03/REMINDER_WP6_Impacts-and-particularities-of-care-migration_Final_31_10.pdf/.

²⁵⁰ This is especially unfortunate since Hungary functions as a transit, source, and destination country of both regular and irregular migration. Its geographic location, European Union (EU) membership, and relative prosperity, collectively act as pull factors for migrants from neighboring countries, including ethnic Hungarians. As an EU Member State, Hungary’s borders with the Ukraine and Serbia, form part of the external borders of the European Union. <http://www.iom.hu/migration-issues-hungary> As for emigration according to the data of the World Bank, Hungary received 4.5 billion USD in the form of remittances from the members of the diaspora in 2015, and with this result it takes the 29th place among the countries receiving the highest amount of remittances from abroad.

²⁵¹ “I am a Skype-dad for the better part of the year” - „Az Év Nagy Részében Skype-Apuka Vagyok”. 2016. *Határátkelő*. January 10. <http://hataratkelo.com/az-ev-nagy-reszeben-skype-apuka-vagyok/>.

²⁵² Main countries of interest are Germany, where the number of Hungarians is estimated to be around 124,000; the United Kingdom (74,500) and Austria (36,000). The latest emigration trends show that Switzerland, the Netherlands and Belgium have also become popular destination countries for Hungarian nationals.

²⁵³ See the work of SEEMIG **Managing Migration and its Effects in South-East Europe: Transnational Actions Towards Evidence-Based Strategies**

SEEMIG is a strategic project funded by the [European Union’s South-East Europe Programme](#). The project aims to better understand and address longer term migratory, human capital and demographic processes of South-East Europe, as well as their effects on labour markets, national and regional economies. The main goal of the project is to empower public administrations to develop and implement policies and strategies by using enhanced datasets and empirical evidence. <https://www.demografia.hu/en/seemig> See also: Blaskó, Zsuzsa (2014): [Surveying the Absentees – Surveying the Emigrants. A methodological paper on the SEEMIG pilot study to survey emigrants from Hungary and Serbia](#). SEEMIG Working Papers No. 4, Hungarian Demographic Research Institute, Budapest.

Blaskó, Zsuzsa - Herche, Veronika (2010): [Patterns and Trends of Family Management in the European Union](#). Working Report prepared for the Family platform project.; Blaskó Zsuzsa (2016): [Transznacionális](#)

There are a few studies from Bulgaria, especially focusing on the non-migrating family members perspective, particularly on children left behind and the question of their agency and vulnerability, combating the view of the abandoned child narrative.²⁵⁴

There are no known studies of the phenomenon from post-EU enlargement Czech Republic; Slovenia and the Baltic States (Lithuania, Estonia and Latvia). Similarly for Croatia the only relevant article I could find dealt with familial transnationalism prior to EU accession, implicitly suggesting that upon joining the EU the question of parental migrancy within the free movement zone is of little interest.²⁵⁵

Why Poland and Romania?²⁵⁶ These two countries yield the richest source of research both qualitatively and quantitatively in the CEE region, which has generally lagged behind in the transnational migration and families scholarship. The involvement of civil society and

[családok, hátrahagyott gyerekek Dél- és Kelet-Európában](#). DOI: 10.18030/socio.hu.2016.1.71 Socio.hu Társadalomtudományi Szemle, 2016/1, 71-88.

²⁵⁴ “Effect of Parents’ Migration on Children Left behind | Partners Bulgaria.” 2018 <http://partnersbg.org/2015/01/%d0%b4%d0%be%d0%ba%d0%bb%d0%b0%d0%b4-%d0%b2%d1%8a%d1%80%d1%85%d1%83-%d0%b5%d1%84%d0%b5%d0%ba%d1%82%d0%b0-%d0%bd%d0%b0-%d0%bc%d0%b8%d0%b3%d1%80%d0%b0%d1%86%d0%b8%d1%8f%d1%82%d0%b0-%d0%bd%d0%b0-%d1%80/?lang=en>.

Guentcheva, Rossitza. 2010. “Long Distance Relationships: Children and Migration in Contemporary Bulgaria.” *Ethnologia Balkanica* (14): 49–69. This article investigates aspects of the everyday lives and strategies of Bulgarian children left behind by their migrant parents. It relies on an ethnographic study conducted in two Bulgarian cities and adopts a child-centered approach that builds on the narratives of children and their interpretations of the meaning of commitment at a distance and care from afar. In an attempt to illuminate the wider effects of migration on the home society, the article focuses on individuals who are not themselves migrants, but whose everyday lives and strategies are deeply influenced by the migration of others – parents, relatives or friends. Challenging the increasingly dominant view of Bulgarian children left behind as passive victims of parental migration, the paper shows these children as social agents who are actively involved in the renegotiation of family roles and intergenerational relations at home as well as of their subjectivities. It demonstrates that parental migration has resuscitated largely forgotten models of familial arrangements and adulthood, which is by no means a conservative tendency, as it happens within a framework of complex transposition and management of transnational relations.

²⁵⁵ Čapo Žmegač, Jasna. 2007. “Spanning National Borders: Split Lives of Croatian Migrant Families.” *Migracijske i Etničke Teme* 23 (1–2) (June 29): 33–49.

²⁵⁶ Although my selection of case studies is constrained by the available social science research, the narratives, scenarios, gendered and occupational lenses that these studies chose to prioritize – and those they ignored – may tell us much about structural factors at play and not only reflect biases, or otherwise personal academic preferences of researchers. These priorities and omissions of focus also lead us to ask questions. For example on why there hasn’t been a comprehensive study dedicated to the difference between Romanian transnational motherhood and fatherhood; or one dedicated to single parent labor migration; why some countries experience more of one type of parental trans-migration (male or female) what does this tell us about the gendered division of labor within and outside the home country.

international research organizations (such as the Soros foundation in Romania and Children Left Behind (www.childrenleftbehind.eu) contributed greatly to the focus on parental absence in these regions²⁵⁷. The interest in parental labor migration in these two countries helped spur research in other nations. In the late 2000's increasing social and political attention was given to the phenomenon of children "left behind" by labor migrant parents and the perceived harms of this form of distant parenting. At the end of the 2000's the EU itself started paying attention to the impact of parental labor mobility and the issues of children left behind.²⁵⁸ The emergent narrative of 'euro-orphans' drew significant local and international media attention²⁵⁹. NGOs estimate that in EU member states like Romania, Bulgaria and Poland, for example, 500,000 to one million children are affected. This growing public attention and the terminology of 'orphan', 'left-behind', 'abandoned' became a double-edged sword. On the one hand, thanks to the presentation of the Romanian case made by [Alternative Sociale](#) and the Polish case made by [Polish Migration Forum](#), it was possible to compare the situation at a European level and to reveal a common pattern of the phenomenon of children left behind. On the other hand, many of the early studies assumed that transnational parenting inevitably signals harm and fracture in the family, resulting in the de-facto abandonment of children, by one or both parents, resulting in behavioral problems, poor school results and low educational

²⁵⁷ Viorela Ducu points out that with a few exceptions research on transnational families was financed by independent third parties, such as the Soros foundation, Norwegian or Swiss institutions, not by the "incomparably more potent regular academia of the very same political landscapes – the ones that should make use of the results." Ducu, Viorela, and Áron Telegdi-Csetri, ed. 2016. *Managing «Difference» in Eastern-European Transnational Families*. New edition edition. Frankfurt am Main ; New York: Peter Lang GmbH, Internationaler Verlag der Wissenschaften., pp 14

²⁵⁸ See especially: European Parliament resolution of 12 March 2009 on migrant children left behind in the country of origin; which relied heavily on the Romanian example of children left behind and emphasized that beyond the net positive impact of migration and internal labor mobility in the lives of European families "for the children that are left behind by parents working in another Member State, there are also possible negative aspects. These include the risk of general lack of care as regards physical and mental health, and mental-health related effects of depression, the loss of free time to play and develop, lack of school participation and general participation in education and training, malnutrition and child abuse."

²⁵⁹ See examples from local and international outlets: <https://www.dw.com/en/the-plight-of-europes-euro-orphans/a-17268091> ; <https://www.theguardian.com/world/2015/mar/15/euro-orphans-fastest-shrinking-town-poland-radom> ; <https://www.bbc.co.uk/news/av/world-europe-36542014/romania-s-left-behind-children> ; <https://www.nytimes.com/2009/02/15/world/europe/15romania.html>

ambitions, assumptions of alcohol and drugs. Gradually, high quality qualitative research revealed a more nuanced picture on the nature and challenges of transnational parenting, highlighting that it signals parental dedication to the welfare of children and that social harms most often existed prior to, or would have manifested independent of the migration of the parent(s)²⁶⁰.

Data on the number of children left behind by migrant parent(s) in the European Union is scarce, as most families rather not reveal their migratory behavior as it pertains to their family life. According to a comprehensive report by the organization *Children Left Behind*, there were an estimated 500,000 children within the EU who had one or both parents working in other EU member states at the beginning of the 2010s.²⁶¹ The true extent of this phenomenon is unknown, as parents often do not officially report their move and working arrangements. Most of these children lived within the Central and Eastern European member states of the EU.

The majority of children left behind live in Romania and Poland and there is evidence of the phenomenon existing in the Baltic States and Bulgaria as well. Given the increase in overall labor migration in countries like Hungary and Slovakia more in-depth, quantitative and qualitative studies would be necessary to investigate the impacts of migration on parents and

²⁶⁰ The family stories usually take place in rural areas suffering from high unemployment. The money that parents earn there is not enough to provide the basic necessities for their families, not to mention a secure future. They leave home to work as harvesters, construction workers, elderly care nurses or nannies abroad. Mostly in EU member countries, in several cases working illegally. The Freedom of movement allows easy access to the territory of other member states. However respective labor markets may still have significant barriers of access, leaving open the avenue of informal employment of migrant workers.

²⁶¹ Belorgey, N. – Gerbe-Emden, B. – Horstmann, S. – Kuhn, A. – Vogel, D. – Stubbs, P. (2012) Social Impact of Emigration and Rural- Urban Migration in Central and Eastern Europe. (VT/2010/001) Synthesis Report. ec.europa.eu/social/BlobServlet?docId=8804&langId=en.

children in those countries.²⁶² Perhaps no other country in the CEE region generated more studies and attention to the issue of left behind children than the case of Romania. By the summer of 2007 a comprehensive UNICEF Romania study reported an estimated 350,000 children impacted by parental absence due to labor migration, representing 7 percent of the 0-18 year old population, with most of them between 10-18 years old.²⁶³ About 126,000 children had both parents working abroad, leaving entire villages with children without parents.²⁶⁴ Although in most cases the father was away for work, maternal absence was also significant accounting for about half of the cases. According to official figures – which tend to underestimate the phenomenon due to an unreliable reporting system – most children left behind had one migrating parent (60.45%), some had both parents abroad (26.73%) and around 12% of them living in already single parent households had that single parent abroad.²⁶⁵ In most cases substitute care of the children is undertaken by an immediate relative, sometimes by friends and neighbors.

Additionally, the migration of CEE mothers for work ties into broader gendered dynamics of care work, mobility and labor in Europe²⁶⁶. The EU is experiencing an increasing

²⁶² Blaskó, Zs. - Szabó, L. (2016): Migrants with left-behind children in Hungary. In: Zsuzsa Blaskó - Károly Fazekas (Eds.): The Hungarian Labour Market 2016. Institute of Economics, Centre for Economic and regional Studies, Hungarian Academy of Sciences. Budapest, 2016.

²⁶³ Judit Németh-Almasi. 2008. "National Analysis of the Phenomenon of Children Left Home by Their Parents Who Migrate Abroad for Employment." Text. January 0. <https://childhub.org/fr/child-protection-online-library/national-analysis-phenomenon-children-left-home-their-parents-who>.

²⁶⁴ Id. 19

²⁶⁵ Source: National Authority for Child Protection Rights and Adoption, <http://www.copii.ro/statistici/>

²⁶⁶ See more in the the EU-connected COFACE platform, emphasizing the gendered nature of care-giving in Europe "80 % of care work is still provided by informal carers in Europe. There are thousands of Europeans, mostly women caring for a family member with support needs, for example older people or persons with disabilities. Many of them are out of the labour market and face challenges in accessing adequate resources, support services and social benefits. Leaving family carers without support puts them at risk of poverty, health problems and undermines gender equality." <http://www.coface-eu.org/campaigns-2/family-carers-eu/> COFACE was originally founded in 1958 as the European Action Committee of the International Union of Family Organizations. Over time, it gained more independence, and in 1979 turned itself into an international not-for-profit voluntary organization with the name Confederation of Family Organisations in the European Community, and now the European Union. In June 2016, the General Assembly agreed on a new name: COFACE Families Europe.

feminization of migration, particularly in the private domestic and care work sector. The aging of societies in comparatively wealthy EU countries and the decline in state funding and lack of involvement in social care services have resulted in the privatization of care work: housework, personal services, childcare and elderly care.²⁶⁷ This strongly gendered form of work is predominately relegated to the private sphere of the household. The increase in the labor market participation of local women outside of the household in the Western, Northern and Southern parts of the EU, gave rise to the need for foreign women to fill an ensuing care-gap. As a result, many European households are becoming complicated sites where private and public interests and regulatory frameworks are in constant interaction. With the presence of the female migrant care worker in the household, the traditionally private sphere of family life and its regulation is intertwined with the regulation of the labor market, employment and immigration, areas of law that are seemingly far from that of the laws of the family. This illustrates most accurately the kind of layered transnational social and normative space that is unique to the case of European transnational Families.

Whether it is fathers or mothers leaving children behind for work, the impact on family life and related rights as well as on the general welfare of the family is manifold. Remittances tend to have a positive effect on household consumption, but absence can also result in psychosocial burden for the parent-child relationship²⁶⁸. The various ways in which parental care is performed in the transnational family is central to our understanding of what structural forces help and hinder family life in the context of migration.

²⁶⁷ Lutz, Professor Helma. 2012. *Migration and Domestic Work: A European Perspective on a Global Theme*. Ashgate Publishing, Ltd.

²⁶⁸ Mazzucato, Valentina, and Djamila Schans. 2011. "Transnational Families and the Well-Being of Children: Conceptual and Methodological Challenges." *Journal of Marriage and the Family* 73 (4) (August): 704–712. doi:10.1111/j.1741-3737.2011.00840.x.

4.1. Transnational Motherhood: the Case of Romanian Women

The case of Romanian women's migration to Italy is a typical scenario of transnational motherhood in the EU-CEE context. The phenomenon of migrant workers finding domestic and care work²⁶⁹ in the homes and institutions of countries wealthier than their own uncovers much about contemporary social change in the labor market participation of women and the issue of work-life balance. It shows the consequences of women taking on more responsibilities to earn income but without a significant rebalancing of their care responsibilities either with male partners or through state support. In the poorer regions of Romania, unemployment, violence, poverty and aspirations for a better life push some women into emigrating to earn for their families. This also exposes an asymmetrical geopolitical solution to the so-called 'care deficit' pursued by richer states (primarily Italy), accentuated by the demographics of ageing societies and restructured welfare regimes on the one side, and the care crises in the poorer regions on the other. The transnational movement of women – in many cases mothers of minor children - into care and domestic work, as well as nurses, pharmacists and doctors into health care saves social expenditure costs in the countries of reception, while intensifying the lack of care resources in the countries of origin of those migrant workers. One of the main contributions of the synergy between transnational family studies and the study of women's migration is the focus on the engendered nature of household and family relationships.²⁷⁰ Given women's crucial role in the reproductive end of

²⁶⁹ Carework generally is a term used to describe the work of caring for others, including unpaid care for family members and friends, as well as paid care for others. Caring work includes taking care of children, the elderly, the sick, and the disabled, as well as doing domestic work such as cleaning and cooking. It is also part of reproductive labor and is necessary to the continuation of every society. It tends to be unevenly distributed in societies predominately along gendered lines, but also along racial, ethnic and legal-status related lines. In this dissertation carework also refers to the work performed for pay in the transnational, commodified domestic care market. See more in Misra, Joya. "Carework." *The Blackwell Encyclopedia of Sociology*. Major Reference Works (February 15, 2007). doi:10.1002/9781405165518.wbeosc008.

²⁷⁰ Man, Guida, and Rina Cohen, ed. 2015. *Engendering Transnational Voices: Studies in Family, Work, and Identity*. Waterloo, Ontario, Canada: Wilfrid Laurier University Press.

the household division of labor, their labor migration reshuffles traditional power dynamics within the family by making them the source of financial support as well.

Romanian care-work migration is restructuring the performance of motherhood. As described in Chapter II, the spatial and temporal separation between women and their children - left in their country of origin - has led to the emergence of what Hondagneu-Sotelo and Avila called “transnational motherhood”²⁷¹, describing a distinct form of parenting. It is comprised of the maternal strategies used by these women for maintaining a relationship with their children at home, providing care and support and reiterating their status as actively involved mother in the eyes of their children and society.

In line with the general attributes of transnational motherhood, Romanian women are their families' breadwinners, and their reason to migrate is the family's financial need. The women in relevant ethnographic studies chose to migrate due to economic constraints: for a more decent home, in order to raise their children and support them in their studies. Women have also reported a sense of empowerment through care-work employment. The migration of Romanians to other EU member states started to pick up sharply from 2007, the year of accession. Even though the labor market for Romanians was restricted until 2013, informal employment networks that developed before Romania's accession to the EU, persisted and were made more available by the general dynamics of EU membership. By 2011 Romanians were leading intra-European mobility figures, exceeding 2.3 million with over 75% headed to Italy and Spain. Despite the halting effects of the economic crisis of 2008, female labor

²⁷¹ Hondagneu-Sotelo, P. și Avila. E. (1997), «„*I'm Here, but I'm There*”: The Meanings of Latina Transnational Motherhood», *Gender and Society*, 11, 5, 548-571.

migrants continued to find employment particularly in the care sector. They outnumbered the males by 2013 at the rate of (59%).²⁷²

Meanwhile in the past decade attention turned to the issue of children left behind by migrating parents (many of whom were mothers). In 2009, The New York Times prominently featured the plight of Romanian children through the case of a young boy who committed suicide two years earlier.²⁷³ This typecasting of migrant Romanian mothers as neglectful prompted Rhacel Salazar Parreñas, to make a mention of the Times article, pointing out the similarities to migrant mothers from the Philippines and Poland²⁷⁴. Whilst transnational families are typecast as aberrational and destabilizing and dangerous for the wellbeing of children, Parreñas emphasized that migration and leaving children behind in such remittance based societies is not a mere choice, but a necessity.

Examples from Viorela Ducu's seminal work on the strategies of transnational motherhood in Romania²⁷⁵ show migrant mothers in Cluj county circulating between their homes and Italy to meet care needs in two households: that of their children in Romania and the care needs of their employing households in Italy.²⁷⁶

²⁷² Ducu Viorela / Telegdi-Csetri Áron. Managing «Difference» in Eastern-European Transnational Families (p. 189). Peter Lang. Kindle Edition.

²⁷³ In this article the child appears under the name of Ștefan Ciurea, the Evenimentul Zilei had presented him two years earlier as Andrei Ciurea. See in: Bilefsky, Dan. "In Romania, Children Left Behind Suffer the Strains of Migration." The New York Times, February 14, 2009.

<https://www.nytimes.com/2009/02/15/world/europe/15romania.html>.

²⁷⁴ Parreñas, R., (2009), *The Gender Revolution in the Philippines: Migrant Care Workers and Social Transformations* <http://wide-switzerland.ch/wp-content/uploads/2016/09/Parrenas.pdf>

²⁷⁵ Viorela Ducu, *Strategies of Transnational Motherhood: The Case of Romanian Women*, PhD thesis summary 2011, Accessed August 29, 2017.

Findings were also part of a Study circulated electronically at the International Workshop "The Effects of International Labor Migration on Political Learning", Center for the Study of Democracy, Babes-Bolyai University, Cluj-Napoca, Romania, June 6-7 2008; <http://transnationalfamilies.ro/viorela-ducu/>

²⁷⁶ An estimated one million migrant women work in private domestic care and assistance jobs in Italy. The majority come from the CEE region, mainly Romania, and are aged between 30 and 50. "Private Welfare: Challenges to Decent Work for Migrant Care Workers (Italy) | Solidar." Accessed June 5, 2017. <http://www.solidar.org/en/publications/private-welfare-challenges-to-decent-work-for-migrant-care-workers-italy>.

Romanian women in Cluj County usually migrate alone, when leaving for short periods of time. They find employment through employment agents or through an informal network of other women, or relatives²⁷⁷. Their migration is rather a cyclic one (3-4 months of work abroad, 2-3 months at home²⁷⁸). In many cases they keep their workplace through „shifting” with another migrant woman from their family. Resorting to this type of migration is motivated by them through their incapability to stay away from their families for a long period of time. This type of migration seems to be associated with one target country, Italy. The women extend their period of migration when another family member starts to accompany them (husbands, sisters, cousins). In the same community, men migrate alone (irrespective of the target country); they spend much more time away from the family. Although the time spent with their family at home is much longer compared to men, migrant women are seen negatively by the community. Thus, it is preferable in the community that men migrate who also bring back more money, due to their better paid work types and the longer time spent at work. Families having the female members who migrate are considered families with a high risk of disintegration. Women are ignored by the community as primary breadwinners and this role is not directly recognized by their own families. The priority of women’s roles as direct caregivers against breadwinning is reinforced by the migrant women themselves: *“I need to do this for the money, but being here with them, giving them care is all I really wish for”* (Augusta).

²⁷⁷ The basic information chains, with regards to economic opportunities, of transnational kin networks still apply as described in Chapter II between immigrants to the United States and their European kin.

²⁷⁸ This strategy is common among CEE transnational mothers in the domestic care sector. They often self-organize to share one employing household between two of them, so that neither other has to be away for more than a couple of weeks at a time. See more in: B Haidinger, Contingencies among households: Gendered division of labour and transnational household organization—The case of Ukrainians in Austria in Lutz, Professor Helma. 2012. *Migration and Domestic Work: A European Perspective on a Global Theme*. Ashgate Publishing, Ltd.

Migrant mothers, or “euro moms” as they are often referred to, are bearing the brunt of social judgement within their own communities, for trading their motherhood for money. This stigma is more pronounced in the case of migrant mothers, than it is for migrant fathers. The remittance potential of a migrating parent is of course viewed as significant and a generally positive impact on the household.²⁷⁹ Fathers’ migration is viewed as acceptable and in line with social gendered roles, while mothers absence is considered a dereliction of duty. In the analysis of the situation of children left behind a lack of direct parental support features more acutely as a focus point when both parents migrate and when the mother migrates. In both cases the absence of the mother – the manager of day-to-day care and household organization – seems to be the deciding factor in measuring the difficulty experienced by children and substitute caregivers. Substitute caregivers are normally female relatives, neighbors or friends. This gendered division of care arrangement remains true even where children are left in the fathers’ care.²⁸⁰

The increasing retreat of the welfare state – mentioned in the previous section – means that families are taking on the lion share of care responsibilities, which in turn disproportionately burdens working women²⁸¹. Given the relative informality of paid domestic care work,

²⁷⁹ Foreign domestic workers generally work 27 hours per week while their Italian counterparts work 19 hours. When it comes to pay, foreign domestic workers receive an average salary of €6,411 per year compared to Italian domestic workers who receive €5,153. IDWFED. “Italy: Most Domestic Workers Are Foreigners.” Story. International Domestic Workers Federation. <http://idwfed.org/en/updates/italy-most-domestic-workers-are-foreigners>.

²⁸⁰ Piperno, Flavia. “The Impact of Female Emigration on Families and the Welfare State in Countries of Origin: The Case of Romania.” *International Migration* 50, no. 5 (January 31, 2011): 189–204.; Ban, Cornel. “Economic Transnationalism and Its Ambiguities: The Case of Romanian Migration to Italy.” *International Migration* 50, no. 6 (October 24, 2012): 129–149.; Andr n, Daniela & Roman, Monica, 2014. “Should I Stay or Should I Go? Romanian Migrants during Transition and Enlargements,” IZA Discussion Papers 8690, Institute for the Study of Labor (IZA).

²⁸¹ Again reiterating the COFACE study, 80% of care work in Europe falls on family carers and 85% of carers are women. One in three respondents provides highly intense care of more than 56 hours per week. Whether they are caring for their own family members at home, or as migrant caregivers abroad, family carers are Europe’s invisible workforce. More than 70% of the respondents do not receive any financial compensation for their work and almost two thirds do not have access to any kind of social benefits. Furthermore, poverty is a big threat for carers: a third of them have difficulties to make ends meet as a consequence of their caring role. Since there are often no flexible time arrangements in place at work, many family carers faced challenges in reconciling work with care, and had to leave their job or reduce their working hours.

migrant women's ability to reconcile work and life balance is especially difficult. The dual care roles (paid in the host country and unpaid, or barely subsidized by the state in the home country) put a disproportionate burden on them compared to their male counterparts working in other labor sectors and with less care responsibilities in the household.

The way in which transnational mothers reconfigure motherhood and childcare transcends the private sphere of the household, or the nation. Both countries of destination and origin, have to support the unity of these families through legislation, policies and institutions specifically geared towards addressing the challenges of temporary parent child separation. These structures of acknowledgement exist on national, international and specifically EU levels for families of transnational divorce that must figure out post-separation parenting across borders²⁸².

There are less specific protections explicitly tailored to the circular migration and parenting practices of European transnational families on the EU level. Though general labor protections, work-life balance policies and transferability of social benefits apply many of these are crafted in a way that does not match the needs and realities of these families. Instead in the context of labor migration parents as workers are often met with hostility when thriving to express their parenthood. In the context of the right to freedom of movement within the EU terms such as “welfare tourism”, “benefit migration” have become commonplace. Transnational families – though involved in filling necessary labor market needs – are becoming controversial and suspect for the host population and its political

²⁸² For examples states must coordinate in cases of transnational child custody and visitation, determine a central authority, some maintain visitation centers and strongly police the availability of physical and virtual contact between children and distant parents. Charsley, Katharine, ed. 2014. *Transnational Marriage: New Perspectives from Europe and Beyond*. 1 edition. Place of publication not identified: Routledge.; “Parental Responsibility.” 2018. *Your Europe - Citizens*. https://europa.eu/youreurope/citizens/family/children/parental-responsibility/index_en.htm. ;

discourse. Some states are considering curbing access to families based social benefits for children and other dependents left in the home country. Beyond this as Chapter IV. will highlight, most transnational mothers, employed in the relative informality of private households do not even qualify for such benefits, given the constraint of the operational rules of the domestic care labor market.

The uniqueness of transnational motherhood - the like practiced by Romanian women – as opposed to transnational fatherhood lies in the migrant domestic care work sector. When women become migrant caregivers, employed in a home, they become members of two households simultaneously. Their migration not only transnationalizes their own households and families, but their presence in the host country transnationalizes the employing household and its members, since their care needs – an important family function - can only be met by the incorporation of a foreign caregiver. In this way the connection between two families, two households becomes a connection between two welfare states, differently impacted by the presence-absence of the migrant mother.

As mentioned above the most common point of destinations for Romanian migrant workers is Italy, which hosts the largest Romanian community outside Romania and almost half of the entire Romanian migrant stock. Including, as mentioned before, roughly a million Romanian women. Reasons partly lie in the fact that Italy has a large informal economy, with an accessible language for Romanian speakers and dense economic links with Romania. After Romania joined the EU in 2007 movement and status of Romanians in Italy became more streamlined and formalized. Italian sources estimated the number of regularized Romanian citizens in Italy at 556,000 people (15% of the total migrant stock). By 2010 as many as

650,000 to a million were working as care assistants, (*badanti*) and more than a half of them were from Romania. Though the method of data collection is somewhat unclear in these studies, there is a reliance on ‘registered domestic workers’ and there is likely a high number of domestic workers unaccounted for.²⁸³

The increasing employment of migrant caregivers is connected to a couple of interlocking trends of the crisis of the welfare state in Italy (and across the EU)²⁸⁴. The phenomenon is mainly witnessed in elderly care. Italy – in line with its conservative-southern welfare regime model - has undergone a transformation from a ‘family-,’ to a ‘migrant-in- the-family’ model of care and the increasing aging and care needs within the Italian society. Economic exigencies, the financial crisis of 2008 have pushed a greater number of Italian women into the formal, paid work-force, but the state –as in Romania and most CEE countries – has done little to nothing to relieve families and specifically women of their unpaid caregiving roles. Though Italian immigration policies in general have been restrictive, in the past couple of decades they offered large immigration quotas and amnesties, mostly to support the entry of domestic workers and care assistants.

Prior to Romania joining the EU in 2007 the status and political atmosphere surrounding Romanian care workers in Italy was fraught with conflict and anti-immigrant sentiment, despite the vital care-need these women filled. After 2006 the center left government of Romano Prodi came to power which fiercely opposed to the criminalization of immigrants

²⁸³ Van Hooren, F. (2010), ‘[When Families Need Immigrants: The Exceptional Position of Migrant Domestic Workers and Care Assistants in Italian Immigration Policy](#)’, *Bulletin of Italian Politics*, 2 (2): 21-38.

²⁸⁴ As Pastore and Piperno highlight “even the original and most successful welfare system, namely European welfare in all its variations, went into crisis under the impetus of domestic factors such as the aging of the population and state fiscal crises, which were linked with international factors such as increasing insecurity (or flexibility) in the labour market following the transition to the post-Fordist production model, the opening up of markets and the intensification of competition on a global level. The combination of these factors produced a revival in laissez-faire strategies, which led to massive welfare cuts.” Pastore, Ferruccio and Flavia Piperno (2006) *Could transnational welfare provide a strategic framework for decentralized cooperation intervention?* Discussion Paper Development & Migration Circuits Project. Rome: CeSPI/IOM/MAE.

that had occurred under the center right government. The new government made available 350,000 additional work permits across the spectrum, to selected nationalities, domestic workers, and those in other occupations who had already applied for a work permit. Romano Prodi's 2006 government also removed all restrictions on migration from the central and eastern European countries that had entered the EU in 2004. Importantly when Romania and Bulgaria entered the EU in 2007, domestic workers, agricultural workers, and those employed in tourism, construction and engineering could work in Italy without restrictions. New proposals for labor migration reform were in the works and would have included flexible entry quotas for domestic workers with the explicit reason that unlike in other sectors the numbers for in-home careworkers are ever fluctuating, growing and cannot be precisely predicted.

Though not following the suggestions of a flexible entry quota the right wing government of Silvio Berlusconi raised the domestic worker quota to a record 105,400 despite the general curbing of immigration given the economic crisis and rising unemployment. It was thought that the economic crisis has no impact on the demand for housekeepers and care assistants in Italy. In the end the government opted for 'selective regularization' of domestic workers with the aim of controlling for so called 'fraudulent applicants' and those genuinely working as domestics. Short-term foreign residents would be ineligible to apply for the regularization of domestic workers, while employers of such persons would have to be able to show that they earned a certain minimum income – thereby demonstrating that they could genuinely afford to hire a domestic.²⁸⁵

²⁸⁵ See more in: Van Hooren, F. (2010), 'When Families Need Immigrants: The Exceptional Position of Migrant Domestic Workers and Care Assistants in Italian Immigration Policy', *Bulletin of Italian Politics*, 2 (2): 21-38.

This trend of semi formalized, semi open and partly restricted regulation of domestic work has continued to dominate Italy in the past decade. Care work is still a largely migrant dominated sector. Racialized, gendered and not free of abuses.

Recently Romania and Italy have started to cooperate to protect and recognize female migrants highlighting that even within the shadow of informality there comes a point when states involved in transnational labor mobility can no longer ignore their role in jointly tackling the matter of rights and welfare of the transnational migrant population.²⁸⁶

In part, the reason for the original restrictions on increasing work permit quotas for domestics, was that the Italian government has been trying to avoid people securing work permits ‘fraudulently’, that is to say only in order to obtain residence permits later on and bring in family members and dependents. This of course would not be the case for most migrant women from Romania who simply want access to the domestic carework market on a temporary basis and obtain enough remittances to ensure a better life for their children in Romania, where the cost of living is relatively lower and euros earned in Italy go a long way.

This is relevant to our analysis because migrant careworker women from Romania tend to prefer staying for short periods at a time and divide one Italian household between 2-3 of them. This is so that they can visit and stay with their own children regularly and provide proximate care. Therefore they are left out of many formalization policies and the consequent labor rights protections these would entail (rules on working time, pay, working conditions, social benefits and insurance etc.)

²⁸⁶ Tondo, Lorenzo, and Annie Kelly. “Romania and Italy Unite to Halt Abuse of Women Migrants.” *The Guardian*, March 0, 2017. <http://www.theguardian.com/global-development/2017/mar/19/romanian-italian-authorities-talks-stop-abuse-of-migrant-women-workers>.

This example also shows that although formal entry quotas are set rather high in Italy they still do not cover the estimated total numbers of domestic workers Italian households employ and need. Thus the domestic care work market remains semi-formalized, with all the vulnerability of lack of labor protection, bargaining rights and general visibility of hundreds of thousands of foreign women. It also speaks to the interplay between a conservative welfare state and its right-wing government. Right-wing parties tend to make immigration policies more restrictive. However some of them – like the one in Italy – also understand that to keep carework private, familialized, and meet the demands of higher rates of female labor market participation, they must make exceptions to incentivize domestic care work migration. Granted other countries such as the United States have for long rejected comprehensive reform to formalize the immigration of careworkers. Instead, the US market self regulates by the State's acts of omission. It allows for a high number of undocumented care workers to enter the labor market, by relatively low levels of immigration enforcement related to those caring for children, the elderly and the sick, in the American household. This in turns leaves domestic workers in an even more precarious and completely informal situation.²⁸⁷

It is evident that both families in the host and home countries have stakes in this transnationalized system of welfare and care provision. For a sustainable and necessary system of transnational welfare and labor market in Europe, host and home countries need to recognize and possibly operationalize these intimate linkages in new ways. The EU also has a role in these processes.

The approach of co-development could be one answer in a move towards a strategy on migratory processes aimed at matching the interests of the countries of origin and destination

²⁸⁷ See more on a comparative analysis of welfare state regulatory measures and immigration policy in the US and elsewhere: Shamir, Hila. "What's the Border Got to Do with It? How Immigration Regimes Affect Familial Care Provisions—A Comparative Analysis." *American University Journal of Gender, Social Policy & the Law* 19, no. 2 (January 1, 2011). <http://digitalcommons.wcl.american.edu/jgspl/vol19/iss2/7>.

to get a better result for everybody. In this sense transnational welfare is one of the new forms of welfare created by the society of globalization, beside the welfare mix, the family-based one of carers, the corporate one of enterprises etc. Tognetti Bordogna and Piperno define 'transnational welfare' as the "dynamic of interdependence between social systems at the two extremes of the migratory process, the emerging of common problems and opportunities and, as a consequence, the growth of a sphere in which co-management of migration-related social processes is an important element to answer crucial problems and opportunities for welfare systems on both sides."²⁸⁸ It is a response to the needs created by globalization that drives individuals to develop practices that subsidize a protection system that is – due to its territorialized nature – often leaves migrants without protections. Familial needs are met through utilizing emotional, relational and professional resources both in the country of destination and of origin. These transnational linkages forge new, bottom-up connections of transnationalism between sending and receiving countries. The wellbeing of the migrant worker population and their families becomes interlinked and synergetic with the wellbeing of the broader society in the home and host countries. This requires new modes of cooperation and negotiations between countries of origin and reception

Transnational welfare is a new configuration of national and local welfares, able to understand the new needs of transnational families and individuals. It is based on and requires relations between different countries aimed at reducing the detrimental effects of the ones towards the others. Considering the plurality of European welfare systems and the increasing transnational labor mobility, the approach of co-development and co-welfare may

²⁸⁸ Towards a transnational governance of care needs stemming from migration: Transnational welfare and third sector. Mara Tognetti Bordogna (Università Milano Bicocca) e Flavia Piperno (CeSPI). <http://www.volontariatoepartecipazione.eu/wp-content/uploads/2012/10/Paper-Tognetti-Piperno-trad-finale-Bordogna-Piperno.pdf>

create new ways and modes of negotiation, co-operation and coordination.²⁸⁹ Tognetti Bordogna et al point out that “[T]he transnational perspective in the making of social policies does not necessarily focus on the institutional dimension, but gives a central role to the bottom-up co-construction and design of policies by natives and migrants, by migrants locally based in migratory contexts, the circulating migrants and those who are physically in the country of origin, but gain benefit from the fact that some members of the families have left.”²⁹⁰ This is a form of global solidarity.

Social policy of many European member states – particularly in the CEE and Southern regions - provides social protections towards a smaller stratum of individuals, moving away from an idea of solidarity to austerity and economic stimulus. In reality, this is only possible due to the mitigating effects of individuals and family networks – increasingly transnational ones – stepping in and compensating welfare gaps through various forms of transnational care provisions, discussed in further detail in this dissertation. Yet this important stabilizing contribution to transnational welfare remains largely overlooked in policy and research. For example, what is often missing in the study of transnational motherhood in the context of domestic work, is that the work they provide is essential to welfare states of destination. Thousands of vulnerable dependents and their families in Italy count on the availability of affordable migrant care in the home and in institutional setting. Securing basic labor and family life related rights for these women, especially migrant mothers is far from a costly altruistic endeavor. It is a sound investment of behalf of the state and saves enormous resources that would otherwise have to be provided and organized by the government.

²⁸⁹ See more in: Schubert, Klaus, Simon Hegelich, and Ursula Bazant. *The Handbook of European Welfare Systems*. London: Routledge, 2009.

²⁹⁰ Mara Tognetti Bordogna (Università Milano Bicocca) e Flavia Piperno (2012) p. 4.

Transnational social policy responses and designs should emphasize agency, not merely protection. An integrated approach is needed to recognize that family-, labor- and migration policy are all implicated in the context of transnational welfare and any intervention must account for the whole family unit's wellbeing as most migratory decisions are set in the broader social context of the household and family.

4.2. Transnational Fatherhood: the Case of Polish and Hungarian Fathers

Research on transnational family migration for a long time operated with a strong gender bias taking for granted the mobility of men and the immobility of women. More recent research in the increasing feminization of labor migration and transnational motherhood – illustrated in the Romanian case before – has contributed to overcoming this bias.

Gender is of course no longer considered a binary biological reality, rather a product of social structures and processes; which is at the same time involved in reproducing social processes.²⁹¹ This is reflected in the research on the reciprocal re-production of masculinity, femininity and parenthood in the migration context.²⁹² These gendered approaches to parenthood have changed the perception of male migrants. No longer are they only seen in their role as productive laborers, working away from their families and their care concerns.

²⁹¹ Lindsey, Linda L. 2005. *Gender Roles a Sociological Perspective*. 4th ed. Upper Saddle River, N.J Pearson Prentice Hall. <https://trove.nla.gov.au/work/9421681>. In essence, Gender refers to those social, cultural, and psychological traits linked to males and females through particular social contexts. Sex makes us male or female; gender makes us masculine or feminine. Sex is an ascribed status because a person is born with it, but gender is an achieved status because it must be learned.

²⁹² Lutz, Helma. 2010. "Gender in the Migratory Process." *Journal of Ethnic and Migration Studies* 36 (10) (December 1): 1647–1663. doi:10.1080/1369183X.2010.489373.

These men are increasingly seen in their capacity as fathers²⁹³. Pribilsky explains that migration may redefine gender roles for both men and women, as migrant men living abroad must take on at least some household tasks traditionally preformed by women, basic cooking, cleaning etc.²⁹⁴ Yet the idea of motherhood being the only relevant link in a care chain persists. Manalansha (2006) argued that it is further maintained by the fact that the global care chains literature tends to subscribe normative universalistic notions of gender” in the context of domesticity. For the longest time the term transnational father was only used to describe men left behind by their wives, yet generally unable or unwilling to assume any domestic roles in the absence of the woman.²⁹⁵

One of the outcomes of the tendency to focus mainly on female migrants is that the purely economic paradigm of migration has not been challenged at all in the case of male migration. Migrant men are thus treated as working hands and mere economic units, more than migrant women. This is true despite the increased attention to the role of men in the household, the increasing demand to see contributions of fathers to childcare, and to view men in general as socially and emotionally embedded in familial relationships and obligations.²⁹⁶

This section looks at transnational fatherhood from the lens of migration from Poland and a brief analogy of similar – though under-researched – trends from Hungary. The migration

²⁹³ Joanna Dreby, search. *Divided by Borders: Mexican Migrants and Their Children*. First edition. Berkeley: University of California Press, 2010.; Pribilsky, Jason. “‘Aprendemos A Convivir’: Conjugal Relations, Co-Parenting, and Family Life Among Ecuadorian Transnational Migrants in New York and The Ecuadorian Andes.” *Global Networks* 4, no. 3 (June 18, 2004): 313–334.

²⁹⁴ Pribilsky 2004.

²⁹⁵ Manalansan IV, Martin F. 2006. “Queer Intersections: Sexuality and Gender in Migration Studies.” *International Migration Review* 40 (1) (February 1): 224–249. doi:10.1111/j.1747-7379.2006.00009.x.

²⁹⁶ See for example: “Babies and Bosses - Reconciling Work and Family Life: A Synthesis of Findings for OECD Countries - OECD.” Accessed April 17, 2018. <http://www.oecd.org/els/family/babiesandbosses-reconcilingworkandfamilylifeasynthesisoffindingsforoecdcountries.htm>.; similarly in the EU there has been numerous initiatives to focus on the reconciliation of work and family life: “Reconciling Work and Family Life.” *Reconciling Work and Family Life*. Accessed April 17, 2018. <https://eyf2014.wordpress.com/>.; “EU Level: Reconciliation of Work, Private and Family Life in the European Union | Eurofound.” Accessed Mach 10, 2018. <https://www.eurofound.europa.eu/publications/article/2011/eu-level-reconciliation-of-work-private-and-family-life-in-the-european-union>.

from Poland to relatively accessible EU member countries pre-dated the accession of the country to the EU. For over 25 years Poles have migrated for work, especially in directions of Germany. There are not many studies focused on transnational fatherhood²⁹⁷, even though it is essential to understanding the gendered dynamics of transnational families and care practices.

After a brief excursus on the historical context of fatherhood during socialism and post-socialism, this section will describe the degree to which the ideal model of “involved fatherhood” promoted by some countries in the European Union became relevant for families and fathering practices in the CEE region.

Fatherhood in post-World War II Western Europe was for a long time characterized by a rather diminished view of fatherhood. One that limits men to breadwinning and some form of distant moral authority and discipline for children in the household. In the former “Eastern Block” of the USSR, the CEE region of the Warsaw Pact countries, state socialism espoused the emancipation of women, and the abandonment of the single (male) breadwinner model. This was in part due to the need for labor market participation and increased production in the reconstruction era of the post-war period. Partly aimed at diminishing women’s dependence on men.

However old assumptions of household division of labor persisted. Women who now had to work in the labor market, still bore a disproportionate amount of the household tasks and remained in charge of dependent care. Granted state funded and run institutional arrangements for the care of the children, sick and the elderly were much more broadly available then nowadays. Socialist states provided a comprehensive, affordable care

²⁹⁷ Notable exception is the comprehensive book by Kilkey, M., Perrons, D., Plomien, A. *Gender, Migration and Domestic Work - Masculinities, Male Labour and Fathering in the UK and USA* / M. Kilkey / Palgrave Macmillan. [//www.palgrave.com/gp/book/9780230297203](http://www.palgrave.com/gp/book/9780230297203).

infrastructure, but the older generation and kin networks remained active in sharing the care burdens in the household.

Thus, while women gained recognition, both as caregivers and breadwinners, men remained solely breadwinners in the social consciousness and many normative structures (paid family leaves are still not fully extended to fathers after birth of children). The masculinity of fatherhood in the socialist era and the West may not differ significantly, but the structural conditions did.

During the post-socialist transformation the region witnessed the reintroduction of “traditional family” models and values, as an alternative to the socialist family. Most recently the new religious, ethno-nationalist parties (especially in Poland and Hungary) went so far as to launch a full scale assault on the study and application of gender studies²⁹⁸. But even before such drastic moves, Joenne Goven wrote in relation to Hungary that “Socialist mothering made men weak and lacking in authority, and to alter this requires restoring autonomy to the family and authority to the father: mothers should be dependent, not on society but on their husbands”²⁹⁹. With the introduction of the neo-liberal market systems, refamilialization and commodification of care policies started trending. Families needed to take full responsibility for all care obligations, many of which were covered earlier by the state. This was coupled by the financial strains of the transitional period and rising unemployment, pushing women further away from the labor market and into the household,

²⁹⁸ “Hungarian Government Pushes Forward Plan to Ban Gender Studies.” 2018. *Times Higher Education (THE)*. August 0. <https://www.timeshighereducation.com/news/hungarian-government-pushes-forward-plan-ban-gender-studies>.; “Why the War on ‘Gender Ideology’ Matters – and Not Just to Feminists. | Visegrad Insight.” 2018. <https://visegradinsight.eu/why-the-war-on-gender-ideology-matters-and-not-just-to-feminists/>.

²⁹⁹ Goven, Joanna. “Gender Politics in Hungary: Autonomy and Antifeminism.” In *Gender Politics and Post-Communism: Reflections from Eastern Europe*. Ed. Nanette Funk and Magda Mueller. New York: Routledge, 1993. 224-40., pp 234

where with the birth of children the family would receive secure – albeit gradually dwindling – state subsidies.

In the material sense a classic standard of male breadwinner/provider masculinity emerged, pushing fathers not only into the labor market in increasingly strenuous ways, but accelerating the sweeping migration movements of men from the CEE region, especially after the EU accession waves.

This unfolded against the backdrop of changing trends in male and female roles in the household. Since the 1990's family sociology observed a new trend of "ideal fatherhood" that is based on equal rights and a share in the care-work between mothers and fathers. Social practices and public policies remained uncoordinated in the promotion of this trend. The CEE regions' governments nominally conformed to the EU's agenda on gender equality on all fronts, as an official policy objective within the process of EU enlargement. However, the current reality in the region shows that father-friendly family policies are still lacking in the region. The availability of childcare services is far from meeting set by the EU's goals and parental leave regulations still do not sufficiently support fathers taking leaves sufficiently. The embedded familialism of the welfare state in CEE states, particularly in Poland and Hungary, means that care obligations are privatized.³⁰⁰

A case study conducted between 2011-2012³⁰¹ looked at male migrants from Poland working as "handymen" in Germany. This normally entails household related repair work, gardening, and renovations³⁰². In a sense, they are male domestic workers. Their household related work

³⁰⁰ Szelewa, D. (2012) Childcare Policies and gender relations in Eastern Europe: Hungary and Poland compared. Harriet Taylor Mill-Institut for Ökonomie und Geschlechterforschung. Discussion Paper 17, 03/2012

³⁰¹ Fatherhood and Masculinities in Post-socialist Europe: The Challenges of Transnational Migration Palenga-Möllenbeck, Ewa (et al.) in Kilkey, Majella, Palenga-Möllenbeck, Ewa (Eds.). *Family Life in an Age of Migration and Mobility - Global Perspectives through the Life Course* / Majella Kilkey / Palgrave Macmillan.

³⁰² The study was conducted using secondary data and 37 interviews with men and the families employing them; there were also 12 interviews with migrant fathers and their partners.

mirrors nicely the typical gendered division of labor in a non-migrant household: women take on more of the cooking, caring, cleaning tasks; and men are more involved in maintenance and mechanical assistance.³⁰³ Migrant men in the domestic work sector are not perceived to become members of the host country household that employs them, the way migrant women are. Since it is not the intimate work of dependent care that they are directly involved in. They merely facilitate the family life of the employing household in indirect ways. Insofar as their work does not require special training or skill, it is possible to say that to a degree they facilitate local fathers (and mothers) right to and enjoyment of family life, by handling various household maintenance tasks that would otherwise have to be performed by a local member of the employing household.

The study by Palenga-Möllenneck, (et al.) revealed that regardless of age, all men felt pushed into migration by their families due to economic pressures. This process transforms them from breadwinners to absent fathers. They were all convinced that their work and remittance sending will help to achieve various material and educational goals for their families and especially their children left behind. Plans include: building a house, financing education, managing growing household expenditures etc.

At the same time fathers resent having to be absent from the day-to-day of their children's lives.³⁰⁴ One of the subjects of the study Jan (45 year old brick-layer) explained that

³⁰³ See more: Voicu, Malina & Voicu, Bogdan & Strapcova, Katarina. (2009). Housework and Gender Inequality in European Countries. *European Sociological Review*.; "Women Do More Housework than Men However Much They Earn, Study Finds." *The Independent*, September 0, 2017. <http://www.independent.co.uk/life-style/women-household-chores-men-do-more-gender-inequality-home-study-a7969306.html>.; Ruppanner, Leah. "Census 2016: Women Are Still Disadvantaged by the Amount of Unpaid Housework They Do." *The Conversation*. <http://theconversation.com/census-2016-women-are-still-disadvantaged-by-the-amount-of-unpaid-housework-they-do-76008>.

³⁰⁴ In the study a 45 year old brick-layer Jan with two children 12-14 expressed a combination of despair over missing his children and a resigned commitment to continuing better paying work in Germany. Palenga-Möllenneck study pp 221

traditional father-mother roles deeply impact his decision to migrate as the sole breadwinner and the decision for his wife to stay in Poland with the children. In his view the substitute care of grandparents would not suffice. He adds that his wife would not be able to earn as well as a seamstress.

As he puts it:

“I fulfill all my children’s dreams. (...) But my own dreams are never fulfilled, because I would like to be near them”, at another point he expresses that he considers family to be more important than money, but he isn’t leaving his job in Germany.³⁰⁵

When compared to migrant mothers, migrant fathers do not exist in the typical rotational system of frequent and long visits. They usually spend less time at home and less regularly. This most often has to do with the various work-time characteristics of their particular employment.³⁰⁶

The fathers in the study were in daily virtual contact with their families, made possible by the low costs and availability of internet and telecommunications technologies in both ends of the EU’s transnational spectrum. Daily contact is important for many migrant fathers in the practice of ‘emotional fatherhood’, and also in maintaining their position in the family hierarchy, by regular engagement.³⁰⁷ The kind of transnational fatherhood described in the Palenga-Möllenbeck study is a combination of physical absence and virtual presence, a

³⁰⁵ Ibid

³⁰⁶ Fixed, but long-term construction jobs for instance demand the presence of the worker for the duration of the contract; handy-man work is usually done in teams and is less predictable, one must stay closer to the possible sites of employment to be hired, therefore many fathers will not risk extended trips home.

³⁰⁷ For examples of the relevance of virtual contact for fathers from the Philippines and Indonesia, see: Lam, T and Yeoh B S. A. (2014). Long-distance fathers, left-behind fathers, and returnee fathers: Changing fathering practices in Indonesia and the Philippines. *Globalized Fatherhood*. 27. 103-125.; for Polish examples see: Kilkey M. (2013) Migration and (social) reproduction: The stratification effects of developments in migration policies in Europe. Paper presented at the international conference of family life in an age of migration and mobility: Theory, policy and practice, Norrköping, Sweden

hallmark of all transnational families. It is also easily reconciled with the current supra-national discourses around ‘new fatherhood’ where the emotional fathering happens at a distance, while the traditional – albeit absent – male breadwinner role persists. The most important objective remains maintaining the welfare of the children. The respondent interviews that included the female partners of migrant men demonstrated that transnational fathers’ lives conform to the ‘hegemonic pattern of masculinity and fatherhood’. In fact while the absent mother is considered an abnormal and abandoning parent, absent fathers are normalized.³⁰⁸

The following section will briefly transition to an example of transnational fatherhood in Hungary. Moving away from the example of the low-skilled ‘handy-man’ migrant employed in what is essentially the male equivalent of the transnational domestic work sector. The following excerpt from a news item highlights the case of Hungarian construction workers from the small town of Mindszent, in South-Eastern Hungary, working in Harlingen in the Netherlands.

"I'm going home every five to six weeks. I'm at home for 10 days. We get vacation hours, at eight percent of our salary. This is wired to us in May, so that we can go on vacations with the family in the summer. We also get vacation allowances."

"We have perfect working conditions. They don't over work us. We work 8 hours a day. After that, we have time to relax, and we have all necessary amenities for that. We live in a so-called vacation park. These are otherwise used by Dutch vacationers. They are equipped

³⁰⁸ Lutz, Helma, and Ewa Palenga-Möllenbeck. 2011. "Care, Gender and Migration: Towards a Theory of Transnational Domestic Work Migration in Europe." *Journal of Contemporary European Studies* 19 (3) (September 1): 349–364. doi:10.1080/14782804.2011.610605.

with everything, there is a gym, sauna, swimming pool, sports court. We all miss the family naturally. We cannot afford to bring them with us however. In order for that we would have to provide for housing (sublet) ourselves which would mean losing a lot of money. I can send more money back home this way. How long can we keep this up? I do not know. For the time being, I would be reluctant to return to the substandard wages back home.”

“One of my brothers” [also working for the same company] “was able to save enough in one year that they were able to buy a house with his earnings combined with the social benefits they received from the state after their two children”

(Peter Bereczki, from Mindszent, Hungarian working in the construction/carpentry sector in the town of Harlingen, Netherlands)³⁰⁹

Unlike their Polish counterparts, these men work in the highly regulated, formal, mid-level skilled construction sector. There are numerous ways their story maps that of the fathers from Poland.

This section has illustrated various structural forces at play. The difficult labor market in the handy-man, construction worker sphere in the home country, the dwindling public care infrastructure all conspire to put the burden of care on the women and the pressure of the ‘breadwinner’ role on men. The central aspect remains the dominant gender code that assigns different attitudes to women and men. This is true for home and host societies in the EU. To the extent that these migrant fathers are successful in their field it is thanks to their flexibility, constant availability and the fact that they are living without their families.

³⁰⁹ Erika Kovács, “Jó Pénzért Dolgoznak Az Építkezésen, Vakációparkban Laknak a Fiatalok: Kis Mindszent Lett a Hollandiai Harlingen | Hódmezővásárhely Hírek | Szeged - Delmagyar.Hu,” accessed September 5, 2017, http://www.delmagyar.hu/hodmezovasarhely_hirek/jo_penzert_dolgoznak_az_epitkezesen_vakacioparkban_laknak_a_fiatalok_kis_mindszent lett_a_hollandiai_harlingen/2530686/.

Transnational fathers – as well as mothers - abandon certain intimate citizenship rights³¹⁰ that are solidified not only in the national, but the international and regional normative frameworks of the EU. They give up a level of self-determination in family matters, in particular the right to reside together (see more in next section). Much of the ideas and policies on modern egalitarian fatherhood, that values presence and affectionate care, has been crafted with the single-nation, co-habiting family in mind. The protection of family life in the context of free movement within the EU leaves much to be desired.

Small scale, in-depth studies on transnational fatherhood like the one in the Polish example highlights the experience of men at the “bottom end of the transnational care chains in the CEE region. These would be very useful perspectives to apply to an in-depth ethnographic study on Hungarian migrant fathers, or “Skype dads” as they are colloquially referred to. The political landscape, history, welfare state regimes, familial and care related gendered dynamics are very similar, as are the trends of increasing transnational labor migration.

Men in the CEE region – unlike their Western counterparts – were not sole breadwinners in the soviet era. This did not lead to men’s significantly increased roles and responsibilities in the area of domestic care work. The collapse of socialism and the political transition brought with it a re-traditionalization and I would argue a re-nationalization of the family³¹¹. Current populist political movements are set to re-center traditional family values at the heart of their discourse, incentivize higher birth rates and construct policies that keep women in the

³¹⁰ The notion of intimate citizenship is developed in the seminal work of Plummer, focusing on the overlap of public and private and how private decisions are bound up with public institutions such as legal codes, the medical system, or the media. Intimate choices are subject to intense scrutiny and contestation in an increasingly pluralized public sphere, requiring us to broaden our understanding of what it means to be a citizen. Plummer, Ken. 2011. *Intimate Citizenship: Private Decisions and Public Dialogues*. University of Washington Press.

³¹¹ Poland and Hungary are both waging a political war on gender studies. In addition, Poland is on track to significantly curb access to safe and legal family planning; Hungary has been in the business of new pro-natalist (birth incentivizing) policy making at a rate not seen since the post-war era.

household for longer periods; demonize migration and downplay emigrations impact on society.³¹²

Meanwhile many EU level policies are looking for various political solutions to encourage men to play a more active role in care work³¹³. However most of the work-life balance initiatives, and especially ones on fatherhood and child care, tend to privilege highly mobile and more affluent elites. There are also several limitations of policies aimed at making engaged fatherhood appealing. EU policy initiatives in the field are very new and they tend to clash with deeply engrained cultural patterns about parenting and gender. Changing traditional gender norms and perceptions is perhaps the first step in the recognition of care work – paid and unpaid – in the context of both transnational motherhood and fatherhood.

Through the lenses of gender, labor, social security and family law, the case studies illustrate the difference in the provision of these three elements of care in transnational family life, under the perspective of transnational fathering and mothering.

Through the explanatory potential of these case examples, the following section provides the reader with entryways into the life of male and female migrant workers in the EU so as to better explain the role of law in shaping transnational parenting and family life.³¹⁴

³¹² Beyond the difficulties faced by managing a transnational family, at this point Hungary for example is experiencing a massive labor shortage, especially in the crafts, construction, and repair fields.

³¹³ Fox, Elizabeth, Gillian Pascall, and Tracey Warren. "Work-family Policies, Participation, and Practices: Fathers and Childcare in Europe." *Community, Work & Family* 12, no. 3 (August 1, 2009): 313–326.; Fox, Elizabeth, Gillian Pascall, and Tracey Warren. "Work-family Policies, Participation, and Practices: Fathers and Childcare in Europe." *Community, Work & Family* 12, no. 3 (August 1, 2009): 313–326.

³¹⁴ De Hart, Betty, Wibo van Rossum, and Iris Sportel. *Law in the Everyday Lives of Transnational Families: An Introduction*. SSRN Scholarly Paper. Rochester, NY, December 11, 2013. Rochester, NY. <https://papers.ssrn.com/abstract=2366404>.

In summary, these illustrative narratives reveal two tales of modern transnational parenting emerging from the transnational family research in Europe and globally.

1. The “Skype dad”: narratives of the resourceful (even “heroic”) fathers, traveling abroad for work in the skilled, or relatively skilled labor sectors. They generally have access to higher levels of pay and formalized employment. The host country generally expects the male breadwinner to be separated from the family during time of employment, for extended and non-interrupted periods. This increases the importance of virtual parenting practices, but decreases the pressure on frequent visits. The gendered nature of intra household division of labor means that migrant fathers are somewhat more liberated from proximate care tasks, compared to women. There is less social stigma related to leaving children behind, relatively more success in decreasing reproductive roles during time of separation, more success in accessing employment based family benefits for non-cohabiting children. However, these structural advantages do not mean that fathers find transnational parenting unproblematic, or that they prefer separation from their families.

2. “Euro moms / euro orphans”: the increasing feminization of migration in the European region is concentrated heavily in the migrant domestic care work sector. Female care workers circulating between two households are seldom cast in the light of the ‘heroic mother.’³¹⁵ More often they are considered abandoning parents who have rendered thousands of children ‘euro orphans’. They generally enter the low-

³¹⁵ An exception might be the Philippines where labor migration is a female dominated field and the heavy reliance of the state on migrant women’s remittances has led to a campaign of heroisation of these women. The Philippines has become a remittances based economy. Over time, State rhetoric changed considerably from stigma to a level of appreciation of the sacrifices these women make in ensuring the welfare of not only their families, but by proxy that of the Phillipine economy.

skill, or unskilled sectors of migrant care work, performing caregiving tasks for pay, that most often goes unremunerated in their own homes. This labor market is still characterized by high levels of informality, leaving the worker more vulnerable to abuse. Performing work in the privacy of someone's household is no ordinary form of employment. In addition, the need to fulfil dual care roles - both home and abroad – means that migrant mothers are not separated from their families the same way migrant fathers are. Transnational mothers retain much of their caregiving responsibilities even during times of separation. In addition, they face greater stigma for leaving children behind than fathers and less access to employment related family benefits from their employers. On the other hand, given the massive, commodified care needs of receiving societies, migrant women have the opportunity to earn relatively higher wages than they would back home and support their families from afar. With coordination between each other, they are also able to negotiate shorter absences from home by a system of migrant care worker rotation.

This Chapter combined anecdotal accounts of the lived experiences of transnational parents with some of the institutional contexts in which they are embedded; especially: gendered welfare regimes and transnational labor market dynamics. Through the explanatory potential of these case examples, the following Chapter provides the reader with entryways into the analysis of the role of law – specifically transnational family law conceptualized and introduced in section 2.6. - in shaping transnational parenting and family life. This will also make more explicit the role of EU level regulations and policy responses referred to previously in this dissertation.

4.3. The Right and Responsibility of “Care” in EU Family Life

This dissertation has thus far described the ways in which transnational care is preformed and conceptualized by scholars and families. Section 2.2. provides a set of categories of ‘care’ that are relevant in family life: personal, economic, practical, and emotional/moral. It also translated them to ‘transnational care’ elements (hands-on and virtual care though contact; remittances; exchanges of affection and advice). The examples form case studies added specificity to these elements by highlight that transnational parental care, in the EU – CEE nexus, requires certain specific actions (visits, calls, money transfers, substitute care arrangements etc.) and these in turn are regulated (constrained and enhanced) by various structural conditions set by the regulatory power of the State and the EU as well as underlying social norms surrounding gender and family life.

How then does law conceive of parental care? How can we delineate legally relevant categories of the right and obligation of care that would begin to map the complexity of transnational care arrangements? The following section reduces – for the purposes of analysis – the elements of transnational parental care to three key elements that make it possible to analyze transnational parenting in the context of transnational family law.

The protection of the family and the right to family life are guaranteed in several international human rights instruments. Notably, the Universal Declaration of Human Rights³¹⁶ declares the family as the natural and fundamental unit of society. The UN Convention on the Rights

³¹⁶ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 22 June 2018]

of the Child³¹⁷ makes it clear that maintaining the family unit is in the best interests of the child. Within the context of fundamental rights in the EU, Article 8 of the European Convention on Human Rights provides the most effective protection for the right to private and family life. It is directly enforceable law applying to all sectors of domestic law, courts and administrators and demands the deference of national constitutions. Its broad understanding of family life is further extended by the jurisprudence of the European Court of Human Rights (ECtHR).³¹⁸ According to the Court, the Convention does not merely compel states to abstain from arbitrary interference in private and family life, but also considers positive obligations related to the respect of family life³¹⁹ even in the private sphere between individuals themselves.³²⁰

Much of the jurisprudence on the respect of family life developed in the context of child protection, divorce, custody and family reunification. In these areas, the Court has established cohabitation, or living together, as a central component of the right to family life³²¹.

However, as this dissertation illustrates, living together means something different for families in transnational households. These families emphasize their unity as legally intact families, despite their periodic phases of separation. Economic pressures compel them to

³¹⁷UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html> [accessed 22 June 2018]

³¹⁸ In interpreting the ECHR, the European Court of Human Rights has adopted a rather broad and flexible concept of family. See for example: in *Lebbink v The Netherlands* App. No. 45582/99 (ECtHR, 1 June 2004) the Court reiterated its established case-law under Article 8, moving away from understanding family life as a mere matter of biological bond between father and child towards an emphasis on practical personal ties. In this case the Dutch government referred to the Court's judgment in the case of *K. and T. v. Finland* reiterating "that the existence or non-existence of family life within the meaning of Article 8 of the Convention is essentially a question of fact depending on the real existence in practice of close personal ties (no. 25702/94, § 150, ECHR 2001-VII)."

³¹⁹ In *X and Y against Nederland* from 26/3/1985 (no. 8978/80)

³²⁰ As is often the case for domestic care workers.

³²¹ Luis López Guerra, "European Convention on Human Rights and Family Life. Primary Issues," in *The Right to Family Life in the European Union*, eds. Maribel González Pascual and Aida Torres Pérez (London New York, NY Routledge, 2017) 12-13.

create living arrangements akin to transnational divorce scenarios. Yet, unlike in the case of transnational divorce and custody, transnational families often do not have specific or adequate welfare or legal-policy frameworks to help navigate their non-divorce based ‘post-separation’ parenting plans. In the globalized economy of labor both states and the EU are complicit in separating families, but operating with the ‘static worker model’ neither create sufficient infrastructures to assist family life in non-permanent, circular migration scenarios. This illustrates one example of what Adelle Blackett calls the shifting of the social cost of globalization to the individual.

Classical readings of family law (of Family Law 1) do not provide much guidance in navigating the challenges to the right to family life these families face. Therefore instead of fixating on the more narrow family law structures, or jurisprudence of the EU, the dissertation posits that it is in the interaction of social rights and family life that transnational families are more directly implicated. The ECtHR has helpfully expanded state’s obligations to include social and economic rights in relation to family rights, in some cases calling states to protect “certain levels of material conditions” in order to preserve family life.³²² For example, the right to family life, as understood to be a right to maintain family relationships, may be adversely affected by the loss of adequate housing, or minimum levels of subsistence, or an informal work status that leaves the worker out of basic work-life balance rights (such as working time limits, vacation etc).

The European Charter of Fundamental Rights, specifically its provisions on equality and solidarity related rights,³²³ best model the tension between the free market of the EU and the

³²² Idib. 27 Specifically citing *Airey v Ireland* 1979 and *Yordanova v Bulgaria* 2012

³²³ Title III: Equality and Title IV: Solidarity - European Charter of Fundamental Rights (The Charter) 2012/C 326/02

social values of the welfare state as the common structure of member states. The Charter includes social protections and compensation related rights for dependent workers. Article 31 par. 2, on compatibility of work and family life mandates maximum working hours, and rest period as well as annual paid leaves. Article 33 par. 1 also states “The family shall enjoy legal, economic and social protection.” These are enshrined as fundamental rights not as mere principles under EU law.

The right to family life in European law covers the right to working conditions that respect the need for work-life balance, i.e., for employment and family to be compatible. Among the recent initiatives of the European Commission aimed at modernizing the existing EU legal framework in the area of reconciliation of work and family life, the Proposal for a Directive of the European Parliament and of the Council on work-life balance for parents and carers³²⁴ is a step in the right direction.

There is no direct judgment of the ECtHR about working conditions and family life yet. There are some promising developments as Dorothee Frings points out regarding the Court’s more recent judgments about employment which “confirm that member states are obliged to align the whole of employment law, including prevention and monitoring of this law, with protecting the human rights of the weaker side in any asymmetric employment

³²⁴ “A NEW START TO SUPPORT WORK-LIFE BALANCE FOR PARENTS AND CARERS.” Accessed October 4, 2017. https://ec.europa.eu/info/law/better-regulation/initiatives/com-2017-253_en., focusing on the area of family-related leaves and flexible working arrangements: A common critique is that this does little to address the working conditions of those employed in the private domestic care work sector.

relationship.”³²⁵ Such developments may be directly relevant to the parenting abilities of the more vulnerable transnational parents, such as migrant domestic worker mothers.

Additionally, the European Code of Social Security binds member states to guarantee minimum standards in the field of social security on the basis of minimum harmonization of the level of social security. This also provides for the system of transferability of social security benefits and the regulation of benefits eligibility for workers and dependent located in more than one member state. State’s leeway in interpreting fundamental rights are significantly narrower in the context of the rights of workers.³²⁶

Generally speaking, children have a right to be brought up, be cared for (regarding especially health, housing and education) and legally represented by their parents; or in lieu of parental care, to be provided adequate guardianship by other persons determined by competent authorities.³²⁷ For the purposes of this piece in the context of the right of the child to be cared for, this section introduces three elements of parental care – contact, support and supervision.³²⁸

³²⁵ Dorothee Frings, “Transnational Domestic Work and Right to Family” in Maria Kontos and Glenda Tibe Bonifacio, eds., *Migrant Domestic Workers and Family Life: International Perspectives*, 2015 edition. (Houndmills, Basingstoke Hampshire ; New York, NY: Palgrave Macmillan, 2015), 45.

³²⁶ The European Code of Social Security (ETS No. 48) and its Protocol, as well as the Revised European Code of Social Security (ETS No.139), “set standards in the social security field on the basis of minimum harmonization of the level of social security, providing minimum standards and permitting (or rather encouraging) the contracting parties to exceed these standards.” These standard-setting instruments, together with the European Social Charter, set out the underlying principles of what is referred to as the European social security model. See more on EU transnational social security coverage:

http://europa.eu/youreurope/citizens/work/unemployment-and-benefits/country-coverage/index_en.htm

³²⁷ In summary of the relevant laws on parental responsibility or parental custody in EU member states, parents have the right and obligation with to care for and raise their children, to manage the child’s assets; legally represent their children; and to appoint a guardian, and exclude any particular persons from the guardianship. Parental custody means that it is the parent’s right and obligation to make decisions on, and proceed in, fundamental matters concerning the minor child. Nevertheless the parents must ensure that their child, having reached a certain degree of maturity can express his/her opinion before any decisions are made concerning him/her, and the parents must take the child’s opinion into account. See detailed EU and member state legislation: “European Commission - European Judicial Network - Parental Responsibility - Community Law.” Accessed June 5, 2017. http://ec.europa.eu/civiljustice/parental_resp/parental_resp_ec_en.htm.

³²⁸ Framing this three-prong focus of the inquiry drew especially from: Carling, Jørgen, Cecilia Menjívar, and Leah Schmalzbauer. 2012. “Central Themes in the Study of Transnational Parenthood.” *Journal of Ethnic and Migration Studies* 38 (2):191–217.

4.3.1. The Right to “Contact” in Family Life

Parents and children have the right to family life, that is to say, a right to enjoy a relationship in the form of contact with each other. Whether they are cohabiting in the same physical household, or separated due to divorce or migration across borders, this right is reinforced through various national, international and European legal instruments.³²⁹ Contact practiced in the transnational household involves the resources of the household in the home country as well as the temporary one in the host country. Visits with adequate time off and resources may be relatively unproblematic when compared to transnational family arrangements outside of the EU’s free movement zone. Virtual contact requires appropriate access to technology across the transnational household: within home and host country dwellings, subject to national availability of Internet access.

For transnational parents and children, the one element of this relationship is contact that is achieved in two ways: *physically* using the free movement zone for reciprocal parent-child visits; and *virtually* using cellphone calls and messaging and information and communication technologies (ITC).³³⁰ Visitation is made legally easier through the transnational migration law of the EU as expressed in the doctrine of free movement according to European Directive 2004/38. Parents and children as EU citizens have the right to move and reside freely within

³²⁹ The following international and regional treaties in particular ensure children’s right to protection and care without discrimination, including their rights to health, education, information, and privacy: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; the Convention on the Elimination of all forms of Discrimination against Women; and the Convention on the Rights of the Child; European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the European Social Charter.

³³⁰ Mirca Madianou, “Migration and the Accentuated Ambivalence of Motherhood: The Role of ICTs in Filipino Transnational Families,” *Global Networks* 12, no. 3 (July 1, 2012): 277–295

the territory of the EU. In virtual contact, the EU has abolished roaming charges as of June 2017,³³¹ and has extensive regulations on the right to access to the Internet in line with international human rights movement concerning Internet use.³³² This environment significantly reduces the cost of virtual contact that is crucial in providing emotional and practical support for children by parents, often on a daily basis.³³³

Much like in the context of post-divorce family life, parents check in online to catch up on the days' or weeks events. Research shows that transnational families with children rely heavily on communication technologies, in particular ones that allow for video-calls to supervise and assess children's well-being and maintain parent-child bonds, which may be relevant in showing 'good' and 'involved' parenting and the existence of affective bond in front of authorities in family court proceedings. ICTs change the practice and the intensity of distant parenting. They also have consequences for the way in which parents and the broader family experiences migration and motherhood, or fatherhood. These are also traceable forms of communication and contact, which authorities can rely on when assessing a parent's involvement in the child's upbringing, a topic that may come up in cases of separation, custody or child welfare hearings. Scholarship also highlights that calls, texts and Skype do not substitute proximate, hands-on care, especially in the case of prolonged separation of adolescent children. Virtual contact is often the more draining experience for transnational

³³¹ "EU Reaches Agreement to Abolish Roaming Charges by June 2017 - European Consumer Centre (ECC) Ireland." *European Consumer Centre (ECC) Ireland*, June 0, 2015. <https://www.eccireland.ie/eu-reaches-agreement-to-abolish-roaming-charges-by-june-2017/>.

³³² Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union.

³³³ Although broadband internet coverage is over 80% in much of Eastern Europe, all CEE countries have sparsely populated and underserved rural areas, which present coverage challenges. "Study on Broadband Coverage in Europe (as of 2014)." *Digital Single Market*. Accessed December 5, 2017. <https://ec.europa.eu/digital-single-market/en/news/study-broadband-coverage-europe-2014>.

mothers, who given the gendered nature of child care, remain more involved in the day to day organization of family life than their male counterparts.

Gaps remain in the area of contact rights as experienced in reality and they often manifest along gendered lines. Migrant men often enjoy greater access to the right to family life given the labor sectors they are able to enter. Many transnational fathers, for example, may have the opportunity to migrate for work in labor sectors that are highly formalized with higher salaries and adequate access to housing, time-off for visits with compensation. On the other hand, the economic constraints of their employment, settlement requirements in host countries and the need to send significant amounts of remittances back home all create the environment where for the duration of their employment they must practice transnational parenthood. Jan's story from Poland shows that 'EU citizenship' and 'social citizenship' are not the same thing. His particular version of male domestic work as a handyman does not allow for appropriate planning of absences, nor for frequent or extended visits home. Given the relative informality of his employment, he misses many of the structural advantages of more regular and formalized employment³³⁴ in Germany such as those connected to 'self employment' or being officially a 'dependent worker' tying him to a specific employer³³⁵. In

³³⁴ Undeclared work legally renders the work contracts invalid, thereby leaving the self-employed construction workers without legal grounds for claiming their pay. Apart from the inherent problems of bogus self-employment, the letter box subcontractor practice leads to further violations of labor rights. Wages are also often paid arbitrarily, usually having little to do with the working hours kept. In case of legal proceedings, it often proves impossible to establish the exact working hours. See more in: Kamila Schöll-Mazurek Artur Schulz Laura Faiß Hannah Heyenn Polish Social Council SOCIAL DUMPING BY SUBCONTRACTING: HOW GERMAN EMPLOYERS IN CONSTRUCTION AND MEAT PROCESSING EVADE EU LABOUR PROVISIONS As part of the "Testing EU Citizenship as Labour Citizenship: From Cases of Labour Rights Violations to a Strengthened Labour-Rights Regime" (LABCIT) project.
http://migrationonline.cz/germany_country_report.pdf

³³⁵ The majority of work Polish men are involved in are in construction (34.3%) and manufacturing (30.5%) and they also have the highest self-employed ratio of the five largest national minorities in Germany (15%). Jan belongs to the informal work sector with least amount of social protection. To the extent he would formalize his status he fits roughly between the 'dependent worker' and 'self-employed' category, roughly in the construction, repair field. The relevance of these will be elaborated in more detail in the following section on "support".

this context, it is especially the lack of regular working hours and paid leave that are most pertinently lacking in fostering his ability to practice physical forms of contact³³⁶.

Peter's story from Hungary reveals much about contact in transnational parenting as experienced by a father, both by the information revealed and implied. With fixed working hours - appropriate housing and privacy – these Hungarian construction workers have adequate time, space and privacy to enjoy some physical and virtual contact with their families left behind. The visits are subsidized allowing for a degree of reconciliation of work and family life. This seems like a generous gesture, however it makes perfect sense for the market and the Dutch state that both have a vested interest in keeping productive and reproductive functions of migrant parents firmly separated between home and host countries.³³⁷

The example of the Romanian female workers, on the other hand, suggests that female migrant workers face altogether different challenges regarding contact. This is particularly true for the majority of women migrants who find jobs in the domestic and care work sector. The very nature of the domestic care sector (often informal) allows for a very different enjoyment of rights. Women and migrant workers are often in a particularly precarious situation and when employed in the domestic care sector they are all but prohibited from most work-life reconciliation benefits. This is in large part because many of them are not

³³⁶ Not that the formal statuses, that would be available for Jan, would guarantee perfect labor rights protections. Recently the Polska Rada Społeczna (Polish Social Council) examined two sectors: the construction sector and the meat processing sector. Both of these sectors are common for unskilled workers from Eastern European countries. In the course of our first phase of hearings in the construction sector, they found that bogus self-employment and nontransparent subcontracting chains to be the most prominent causes of labour rights violations and exploitation, including mainly the evasion of wage payment and exploitative working time arrangements.

³³⁷ See more on Dutch regulations on foreign workers: "Accommodation for Foreign Workers." Accessed August 5, 2017. <https://business.gov.nl/regulation/accommodation-foreign-workers/>.

able to retain worker status that would satisfy Article 7 (3) sense of Directive 2004/38 on freedom of movement, which describes the line at which a worker can continue to retain certain benefits that attach to being a migrant worker under EU law.³³⁸

Research shows that migrant mothers remain more actively needed and involved in the day-to-day task of parenting from afar than migrant fathers.³³⁹ This puts significant pressures on Romanian mothers acting as bread-winners and involved parents at the same time. In addition live-in work has been shown to provide less opportunity to leave for necessary visits when needed, or to exercise parenting through calls and internet communications.³⁴⁰ Phone calls are the most used, but case studies show that the internet enables women in maintaining an active relationship with their children and caregivers, not only to provide mutual affective support, but also to remain involved in joint decision making. Using the Internet in Romanian villages is still generally rare. Only migrant families and the few intellectual families use it. However, due to the good offers of Internet providers in the period of economic crisis, it becomes ever more popular even in villages. Thus, transnational communication via the Internet is extending among this category of migrants, as well. The example of migrant families in having an Internet connection is taken over by other families in the village. One of

³³⁸ These include: illness/accident insurance, unemployment assistance, training etc. European Union, *Directive 2004/38/EC of the European Parliament and the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member states amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC*, 29 April 2004, 2004/38/EC, available at: <http://www.refworld.org/docid/4a54bbb00.html> [accessed 21 June 2018]

³³⁹ “Children Left Behind: The Impact of Labor Migration in Moldova and Ukraine,” *Migrationpolicy.Org*, January 23–2015, <https://www.migrationpolicy.org/article/children-left-behind-impact-labor-migration-moldova-and-ukraine>.

³⁴⁰ Flavia Piperno, “The Impact of Female Emigration on Families and the Welfare State in Countries of Origin: The Case of Romania,” *International Migration* 50, no. 5 (2012): 189–204.

the social distributive consequence of transnational family life in Romania is migrants participating in the technological advancement of villages in an indirect way.

The private nature of female transnational work, in family households, means almost twenty-four hour availability with little enforcement of labor protection laws, even if they do apply.³⁴¹ Finding time and space in the day to call or Skype is hard for transnational mothers. Children generally cannot visit their mothers in the destination country, as most of them lack adequate means, or housing that would accommodate visitors. Even in the best of circumstances, as the Hungarian example showed, Internet access in Romania, especially in rural areas is often inadequate, further hindering contact between mothers and children.

As such, rules surrounding Internet use and cellphone communication access function as background rules that in their operation have enormous consequences for the family, without referencing directly the family.³⁴² This background body of policies and law operate as background norms to the right of “family life” and parental contact, directly impacting the ability of parents or parental figures to provide appropriate “care.” Likewise, international and European labor rights and their national applications are responsible for creating working-time arrangements for the “family law” of the transnational family, thus impacting how parental contact may be provided.³⁴³ As Shalleck aptly put it, “These laws, far more than what we normally call family law, directly affect the ongoing functioning of the

³⁴¹ Michael Jandl et al., *Migration and Irregular Work in Austria: A Case Study of the Structure and Dynamics of Irregular Foreign Employment in Europe at the Beginning of the 21st Century*, 01 edition. (Amsterdam: Amsterdam University Press, 2014); Professor Helma Lutz, *Migration and Domestic Work: A European Perspective on a Global Theme* (Ashgate Publishing, Ltd., 2012), chap. 9.

³⁴² In the context of the FLE movement these can be thought of as Family Law 3

³⁴³ In the context of the FLE movement these laws belong to Family Law 2, bodies of law not designed explicitly for the regulation of family life—seemingly for entirely separate purposes—where the family appears only as a category.

family...Also, seemingly silently, these bodies of law sometimes also structure how families actually form and dissolve.”³⁴⁴

Of course, achieving adequate forms of physical and virtual contact and care requires a number of resources that are not evenly distributed or equally available. The capacity to visit and how this is conditional on a range of factors including migration and/ or employment status, physical and material resources and time. This leads us to what is arguably the major limitation of distant care and that is access to the material means that facilitate it (material means and class status can also ‘improve’ your legal status and in this indirect way contribute to your freedom of mobility). Capacity to touch and to visit relies on access to mobility and capacity to engage in distant care relies on access to the technologies that enable care across distance. Certainly, not all families enjoy the conditions of polymedia. Children’s age and developmental stage is also a part of the challenge as ICT contact may not be ideal in the case of young children. Medical disciplines (including nursing and gerontology) are skeptical that care can take place across distance at all. Certain narrowly defined forms of care, like *personal care* (bathing, feeding) or *dependent care*, require physical co-presence. Insofar as any policies operate on the assumption of narrow definitions of care they will fail to take transnational, distant care practices into account. The freedom of movement and labor within the European Union must entail the facilitated freedom of contact and access to polymedia. On the other hand we must be careful to not focus solely on making distant-care, “care by proxy” the desired policy goal at the risk of idealizing mobility in family life.

³⁴⁴ Shalleck, 452.

https://www.researchgate.net/publication/254569222_Introduction_Comparative_Family_Law_What_is_the_Global_Family_Family_Law_in_Decolonization_Modernization_and_Globalization.

4.3.2. The Provision of Support in Transnational Families

Throughout the dissertation, economic remittances featured as critical to the well-being of non-migrating family members and are often at the center of socio-economic mobility strategies. Poor migrants with low earning capacity are restricted in terms of the amounts they can remit and the frequency with which they can do so. It also only works while the dependents remain in the home country, where living expenses are cheaper. Household remittances do little to change overall social mobility. The infrastructure, education and job opportunities in the home countries remain as they were and children soon face the choice to remain or to migrate as they realize the shortage of opportunities at home. That said remitting money, gifts, extending social benefits to children living in another country – but within the transnational household – is an important expression of parental care and a tangible show of presence and affection.

The EU provides combined protection of families and social rights that mandate that states provide certain levels of material conditions in order to facilitate family life. Article 33 paragraph 1 of the European Charter of Fundamental Rights states “the family shall enjoy legal, economic and social protection.” EU citizen migrant workers and their families have been afforded important rights and entitlements.³⁴⁵

Meanwhile the EU has made major efforts to create an environment conducive to worker mobility.³⁴⁶ Cash transfers and gifts are relatively easily navigated within the EU. In fact,

³⁴⁵ See: Directive 2004/38/EC, including the right to equal treatment, access to benefits, under various conditions including employment and family status as well as legal residence; Directive 2004/38/EC amended Regulation 1612/68/EEC with regard to family reunification and extended the definition of ‘family member’; Directive 2004/38/EC provides for the right to remain in the host country after stopping work as long as one is a bone fide job-seeker.

³⁴⁶ These include: Directive 2011/24/EU on patients' rights in cross-border healthcare; Regulation (EC) No 883/2004 and implementing Regulation (EC) No 987/2009 on the coordination of social security schemes; Directive 2014/50/EU on minimum requirements for enhancing worker mobility between member states by

transnational fatherhood has allowed Peter's brother to channel more money into remittances for the daily household maintenance and support of his children with the comparatively lower costs of living in Hungary. This provision of support also enabled the family to buy a new home. Remittances were not only used to this effect, but they were also combined with social benefits available to families with minor children.

In addition to the higher salaries of skilled male workers from the CEE region, migrant workers in the EU may apply for family benefits for children living abroad.³⁴⁷ This makes migrant child support in the EU uniquely streamlined. The Union, therefore, acknowledges that children are increasingly raised in transnational households and that social policy regulating the family must also reflect this reality. In the case of the Netherlands, Dutch law – in line with EU regulations on social benefits and social protection of families and children – allows for formally full-time employed migrant workers, or private entrepreneurs working in the Netherlands with minor children “in their households” to apply for family benefits. If the child is already receiving family benefits from the Hungarian state, the Dutch state pays the difference between the amount provided by Hungary and that allowed by Dutch law.

Jan has an altogether different set of circumstances as far as remitting anything beyond direct earnings. Given the relative informality of his employment, he misses many of the structural advantages of more regular and formalized employment³⁴⁸ in Germany namely ‘self

improving the acquisition and preservation of supplementary pension rights; Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, which specifically provides for new means of redress for workers discriminated against.

³⁴⁷ See footnote 38; between two member states it is the difference between the benefit obtained in the country of employment and the country if the child's habitual residence that is obtainable in the country of employment, on top of the full amount of family benefit from the home country where the child resides.

³⁴⁸ Undeclared work legally renders the work contracts invalid, thereby leaving the self-employed construction workers without legal grounds for claiming their pay. Apart from the described inherent problems of bogus self-employment, the letter box subcontractor practice leads to further violations of labour rights. Wages are also often paid arbitrarily, usually having little to do with the working hours kept. In case of legal proceedings, it

employment’ or being officially a ‘dependent worker’ tying him to a specific employer³⁴⁹.

Gender is not the only determinant therefore in the ability to provide increased levels of financial support. The labor sector and labor market status also matters. The informal domestic ‘handyman’ work can be just as insecure and lacking in social-benefits as domestic care work.

Migrant parent’s foreign employment may impact the availability of much needed home country (CEE country) social benefits, most often due to lack of proper communication between home and host member states of the EU on which state owes what to the children of

often proves impossible to establish the exact working hours. Kamila Schöll-Mazurek Artur Schulz Laura Faiß Hannah Heyenn Polish Social Council SOCIAL DUMPING BY SUBCONTRACTING: HOW GERMAN EMPLOYERS IN CONSTRUCTION AND MEAT PROCESSING EVADE EU LABOUR PROVISIONS As part of the “Testing EU Citizenship as Labour Citizenship: From Cases of Labour Rights Violations to a Strengthened Labour-Rights Regime” (LABCIT) project. http://migrationonline.cz/germany_country_report.pdf

³⁴⁹ The majority of work Polish men are involved in are in construction (34.3%) and manufacturing (30.5%) and they also have the highest self-employed ratio of the five largest national minorities in Germany (15%). Jan belongs to the informal work sector with least amount of social protection.

To the extent he would formalize his status he fits roughly between the ‘dependent worker’ and ‘self-employed’ category, roughly in the construction, repair field.

In 1999, the Red-Green government coalition in Germany passed the Act to Promote Self-Employment (Gesetz zur Förderung der Selbständigkeit). This legislative act contained, for the first time, statutory criteria to help to distinguish between self-employment and ‘economically dependent work’ (de0202206s).

As an EU citizen self-employment gives one the most leeway in organizing his/her work and life in Germany. This is beneficial to those with significant financial assets however leave others with few basic social protections. The self-employed are officially part of the statutory social security system in Germany health insurance, unemployment insurance, old-age pensions, care insurance and accident insurance. However the self-employed person is responsible for the entirety of mandatory contributions to the social security system. Self-employed workers can join a health insurance scheme, either private or statutory, on a voluntary basis. Being formalized, or regularized as a self-employed person would leave Jan with more burdens than benefits given the relatively random and low wage domestic labor sector he belongs to.

In case Jan would want to fit the ‘economically dependent worker’ category he would have to fit at least 3 of the following criteria: not employ other employees who are subject to social security contributions; usually work for only one contractor; perform the same type of work that is also carried out by regular employees (in the case of the contractor, or other contractors conducting a similar business); carry out the same work as an employee prior to the present job; not be an entrepreneur.

The law, generally states that an ‘dependent worker’ needs to be covered by the social security system; that is, by health insurance, the old age pension system, and unemployment insurance. In practice, some problems evolve from the status of being considered a ‘dependent’ worker. It, moreover, stipulates that the burden of proof is with the social security administration. In other words, the social security administration has to prove that a person is ‘economically dependent’ on one employer. However, as long as the employer in question cannot be identified by the social security administration, economically dependent workers have to pay their own social-security contributions. Since Jan fluctuates between employers, generally private households, in lieu of belonging to a unionized workman crew – he needs to secure any additional benefits and coverage for himself in Germany. On the other hand there is no penalty for not doing so and he can technically rely on the fact that all EU citizens have the right to basic emergency medical care in any EU member states, it does not however provide him with extensive medical coverage.

the transnational household³⁵⁰. The impact of the particular labor sector – skilled, formalized, and full-time – cannot be underestimated, given the higher wages and access to benefits.

Female migrants rarely have access to labor markets that provide for the above conditions, significantly impacting upon their ability to provide financial support for their children, compared to migrant men. For instance, though the availability of domestic care work in Italy provides the Romanian transnational mother with the opportunity to send home remittances as a form of child support, the wide spread informality of care work market means that these mothers miss out on several other employment and social benefits compared to the fathers in the Hungarian case study.³⁵¹

Italy has an increasingly formalized domestic care sector with protective rules³⁵² on maximum working hours for a live-in family assistant/caregiver (54 hours per week, and for non-live in at 40 hours), overtime pay, time-off (weekly and for vacations) and vocational training opportunities, strict employment contracts; social security benefits including, unemployment benefit, sickness insurance, occupational accident or illness insurance, and

³⁵⁰ Problems relating to proof of social security contributions are reported in at least four member states (i.e. BG, DK, HU and RO). There are also persistent delays, refusals to pay and other obstacles to family benefits in at least six member states (i.e. AT, CZ, DE, DK, HR and SK). The most frequent issues are the imposition of a residence requirement and bureaucratic problems in accessing necessary documents. For more information see: “Obstacles to the Right of Free Movement and Residence for EU Citizens and Their Families: Comparative Analysis - Think Tank.” Accessed August 6, 2017.

[http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2016\)571375](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2016)571375)

³⁵¹ Close to a million migrant domestic workers fulfill much of the care needs of the Italian household, transforming it to a migration based family model of care. Despite an amnesty for irregular migrant workers and employers and large-scale regularization of the domestic care sector, significant informality remains. Measures to encourage employers to regularize their workers (care vouchers and tax benefits), have proved either too weak or burdensome. See more: *Surveying Romanian Migrants in Italy Before and After the EU Accession: Migration Plans, Labour Market Features and Social Inclusion (Publication)*. Accessed June 5, 2017. <https://wiiw.ac.at/p-2629.html>; Bonizzoni, P., and A. Cibeà. “Family Migration Policies in Italy” (August 2009). <https://air.unimi.it/handle/2434/160184#.WiZCfUqnFPY>; F Van Hooren, When families need immigrants: The exceptional position of migrant domestic workers and care assistants in Italian immigration policy, *Bulletin of Italian Politics* 2 (2), 21-38

³⁵² A 2007 collective agreement protects the rights of domestic workers and family assistants/carers.

maternity and family leave. While all this looks good on paper, the relatively higher cost of formalized employment both for the state and the households, means that migrant women wishing to obtain legal care work employment become far less attractive to employers. Many households still opt for informal care arrangements. Even in the formal care sector, rules around working-time, overtime compensation are notoriously hard to enforce. Migrant domestic workers' right to family life is largely invisible in the policy discourse. International frameworks such as the ICRMW or the ILO Convention No 189 on Decent Work for Domestic Workers have not found broad acceptance. The right to family life is often limited to maternity leave, which is not practical, or applicable for domestic care workers, especially live-in caregivers. The EU Working Time Directive (2003/88EC) generally applies to domestic servants, and the European Court of Justice has reaffirmed that standby hours are full working hours. Essentially twenty-four hour work is against EU law. However in migrant domestic work employers and agencies usually don't set fixed working hours and do not count overtime. Women often team up and arrange to take shifts of two weeks a month in the same household to manage their own household responsibilities back home.

In summary, whether they enhance, or hinder transnational parents' ability to provide financial support for their children, the background rules of EU and national labor laws, social security and family-based welfare benefits shape family organization geographically. They also contribute to the construction of a determinate social and familial role for the women and men within this transnational social space.

4.3.3. Transnational Supervision and Child Care Arrangements

The intersection of gender norms and family separation is especially relevant in the context of substitute care during parental migration. An examination of transnational families through a gender lens sheds light on the very definition and composition of these families - who belongs, when and why - and on the meanings that these relations take when parenting is carried out from a distance. Substitute care duties predominately fall on female members of transnational families: left-behind spouses, grandparents, aunts, female friends, or older female siblings looking out for the younger ones. The experience of migrant fathers therefore differs significantly from migrant mothers in that the gendered division of “who cares” for the children does not change significantly through migration. Mothers’ absences will still leave a greater care-gap overall and they will generally hand off care duties to other women, even if men are present in the household.

Fathers who wish to be more involved are often hindered by the underlying expectation that they have little role in the day-to-day, proximate care of their children. Their particular labor contracts, or informal working conditions may not allow for more than the virtual contact based supervision of how the care of their children is handled back home. The impact of this argument is less acute when children are left in the care of their mothers. Normatively having a parent as the primary care-giver is the least problematic scenario. (more on gender div of labor/care in CEE)

The following section will highlight that the absence of migrant mothers and especially both parents, leave room for traditional so called 'Family Law 1' (FL 1)³⁵³ to step in. The context of child abuse and neglect that is so commonly utilized in the social discourse surrounding parental migration has legal bite especially in the State's interest to police the adequate care of children in the absence of parents. The case detailed below will highlight how the State has yet to appreciate the concept of parenting in a transnational household, where physical absence is not equal with lack of presence and involvement.

As parents are responsible for their children's upbringing, education and property, they also have the right to represent them legally. The corresponding care-rights of children are part of human rights: rights that the EU and member states must respect, protect and fulfill. As highlighted earlier, member states have the duty to facilitate parenting in its various forms, and to abstain from unnecessary interference in private and family life, barring compelling State interest.³⁵⁴

Adequate alternative child care arrangements and supervision are part and parcel of transnational parenting. This challenge focuses on the home-country dimension of transnational households. Given the persistent gendered division of labor in European, especially in CEE households, women take on the lion share of child care and household work.³⁵⁵ In the case of transnational fatherhood, children are most often left in the care of female caregivers: primarily mothers left behind. Research on transnational fatherhood

³⁵³ See section on family law typologies

³⁵⁴ For a comprehensive list of all relevant instrument safeguarding children's interest and rights in the EU: "Rights of the Child - European Commission." Accessed April 5, 2017. http://ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm.

³⁵⁵ Giovanni Razzu and Professor of Economics of Public Policy Giovanni Razzu, *Gender Inequality in the Eastern European Labour Market: Twenty-Five Years of Transition Since the Fall of Communism* (Taylor & Francis, 2016); Charles Walker and Svetlana Stephenson, *Youth and Social Change in Eastern Europe and the Former Soviet Union* (Routledge, 2013).

focuses on the father as primary breadwinner, with attenuated hands-on care roles related to the day –to –day activities associated with parenting.³⁵⁶

This doesn't mean that transnational fatherhood is unproblematic for the fathers, mothers and children involved. In fact, experts across the board have warned about the promises and perils for childhood and parenting in this adult-focused mobility and the consequent dispersal across the European Union. Although the reasons for parents' migration include the best interest and welfare of their children – family separation seemingly contradicts normative assumptions and empirical research about "active parenting" and the importance of hands-on, direct parent-child relationships for child development.³⁵⁷

Work-life reconciliation policies that would enhance male caregiver roles are inadequate. This is particularly troubling since throughout its history the EU law and policy on work-life reconciliation had been framed in the context of gender equality and gender mainstreaming.³⁵⁸ But the economic objectives of increasing overall labor market participation has taken precedence over equality and family life concerns. In addition, given the predominant role of women as care-providers, there is also a deficit in policies facilitating migrant women's reconciliation needs. Bad parenting and care deficit is often assumed in the

³⁵⁶ Joyce A. Arditti et al., "Fathers in the Fields: Father Involvement Among Latino Migrant Farmworkers," *Journal of Comparative Family Studies* 45, no. 4 (2014): 537–557; Prof Rhacel Salazar Parreñas, "Transnational Fathering: Gendered Conflicts, Distant Disciplining and Emotional Gaps," *Journal of Ethnic and Migration Studies* 34, no. 7 (September 1, 2008): 1057–1072.

³⁵⁷ Karen Clarke, Tony Maltby, and Patricia Kennett, *Social Policy Review 19: Analysis and Debate in Social Policy*, 2007 (Policy Press, 2007), chap. 15; Helen Stalford, "Parenting, Care and Mobility in the Eu," *Innovation: The European Journal of Social Science Research* 18, no. 3 (September 1, 2005): 361–380.

³⁵⁸ Samantha Currie, Un-joined-up policy making and patchy promotion of gender equality: free movement and reconciliation of work and family life in the EU, in *The Right to Family Life in the European Union. 1 edition.* ed. Pascual, Maribel González, and Aida Torres Pérez, (London New York, NY: Routledge, 2017) 232 - 252.

case of transnational motherhood.³⁵⁹ The absence of a mother from the household due to labor migration is almost always considered a greater pathology than that of a father.

Women's migration for wage work challenges local gender ideologies of male breadwinners and female caretakers.³⁶⁰ Social imaginaries of romanticized mother-child relationships are challenged by women's migration, potentially leading to allegations of mothers abandoning or putting their children at risk and subsequent family breakdown.³⁶¹

In her study, Ducu describes the story of Mioara³⁶², which serves as a poignant example of the problems transnational mothers – especially single mothers - can face when arranging substitute caregivers for their children.

*“Mioara lived a true nightmare when her son, left in the care of two women, a neighbor and a friend, needed to undergo an urgent surgery. The women took the child to the hospital and stayed with him, but when needed to sign for his complete anesthesia, everybody panicked since both parents were away and there was no legal tutor for the child in the country. Mioara talked to the doctor on the phone and gave him her verbal consent, then sent him an SMS declaring this again.”*³⁶³

In many cases, when parents are away, the legal representation of children is not adequately substituted. As there is no formal break in the parent-child relationship, the state is not

³⁵⁹ There is already evidence of labor migration being held against third country national mothers seeking to bring their children into an EU member state under family reunification schemes based on the right to family life (Art 8 ECHR) in cases in the European Court of Human Rights. See in: Staiano, Fulvia. “Good Mothers, Bad Mothers: Transnational Mothering in the European Court of Human Rights’ Case Law.” *European Journal of Migration and Law* 15 (2013): 155.

³⁶⁰ Hondagneu-Sotelo and Avila (1997); Dreby (2007); Salazar Parreñas (2005).

³⁶¹ Suárez-Orozco, Carola, Irina L. G. Todorova, and Josephine Louie. “Making up for Lost Time: The Experience of Separation and Reunification among Immigrant Families.” *Family Process* 41, no. 4 (2002): 625–643.; see also Boehm, Deborah A. “‘For My Children’: Constructing Family and Navigating the State in the U.S.-Mexico Transnation.” *Anthropological Quarterly* 81, no. 4 (December 25, 2008)

³⁶² Ducu, 25.

³⁶³ Ibid.

automatically involved. In some cases – especially involving emergencies, such as medical care decisions – it may be unclear who is authorized to act and represent the child *in loco parentis*. To address the problem of informal care arrangements, Romania enacted the Child Protection Law (272/2004). The law addresses the issue of parents working abroad in Chapter VI Section 4, under “Child Protection Against Abuse, Neglect, Exploitation and Any Form of Violence”. It imposes strict reporting rules when parents migrate for work, including declaring the alternative caregiver’s identity to the authorities.³⁶⁴ Beyond the child-protection objectives, social benefit authorities had hoped to be able to use parents’ self-reporting to adjust household information on parental income and decide to modify benefit levels, or erase certain dependent children from social care lists, given that their parents now have adequate foreign income. In addition, the amended law imposes stringent regulations and penalties, narrowly defining time-frames and who can be named as an alternative guardian (only members of extended family) and requiring court approval of the arrangements. This law seems to be somewhat out of step with the reality of transnational care arrangements. This assessment is reinforced by the findings of Ducu suggesting that parents generally perceive this law as “an abusive control of the state” against their private and family lives³⁶⁵.

The issue of supervision and care in the case of Romanian transnational motherhood is useful in highlighting the problem of meeting normatively prescribed and culturally reinforced

³⁶⁴ Law No. 272/2004 on the protection and promotion of the rights of the child (in Romanian) (Legea nr. 272/2004 privind protecția și promovarea drepturilor copilului) http://www.dreptonline.ro/legislatie/legea_protectiei_copilului.php; See in particular Chapter IV., Section 4 - Child Protection with Parents Left to Work Abroad; Parents, or single parent who are about to go to work abroad have the obligation to report to the local social public social assistance and child protection service, at least forty days before leaving the country to leave the country. Parents must designate a person who will be taking care of the child. This person will be confirmed by the guardianship court. Alternative guardians must be over the age of eighteen and be part of the extended family with necessary material and moral conditions to meet their obligation. Noncompliance carries penalties. There are limited service provisions included mostly aimed at warning against the harms of leaving children behind.

³⁶⁵ Ducu, 26.

motherhood-roles. Child protection concerns are a legitimate point of entry for the state into family privacy. However, the 2004 law places the matter of transnational parenting clearly within the context of child protection from abuse and neglect. As such it reinforces state authorities' tendency to pathologize families with migrant parents, especially mothers, using punitive measures, whilst the State continues to fall short of providing appropriate support³⁶⁶ mechanisms for parents to meet their obligations to protect transnational families' right to the full enjoyment of privacy and family life.

Most families come up with their own private arrangements that work the best for them. They want as little state involvement or supervision in this area as possible. However, though policing isn't what they are looking for, adequate social services, after-school programs and an appreciation of the virtual-co presence they practice as transnational parents is something the State could and should provide.

4.4. Transnational Family Life and the European Union's Neo-Liberal Conflict

European Union citizens' daily experience of family life is not traditionally considered to be an area of significant EU policy concern. In reality, EU law and policy on family life shapes and affects family experiences in a myriad of ways. This chapter analyzes and identifies gaps in significant areas of EU law and policy as they relate to the enjoyment of family life in the case of transnational mothers, fathers and migrancy generally. Such significant areas of EU

³⁶⁶ Most alternative programs supporting transnational parenthood in Romania are funded and organized by NGOs. See for example: "Letter from Abroad: Mother Loves You! | Romania in Contact." Accessed October 4, 2017. <http://www.romaniaincontact.com/en/2013/08/01/silvia-dumitrache-scrisoare-din-strainatate-te-iubeste-mama/>.

law and policy include: gender equality, reconciliation of work and family life and free movement of persons. This chapter demonstrates that not only is there a lack of synergy between these interconnected policies, but neo-liberal economic and labor objectives create significant tensions between the European Union's economic policy objectives and its commitments to protect the right to private and family life in the context of labor migration.

Transnational Motherhood – Domestic Care Work and Family Life

If transnational parenthood teaches us anything it is that being able to care is as important as performing remunerated work. This statement is in no way widely accepted or facilitated by contemporary legal and market regimes. It is particularly complicated in the case of migrant women engaged in the domestic care sector as was in the case of Romanian women in Italy. As the dissertation explained – though hands-on and distant care practices – they preform paid and unpaid work of care at both ends of the transnational household spectrum they inhabit. They also constitute a secondary and practically invisible class of women in contemporary purportedly feminist policy objectives in female labor market participation and work-life balance.

Within feminist literature, the private and public value of women's reproductive role, their care and family obligations began to lose their value and importance. Sustaining women's ability to care began taking a backseat on European levels too³⁶⁷, for favor of focusing on labor market participation rates. In line with Western assumptions, women's empowerment

³⁶⁷ Lewis, Jane E. 1997. *Lone Mothers in European Welfare Regimes: Shifting Policy Logics*. Jessica Kingsley Publishers.

and autonomy is politically tied to participating in formalized, paid employment. The scholarly and policy movement focusing on work–family balance reflects this shift by prioritizing women’s ability and access to the labor market and diminishing their social citizenship insofar as their caregiver duties are perceived to impede their labor market participation. This is the ‘dark side of defamilialization’, which moves focus away from reproductive issues and focuses instead on the ideal, independent worker model and who welfare states may facilitate women’s survival through paid employment.³⁶⁸

Defamilialization of course remains a helpful – albeit controversial - analytical tool in social policy, especially as it places women’s interest and corresponding welfare needs at the forefront. As this dissertation demonstrates, ‘women’s interest’ is pinned down as they have often competing and different welfare needs at various life stages and in different sections of society. This is prominently at display in the transnational context, such as the Romanian – Italian domestic care work case highlighted in this thesis. The fact that defamilialization of certain women in Europe now largely depends on the employment of other women as migrant care workers – often in precarious status - is also problematic from the normative and emancipatory point of view. A more substantive approach is needed to better grasp whose defamilialization is at stake when reflecting on social policies.

Transnational care arrangements for left-behind family members is a defamilializing issue for migrant domestic care workers from within and outside of the European Union. The case of Ukrainian women working in Poland describes the lack of access to any meaningful public work-life balance arrangements in sending and receiving countries. Thus Ukrainian mothers, much like their Romanian counterparts, rely on local informal, child care arrangements

³⁶⁸ Bambra, Clare. 2007. “Defamilisation and Welfare State Regimes: A Cluster Analysis.” *International Journal of Social Welfare* 16 (4) (October 1): 326–338. doi:10.1111/j.1468-2397.2007.00486.x.

during their long absences³⁶⁹. In addition, in post- socialist countries where care responsibilities have been ‘shifted back to families’, these migrant carers have to deal with re- familialized conceptions of caring as much as with the absence of work–family arrangements. And in receiving countries where such arrangements are available, these are generally not adapted to the specificities of their migration status or to the needs arising from transnational care duties, as we shall see in the next section.

Care migration and care circulation research is showing that social policy is no longer a merely national concern or agenda, untouched by the broad currents of transnational labor mobility. The research shows that migrant care workers and their families have care needs that challenge nation-based eligibility for care support services, financial supports for care, related social entitlements, and work-life balance policies. Yet at best, migrants are considered only on the supply side of care but hardly as potential care receivers or as care providers for their distant relatives: female migrants are recognized as enabling female-labor market participation and work-life balance for women in wealthier societies in Europe. The question of their own related needs, safe and dignified work environments and respect for private and family life should be an explicit policy goal.

This would require a solidarity and synergy based transnationalization of the household which would result in the accommodation of the reproductive roles care-workers in, or near the place of employment. This in some cases would entail the ability to migrate with younger children if desired, have appropriate accommodations and affordable child-care options. It would certainly require appropriate and enforced working time arrangements that leave time and space for physical, or virtual contact with distant relatives. In general it would mean that

³⁶⁹ Lutz, Helma. 2010. “Gender in the Migratory Process.” *Journal of Ethnic and Migration Studies* 36 (10) (December 1): 1647–1663. doi:10.1080/1369183X.2010.489373.

a country of reception such as Italy would have to broaden its “national” social policy regarding dependent care to encompass all members of the transnational household, including and especially the foreign care-giver. Meanwhile sending countries such as Romania would have to consider their support structure for their end of the transnational household at least in terms of recognizing a broader group alternative care-givers than the current law allows, developing non-stigmatizing monitoring of the welfare of children left behind and coordinating rights advocacy between Italy and Romanian citizen workers.

In lieu of such progressive measures migration and new care policies in several European countries will remain ethno-stratified and exploitative. Across European countries there is ‘still weak regulatory function of the different welfare states in the protection of transnational families. In addition, in CEE post- socialist countries care responsibilities have been essentially ‘re-familialized’ and ‘shifted back to families’³⁷⁰ further hindering policy incentives to add meaningful work-family life balance arrangements. In the countries of reception, migrant women also lack access to such arrangements that are otherwise available for local women. Even when some dependent care related benefits are available for migrant workers, they are generally not adapted to the specificities of transnational family life. This leads to exhaustion, conflict and tensions that threaten not only the parent-child relationships of the care-worker, but the relationship between care-worker and care receiver, arguably destabilizing the right to family life for the members of the employing household. Care-work is intimate, personal and takes time and trust to succeed. It is a social investment between individuals. Despite its lack of social prestige, formalization and professionalization it will soon be one of the last terrains of labor where humans and human interactions cannot easily be substituted by automatization and artificial intelligence. Our unwillingness to value the

³⁷⁰ Lutz and Palenga-Möllenbeck 2012 , 28

right to care and the right to be cared-for is short sighted and will come and haunt our societies against the backdrop of aging demographics and declining child births.

The significance of placing the experiences of migrant care and domestic workers into this wider context is that it enables us to ask important questions not only about the rights of migrant workers, but about work/life reconciliation policies, how gender equality is framed and understood by policy makers and what kind of global strategies are necessary to challenge global inequalities in the provision and needs for care.

Transnational Fatherhood and Family Life

The case of male migrants and the ability to reconcile work and family life is also problematic. Analysis across both areas of free movement and work-life balance, through the lens of the right to family life leads to the conclusion that the EU institutions are currently not showing a genuine commitment to gender equality.

The existing hard law directives focus on pregnant workers (maternity leave), parental leave, working time and part-time work³⁷¹. The approach of health and safety and equality lends the EU competence and legal bases for action in the area.

³⁷¹ Directive 92/85/EEC of 19 February 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding [1992] OJ L348/1.; Directive 2010/18/EEC of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC [2010] OJ L68/13.; Directive 93/104 of 23 November 1993 concerning certain aspects of the organization of working time [1993] O.J. L307/18.; Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC – Annex: Framework agreement on part-time work [1998] OJ L14/19.

Soft law initiatives include the Council Recommendation on childcare, encouraging enabling women and men to reconcile their occupational, family and child-raising responsibilities and a Resolution on balanced participation of women and men in family and working life. Whilst these moves point in the right direction, they take a backseat to economic considerations, especially in the wake of financial crises and several austerity measures have made social law and policy sensitive issues among the EU 28.

However even in the existing frameworks of the EU, male-focused initiatives are lacking. There is a definite acceptance that women continue to face particular challenges linked to reconciliation, frequently as a consequence of child-bearing and being primarily responsible for the child-rearing. In 2015 The European Commission issued a new policy initiative on the topic of work-life balance under the title ‘New start to address the challenges of work-life balance faced by working families’. The main objective of the Roadmap is to continue enforcing developments that will tackle the issues of working parents and the persisting high rates of women’s under-representation in employment in the EU. The Roadmap initiative proposes a mix of legislative and non-legislative measures that aim to ‘modernize current EU legal and policy framework and adapt it to today’s labor market to allow for parents with children or workers with dependent relatives to better balance caring and professional responsibilities’.³⁷²

Despite its progressive and inclusive language it is clear that in today’s European Union caring of itself is not valued. The recognition of the particular challenges faced by women is welcome but it is striking that the Commission’s concern for the experience of women extends only as far as they wish to be economic actors. Women and men’s ability to provide care for their families – sick, elderly, child, or otherwise dependent - so long as they remain

³⁷² <http://www.equineteurope.org/The-European-Commission-s-new>

part of the labor market. In fact a part of certain sectors of the labor market: formalized and higher paid.

Yet the recognition of the care-needs and care-roles of men as fathers is crucial for two interconnected reasons. On the one hand, it impacts men's individual experiences with fatherhood and family life, as men are expected to take a more active caregiving role in contemporary families. Additionally, without facilitating the greater participation of men in care related activities the gender imbalance in household care work will persist, putting disproportionately greater expectation of responsibility on women.

However, the EU's use of soft law in respect of the fathers' rights, compared to the hard law-protected rights of mothers, signifies that the reconciliation of men's work and family life remains a politically sensitive issue that is less able to garner consensus amongst the Member States. For example, the Parental Leave Directive 2010/18 treats mothers and fathers on equal terms by providing both parents with a right to leave in respect of their family obligations. However, the effectiveness of this Directive has been questioned on the basis of the lack of any guaranteed entitlement to pay. Hence, the spouse with the higher income (normally the male) will be more reluctant to take unpaid care leaves.

Migrant Workers and Family Life

Beyond the gender-based criticism of the EU's reconciliation agenda, more generally EU entitlements are also lacking in adequate consideration of the situation of migrant workers. The reconciliation agenda is still largely based on a static, uni-jurisdictional worker model and makes few accommodations for the transnational labor force and their family life related

reconciliation needs. The recognition of the transferability of social benefits mentioned in Chapter 4.3. is a positive, but rare example. However the EU still does not have a coherent strategy that utilizes existing research and considers work and family life in conjunction as part of a coherent policy strategy and this impacts the welfare of transnational family members, particularly children, adversely.³⁷³

The EU's original priority in extending residence and equal treatment rights to family members under the free movement provisions was to encourage productive workers in their exercise of the right to free movement. This prioritizing of economic rights over social ones is reflected in the jurisprudence of the CJEU as the Court consistently extended benefits to the immediate family members of workers, to "facilitate the migrant workers' migration to and integration in the host Member State".³⁷⁴

The link between mobility and family life is clearly present and well understood in EU jurisprudence and legislation. The same understanding needs to guide the Union's reconciliation initiatives, which are still not sensitive to transnational nature of work and social life.

On the basis of so-called "national treatment" several family-related entitlements have been extended to migrant citizens workers and their families residing in Member States. These

³⁷³ See more specifically in Stalford's and Ackers' socio-legal research on the EU citizenship in the context of the impact of migration on children within the European Union. Stalford critically examines the extension of legal rights to the families of Community migrant workers. Examining their formal legal entitlement under Community law, it assesses the relevance of European citizenship to children and charts recent developments in EU policy-making and the promotion of children's rights. Louise Ackers and Helen Stalford. 2004. *A Community for Children?: Children, Citizenship and Internal Migration in the Eu*. Aldershot, Hant, England ; Burlington, VT: Ashgate Pub Ltd.

³⁷⁴ E.g. Case C-32/75 Cristini EU:C:1975:120; Case C-63/76 Inzirillo EU:C:1976:192; Case C-207/78 Even EU:C:1979:144. See: Samantha Currie, Un-joined-up policy making and patchy promotion of gender equality: free movement and reconciliation of work and family life in the EU, in *The Right to Family Life in the European Union. 1 edition*. ed. Pascual, Maribel González, and Aida Torres Pérez, (London New York, NY: Routledge, 2017) pg 240

include educational rights, labor market rights and entitlement to various forms of social. In these areas of extended protection, they enjoy the same rights as nationals of that Member State.³⁷⁵

The case studies in this dissertation show that transnational mobility and the matter of family members left-behind still raises particular challenges in this regard. For example, even when bringing children to the Member State of employment would be possible, formal childcare services may be prohibitively expensive, or otherwise difficult to access, especially for lower paid migrant workers.

Given their particular employment arrangements, migrant workers may not have been resident in the host Member State for enough time to meet the mandatory qualifying periods before which workers become entitled to various reconciliation-related rights, such as requesting flexible working or parental leave, afforded by EU law.³⁷⁶ Their employment may also be of circular nature, designed by the host State to specifically keep transnational workers excluded from such protections. Low paid migrant workers and families are particularly vulnerable to such exclusionary practices. Standard qualifying periods should be amended to accommodate at least some level of protection to transnational labor migrants. So far one of the most pertinent practical challenge to the full enjoyment of the right to family life in the transnational context remains the EU's failure to adjust reconciliation initiatives addressing the specific situation of mobile citizens.

³⁷⁵ Some of the key provisions relating to such residency related rights and equal treatment of migrant citizens and their family members: Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States OJ 2004 L158/p 7, with educational rights of the children of migrant workers addressed in Article 10 of Regulation 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union [2011] OJ L141/1.

³⁷⁶ Directive 2010/18 states that entitlement to parental leave can be made subject to a period of work qualification of up to one year in duration.

Yet there is hope that the EU may facilitate alternative institutional arrangements. Gender equality has been a focal point of EU activism since the 1970s. The recent launch of the European Pillars of Social Rights³⁷⁷ might also have the potential of reversing some of the neo-liberal trends in EU labor policy that is increasingly functioning as family policy. In fact – though this is a bit more technical – as Currie points out, the Union has a stronger claim to competence the Union in relation to free movement. Therefore there may be room to develop a more concrete reconciliation agenda with the free movement provisions providing a legal basis for measures directly addressing migrant workers’ potential to access family-related rights.³⁷⁸ It is clear that the EU has any number of tools to support greater gender and social equality, the question is merely a matter of genuine commitment to such equality goals.

The relationship between migration and care poses major political and social challenges. Different scholars emphasize different strategies. Some call for the reduction of the need of people to migration for work, especially in the case of women and care-work. Others suggest the importance of formalizing various forms of migrant labor, enhancing transnational labor regulations, streamlining hiring, training and improvements in employment conditions.

In this dissertation I see the issue of transnational work and family life as part of a wider global political economy of care. The unequal distribution of care needs and care resources call for transnational social policies and bilateral agreements that are informed by an ethic of

³⁷⁷ European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Establishing a European Pillar of Social Rights” (26 April 2017), available at <https://ec.europa.eu/transparency/regdoc/rep/1/2017/EN/COM-2017-250-F1-EN-MAIN-PART-1.PDF>.

³⁷⁸ Currie explains that: “It is conceivable that, just as rights of residence and equal treatment were granted to family members on the basis of facilitating the mobility of workers, barriers to mobility caused by obstructions to enjoyment of family life, or family-related rights, could be caught by Article 45 TFEU on the basis that they pose obstacles to free movement as opposed to on the ground of discrimination. While the theoretical possibility of such developments is worth noting, it is highly unlikely that there would be the political desire (at Member State or Union level) or judicial inclination to make them a practical reality.” See in: Samantha Currie 2017 pg 249

care and are gender sensitive in both the direction of men and women. That is to say, care needs and care responsibilities should not be subsumed under the ethics of productivity. It is commonly accepted that in many ways the neoliberal project is faltering. Many are calling to use this recognition to develop the future of critical social welfare systems, based on the ethics of interdependence and solidarity.³⁷⁹ Such ethical and conceptual shifts should underpin the future of transnational family policies.

CONCLUSION

The case of transnational parenting – examined through some of its core elements such as contact, support and supervision - allows us to show that “family law” as understood by much of practice and theory is conceptually limited. Through reconsidering inherited assumptions about the family, household and the concept of care, this contribution aims to highlight ways that family law is embedded in other domains of law, along with the law of the market and the law of the state, as well as in informal practices of family networks across the borders of Europe and the world.

Transnational families requires us to develop a hybrid of the three broad categories – political, economic and social transnationalism – in the form of ‘transnational social protection’, or ‘transnational welfare’. The specific focus of this dissertation, transnational parenting and caregiving, belongs to this broader field. The language of the dissertation frequently departed from dominant social science scholarship by moving away from a focus

³⁷⁹ Rogowski, Steve. 2013. *Critical Social Work with Children and Families: Theory, Context and Practice*. Policy Press.

on the term "nation-state" to that of the "welfare state", "welfare regime" highlighting these as the relevant macro unit that migrants and their families are situated in. This has the potential in the future to open avenues for a welfare regime centered analysis of any aspect of transnational family life. Consequently, this would also allow to investigate how the semi-formal welfare systems of transnational families contribute to the shape and typology of welfare regimes.

This dissertation warns of the ways and reasons officials and legal systems often fail to do justice to migrant families and begins to rethink the theoretical underpinnings of legal systems to reconcile policy and theory with "real life". Numerous policy initiatives could be pursued on national and EU levels to enhance the protection of parents and children in transnational families. Everyone interested in family law and policy must be aware of the nature and consequences of living mobile family lives. Since European family life is inevitably embedded in transnationalism, the laws, practices, and policies relevant to the European transnational family must be, too.

Scholarly interest in family migration is increasing, but this aspect of mobility continues to be poorly understood, particularly in the European context. The idea of existing in an inherently transnational social space such as the EU obscures – in social and political thought – the persistent challenges and unique nature of intra-EU transnationalism in the lives of European families. The dissertation focuses on the participation of families in the process of transnational migration, within the specific context of intra-European labor migration. In particular, it focuses on changing face of parenthood in the EU in the context of extended periods of labor migration related separation. Based on selected examples of qualitative

studies from the CEE region, the dissertation maps changes in family structures and migration patterns that result in diverse new household arrangements and parental care practices. It argues that family life and forms of parenting within the European Community have become more fluid, with families being increasingly likely to inhabit more than one residence. It also argues that the uniqueness of the European setting, the context of the Central and Eastern European region within the EU, require a coherent theoretical focus and an interdisciplinary conceptual framework for understanding the implications of family migration. Particularly needed is the intellectual synergy between social science research on transnational families and perspectives of family and mobility from legal scholarship (especially the contributions of the Family Law Exceptionalism project). It suggests that transnational lenses generate useful approaches for a socio-legal analysis concerning migration movements and the right to family life within the European Community. The dissertation explores transnational parenting (motherhood and fatherhood) in relation to Romanian and Polish post EU-enlargement migration and examines the multiple ways in which families may change through migration.

On the individual and social level: it captures family life in the everyday care practices developed in the context of transnational parenting. This includes parents, children, care-givers and social networks, non-governmental organizations involved in the organization of transnational care. On the structural level: it analyses the role of relevant structural factors: gender (women and men) welfare regimes and a broad concept of transnational family law – including relevant EU law - in the performance of parental care in the transnational social field of households stretched across two member states. The dissertation then maps the complex social reality of transnational parental care (gleaned from social science research) onto a simplified three-prong structure (contact, support and supervision) distilled from elements of parental care responsibilities and rights in law.

The dissertation emphasizes the need to understand that family unity can be understood in other ways than in the spatial sense. On the one hand it meets contemporary transnational parents and children where they are in the moment: “together-apart”. However in its critique of normative and policy approaches, it does not leave them there. My approach warns of the ways that the mere facilitation of transnational parenthood feeds a pernicious neoliberal narrative about labor and work and mobility that idealizes the individualized, ‘static’ person who does not have familial obligation thus making everyone else who is physically connected aberrational. Laws and policies should be improved to adapt to the some of the facts of transnational parenting. However throughout the text and in the final chapter a more critical approach is taken. The arguments make it clear that beyond adapting the laws to this separated reality, we should be thinking of reconstructing the social and legal worlds of transnational parents and children, so as to facilitate continuing physical connection which is desired between them, even in the context of transnational labor.

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European Union, *Directive 2004/38/EC of the European Parliament and the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member states amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC*, 29 April 2004, 2004/38/EC

Directive 2004/38/EC, including the right to equal treatment, access to benefits, under various conditions including employment and family status as well as legal residence;

Directive 2004/38/EC amended Regulation 1612/68/EEC with regard to family reunification and extended the definition of ‘family member’;

Directive 2004/38/EC provides for the right to remain in the host country after stopping work as long as one is a bone fide job-seeker.

Regulation (EC) No 883/2004 and implementing Regulation (EC) No 987/2009 on the coordination of social security schemes;

Directive 2010/18/EEC of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC [2010] OJ L68/13.;

Directive 2011/24/EU on patients' rights in cross-border healthcare;

Directive 2014/50/EU on minimum requirements for enhancing worker mobility between member states by improving the acquisition and preservation of supplementary pension rights;

Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, which specifically provides for new means of redress for workers discriminated against.