



**TRANSNATIONAL
FAMILY DYNAMICS
IN EUROPE**



POLICY BRIEF 10/24

**Transnational Family Dynamics
& the New EU Pact on Migration and Asylum**



Transnational Family Dynamics & the New EU Pact on Migration and Asylum

SUMMARY

This policy brief contributes to the ongoing debate on the EU Pact on Migration and Asylum (hereinafter 'the Pact'), which was adopted in Spring 2024. It was developed within the Transnational Family Dynamics in Europe (TraFaDy) network, which aims to deepen knowledge of the growing and rapidly changing phenomenon of transnational families, to monitor and to formulate policy- and practice-oriented recommendations as well as to strengthen dialogue with policy and practitioners.

The brief exclusively takes the perspective of family life. It claims that the Pact falls short in several key areas essential for transnational families, as the right to a family life is not sufficiently respected and the Pact and the discussion on it are much less comprehensive than was delineated by the EU. Family reunification, for instance, is one of the areas that is extremely important but which does not fall within the remit of the new legislation. Furthermore, the impact of the family on the receiving society is paid too little attention. The approach of detaining migrants, including children, in detention centres is of particular concern, as it violates their fundamental human and children's rights and can have long-term detrimental effects on their well-being and development.

As the Pact was adopted in May 2024, it is now up to the member states to take a comprehensive implementation approach that reflects family life, human rights and the rights of children. This needs to include migration-related issues such as the high cost of remittances, climate migration and diaspora engagement and to take into account sending, transit and receiving countries in terms of economic and social development. Generally, in European, national and migration politics, transnational families' needs must be better understood and met. Policies must become more inclusive, ensuring that the entire family unit is catered for, leaving no one out.

What Are Transnational Families?

The concept of transnational families (TNF) increasingly appears in public and political debates in which transnational ties are seen as both a challenge and an opportunity. While research has acknowledged TNFs as important entities in sending, transit and receiving countries, politicians, policy makers and the general public are not yet aware of their central role in different migration regimes.

For us, transnational families are families whose members are physically dispersed in at least two or more countries as a consequence of international migration and border crossings, but who maintain a sense of familyhood.

This definition includes families who are geographically dispersed owing not only to economic migration (including migrant domestic workers, caregivers and seasonal workers) but also to forced migration, which includes refugees for political, war or



climate reasons, unaccompanied minors and persons trafficked across international borders.

The EU Pact on Migration and Asylum

The EU Pact on Migration and Asylum (hereinafter ‘the Pact’), formally adopted by the Council of the EU on 14 May 2024, aims to improve the EU’s asylum system.¹ It represents a significant overhaul of the management of migration and the establishment of a unified asylum system across the EU. This comprehensive framework, following its proposal by the European Commission in September 2020 and following their adoption by the European Parliament and Council in spring 2024 entered into force on 11 June 2024 and is due to be fully implemented by June 2026. The Pact has extensive legislative content, encapsulated in nine legislative files and more than 1000 pages. It is built on four core policy pillars: 1. securing external borders, 2. fast and efficient procedures, 3. an effective system of solidarity and responsibility, and 4. embedding migration in broader international partnerships. The European Commission proposes a common implementation plan, encouraging each Member State to develop a national plan with clear actions and timelines.²

The Pact was conceived in 2020 following the 2015 refugee reception crisis, which led to tightened policies and border controls and disagreements and resentment, particularly among southern Member States. According to Frontex, in 2015, more than a million refugees and migrants – compared to around 200,000 in 2014 – reached Europe by sea in an unauthorised manner, arriving mainly in Greece and Italy.³ Many moved onwards – initially spontaneously and later increasingly in a coordinated fashion. Travelling through the western Balkan countries, they headed primarily to Austria, Germany and Sweden, but also to other EU Member States. This put a significant strain on the asylum systems in the countries of first arrival, transit and destination. Asylum and related matters have been a constant priority for EU Council meetings since then.⁴ This situation threw the European Union into some confusion and highlighted its dysfunctionality in responding to large migration movements. The effects are reflected in the Pact in terms of an emphasis on border controls, screening procedures, instrumentalisation of migration, returns and so on.

¹ Dumbrava, C., Luyten, K., Orav, A., & Radjenovic, A. (2024, February). EU Pact on Migration and Asylum: State of play. European Parliamentary Research Service ([https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739247/EPRS_BRI\(2022\)739247_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739247/EPRS_BRI(2022)739247_EN.pdf)).

² Common Implementation Plan to turn the Pact on Migration and Asylum into a reality - European Commission (europa.eu) (https://home-affairs.ec.europa.eu/news/common-implementation-plan-turn-pact-migration-and-asylum-reality-2024-06-12_en).

³ See Frontex annual activity report 2015 (<https://prd.frontex.europa.eu/wp-content/uploads/consolidated-annual-activity-report-2015.pdf>).

⁴ González Enríquez, C. (2024, May 28). The EU Pact on Migration and Asylum: Context, challenges and limitations. Elcano Royal Institute (<https://media.realinstitutoelcano.org/wp-content/uploads/2024/05/ari67-2024-gonzalez-eu-pact-migration-asylum-context-challenges-limitations.pdf>).



REMARKS ON MAJOR ASPECTS OF THE PACT

The family dimension is missing

The European Union takes a highly defensive and security-driven approach to migration. Unfortunately, migrants are seen largely as objects and the perspective of family life is missing. This is true not only for families on the move but also for the positive impact those families have on the receiving societies.

When including the family dimension, it is needed to define 'family'. This is a challenge as there are several perspectives on this. Often, family members identify as a family even though this may not match the official definitions used in legal frameworks. Furthermore, the understanding of what constitutes a family depends on the context, including cultural specificities. Under the legal framework of the Pact, the definition of family is not consistent: for example, for the purposes of family reunification it is restricted to the nuclear family – a couple and their dependant children. Although a broader definition of family seems being acknowledged in other passages, this does not guarantee corresponding legal rights, except in cases where care arrangements for extended family members have been formally established. Consequently, the right to family life is construed narrowly in this context, limiting the preservation of family unity to the nuclear unit and excluding other relatives from the enjoyment of associated rights. Living within a family is a major contributor to a safe environment for children. This is even more important for refugee children, who are particularly vulnerable. In the Pact asylum-seeking children without their parents are regarded as unaccompanied minors (UAM), unless an accompanying adult has proof of being a legal guardian of the child. In practice, children accompanied by adults who are not their guardians are seen as 'separated', which is the same as being UAMs in the context of the law/procedures, even if they have family connections with someone in the receiving state whom they could join (for instance a sibling). This situation leads to inappropriate procedures that do not respect children's rights.

Although there are clear administrative and normative difficulties in accepting family constellations other than European ones, procedures for dealing with arrivals must involve careful consideration of the reality of children's and family's lives. This means the focus must not be solely on the concept of the nuclear family. Under the extended family definition, which applies to many families, among others, siblings are included. This would make it possible for asylum-seeking children to join these family members at all stages of the procedures. Certainly, there should not be double standards, in which different definitions of family mean people in the context of family unification and in asylum procedures are treated differently.

Children in need of international protection are particularly vulnerable, and their safety and best interests must always be the top priority in any migration-related procedure or decision. Individual assessments are crucial to identifying their specific vulnerabilities and reception needs, including family tracing and maintaining family



unity. Although these provisions are outlined in legislation, it has yet to be seen whether their implementation is effective.

If a child is unaccompanied, according to the legislation, the appointed representative (or temporary representative) initiates family tracing to locate the child's relatives. However, this may pose certain difficulties. First, as mentioned earlier, the right to family reunification is limited to the nuclear family. Second, even when extended family members are identified in an EU Member State, strict conditions regarding income and living standards must be met for the child to be placed with them. Third, family members may themselves be in an irregular situation within the EU, choosing to stay under the radar until they can regularise their status. In this case, the child might not disclose their details and may leave reception facilities and travel to other Member States to join their family or community members elsewhere. This is one of the factors contributing to unaccompanied minors' going missing, further exacerbating their vulnerabilities and increasing their risk of trafficking and exploitation.

The decision to stay under the radar is largely made because of stringent migration policies that, under the current Pact, place even greater emphasis on border security and the return of third-country applicants seeking international protection.

The scope of the Pact is too limited

Despite its name, the Pact applies solely to irregular immigrants seeking asylum. It ignores the wider scope of migration and does not take into account broader migratory challenges, labour shortages in certain industries or ageing populations. Nor does it include policies to encourage immigrants into areas such as agriculture, construction and healthcare. Those important topics are dealt with in parallel but separate discussions, even though the interlinkages are obvious. Furthermore, it is unfortunate that, in the debate about the Pact, the dimensions of integration and inclusion are scarcely mentioned. This limited scope fails to adequately tackle the complexity and reality of transnational family dynamics. Existing legislation on family reunification, such as the 20-year-old EU Directive on Family Reunification, is outdated and inadequately implemented, posing significant challenges to transnational families. The following are important topics that should be within the scope of the Pact.

Family reunification

One important issue that is of central concern is family reunification.⁵ This is a neglected area in comparison with the abovementioned interventions to avoid irregular flows to the EU, which receive a lot of attention (and funding). Implementing the EU Directive on Family Reunification (2003/86/EC) in a family-

⁵ In 2022, more than 800,000 residence permits were linked to family reunification. Eurostat: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_-_statistics_on_first_permits_issued_during_the_year.



oriented way is important and urgent. The Directive no longer adequately deals with the evolving nature of migration, particularly the complexity of transnational families. Several aspects of the Directive need to be scrutinised, the definition of family being only one of them. It is typically limited to spouses and minor children, and excludes important family members such as siblings, grandparents or adult dependants who would give the migrants emotional, social and economic stability and ease cultural transitions. Moreover, several additional barriers have to be surmounted, including the bureaucratic process, which is often highly impractical and exclusive.

Besides giving families the chance to live a proper family life, family reunification can be an engine for (social and economic) integration. Unfortunately, instead of identifying how family reunification can help plug labour shortages in sectors such as healthcare, agriculture and construction, the current EU Pact on Migration and Asylum focuses more on border security and irregular migration, missing an opportunity to support integration.

Solutions for better integration and inclusion are absent⁶

There are many challenges and opportunities that Member States have neglected in relation to the integration of family members joining those already regularly residing in the EU.

- Emotional and social support: Families provide a built-in support network that can help individuals cope with the stresses and challenges of migration. This emotional support can be crucial for mental health and overall well-being.
- Shared responsibilities: In a family, responsibilities such as navigating new systems (e.g. education, healthcare, housing) can be shared among members. This collaborative effort can make the integration process smoother and less overwhelming.
- Cultural continuity: Families often maintain cultural traditions and languages, which can help individuals retain their identity and sense of belonging while adapting to a new environment. This balance can ease cultural transition and reduce feelings of alienation.
- Economic stability: Families can pool their resources, providing greater financial stability and security. This can be particularly important for covering initial costs associated with migration, such as housing and job search.
- Community connections: Families are more likely to engage with community networks and activities, which can facilitate the building of social ties and integration into the local community. Children in particular can act as bridges by integrating quickly into schools and peer groups.

⁶ There are different concepts behind “Integration” and “inclusion”. Without deepdiving into this discussion, we regretfully notice that the pact covers neither of those. However, in the follwong list we concentrate on elements of integration acknowledging the unsufficiency of this concept in the larger context.



- Educational support: In a family context, parents can support their children's education and help them succeed in the new educational system. Education is a critical pathway to long-term integration and success.
- Language learning: Families can support one another in learning the new language of the host country. Parents can practise with their children, and children often learn quickly through school and social interactions, which in turn can assist parents.

Family left behind⁷

When an individual decides to emigrate, there are usually family members left behind. In a comprehensive approach to migration and family life, it is important to think about the impact on the areas people leave, which may have reciprocal impacts for the migrants. For example, when young people come to Europe, they are often under great pressure to earn money quickly to send to relatives in their home country.⁸ Because they cannot wait three to five years to earn money, they are sometimes reluctant to go through education systems. This financial pressure can lead to emotional and behavioural issues, as these young people struggle with the challenges of early responsibility and separation from their parents.⁹ This situation underscores the need for systematic and cross-cultural research to fully understand the social, psychological and educational impacts on those who remain in the home country.

Detention

Detention can have years of negative impact on refugees in terms of mental health, physical well-being and social skills. This is especially true for children. However, detention plays an important role in the Pact, with the result that all families, even those travelling with very small children, can end up spending weeks or months in some kind of detention facility. As children have a right to live an age-appropriate life within a safe environment, they deserve an arrival system that recognises their needs and gives them dignity and emotional stability. The principles of the EU's Charter of Fundamental Rights, the European Convention on Human Rights and the Convention on the Rights of the Child must be respected. By adopting the Pact, the EU has failed to set an example globally as a champion of high standards of human rights protection.

Given the Pact as it now stands, it will be crucial to implement quality standards in the upcoming implementation phase and develop arrival procedures that guarantee

⁷ Lately, the use of 'left behind' has been questioned and suggested to replace it with "stayer" resp. "staying behind" to correspond to the family life situation. In this text, we will continue using "left behind", because we are focussing on the migrant person being the active person.

⁸ Refugees often have the additional burden of being exploited by traffickers who may have promised them a quick way to make money.

⁹ Mazzucato, V., Schans, D. (2011, August). Transnational Families and the Well-Being of Children: Conceptual and methodological challenges. *J Marriage Fam.* 73(4): 704–712. doi: 10.1111/j.1741-3737.2011.00840.x. PMID: 22262926; PMCID: PMC3258421.



respect for families' and children's rights. This needs investment in alternatives to detention and in child-friendly procedures, which must involve social workers and childcare professionals who are able to provide specialised care and support to children and their families. The standards should be consistent in all countries and enforced equally at all borders.

Following the screening procedure, migrants will be directed to different asylum procedures based on various criteria, one being their country of origin. An accelerated procedure would be applied to those arriving from countries that have a recognition rate of less than 20%,¹⁰ with the exception of applicants within a category of persons for whom the 'less than 20%' rule cannot be considered to be a good indication of their protection needs. Thus, applicants coming from 'safe countries of origin' or 'safe third countries' will have fewer safeguards and be subjected to extended detention. There will be no exemption for children from this.

Vulnerable migrants

Vulnerable migrants and families need particular attention, and it will be crucial, in the upcoming phase of implementation, that their rights are sufficiently taken into account. Being 'vulnerable' or 'in a vulnerable situation' is elusive and hence difficult to define. Therefore, it is vital to determine which authority is responsible for making this determination, and it remains to be seen how the ongoing efforts led by the European Union Agency for Asylum (EUAA) will conduct vulnerability assessments in practice. TraFaDy experts express that particularly mental health are an often underestimated and yet burden issues. Although mental health issues receive some acknowledgment in vulnerability assessments, practical challenges in accurately identifying and addressing such problems persist. Therefore, the legal frameworks governing asylum procedures must allocate the necessary time and resources for thorough mental health assessments.

¹⁰ The rate represents the number of positive outcomes as a percentage of the total number of decisions on applications for international protection.

BACKGROUND OF THE POLICY BRIEF

TraFaDy is a network based on COST Action 21143 that aims to deepen knowledge of the growing and rapidly changing phenomenon of transnational families and the dynamics within them. It brings together researchers and stakeholders from different disciplines and countries to develop transnational insights and to formulate policy- and practice-oriented recommendations that will have an impact at international, national, sub-local and local levels. TraFaDy closely monitors current trends in migration, technology and politics and engages in intensive dialogue with policy makers and practitioners, thereby helping to deepen and broaden understanding of transnational families.

Working Group 6 (policy and practices) in TraFaDy has a particular focus on policy. While WG 6 is responsible for formulating, this policy brief is the outcome of several meetings and discussions with researchers and members from all working groups as well as various external stakeholders and researchers. Major cornerstones of the policy brief are the presentations and exchanges, with meetings in Berlin (2023, see [report on TrafaDy website](#)), Cluj (2024 – in cooperation with MITRA, see [report on TraFaDy website](#)) and Lisbon IMISCOE conference 2024).

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