SOCIAL RIGHTS AND SOCIAL PROTECTION OF TNFs (TraFaDy WG3)

KEY INSIGHTS AND TAKEAWAYS

Theme WG3 - 1: National vs. international or supranational regulations

TNFs live across state borders, while social rights' and social protection regulations are national

The background of social protection of transnational families lies in its definition – family members live and construct their daily lives across different countries. To be socially protected, it is important in which exactly countries – European Union, or / and third countries family members reside, and what are their statuses in these countries (legal or illegal migrant, permanent or temporary residence, EU citizen, student, labour migrant, war refugee, asylum seeker, unaccompained child, etc.). These criteria are essential in decision under which legal acts family members will be socially protected: that is, whether they are subject to only national legal acts or also to international and supranational legal acts. Sometimes, these legal acts make social protection of transnational family or / and its separate members complicated starting with the family and transnational family definitions, also depending on documents needed for provision of social protection in a certain country, timing needed for decision making on eligibility of social protection, etc. Additional aspect is transfer of assigned social protection measures when member of transnational family move from country to country. In other words, even families are transnational, social rights and social protection systems are predominantly national with multiplay consequences. Therefore, priority should be interaction of national, international and supranational dimensions. Kind of assemblage of questions may help in this: (a) who provides protection; (b) what type of protection is provided; (c) where it originates; (d) where it is received; (e) under which legal/institutional conditions it operates. Moreover, transnational families' social protection should be studied as a process, not as a fixed arrangement.

Questions to consider: Which country (home, destination or both) is responsible for social proteciton of transnational family and its members who live across borders? Under which laws transnational family and its members are socially protected? Who makes decision on social protection of transnational family or / and its members? How much time it takes? What documents needed? Whether and how social pritection moves from country to country together with migration of transnational family member?

Theme WG3 - 2: Social rights and social protection in welfare states

Variety of social rights and social protection measures depend on welfare state model

Transnational families do not simply move between national welfare systems; they continuously construct their lives under multiple legal and institutional contexts. Theoretically, there are known typologies of welfare states, which distinguish three, four or five models. One of the most popular typologies is based on G. Esping-Andersen's proposal to link welfare state models with political ideologies, and to distinguish the Liberal, Socialist-Social Democratic, Corporate-Conservative models. In addition, the Catholic and Mixed welfare state models are also distinguished. Social security schemes provided in these models are quite different. This way, members of the same transnational family living in countries with different welfare models can be guaranteed social protection, which is associated with different types of participation in social solidarity schemes (e.g., dependent or independent of their participation in the labour market), is based on different principles (means-tested or non-tested), protection in cases of different social risks (clearly listed in legal acts or flexibly treated), and a variety of forms of support (cash support, non-cash support, social services, public services).

Questions to consider: Under which welfare state model(s) members of the same transnational family are socially protected? On which basic principles social protection is provided for transnational family and its members? How much family members are socially protected, considering welfare state model under which they are eligible for social protection?

Theme WG3 - 3: Social rights and social protection of social groups

Social protection measures towards TNF is associated with social groups

In general, there are no social security schemes designed to protect transnational families as such. Instead, social security schemes are designed to protect individuals or groups of individuals as families who are exposed to one or another social risk, or several social risks at the same time. Social risks are associated with social groups, such as children, pensioners, unemployed, poor, sick, disabled, migrants, war refugees, etc. In the case of transnational families, their members living across state borders, in countries with corresponding social security systems are protected as belonging to different social groups. Moreover, various social groups are protected unequally and under the same basic principle in different countries, accordingly, members of transnational families as representatives of social groups are not protected equally in different countries.

Questions to consider: How do family members assemble social protection across multiple actors and across borders? With which social groups is associated social protection of transnational familie's members? How certain social groups are socially protected in a particular country? How to ensure social protection for members of transnational families when they belong to social groups whose social protection and their social guarantees differ from country to country?

Theme WG3 - 4: Interdisciplinary approach towards social rights and social protection of TNFs

Interdisciplinary lens towards social rights and social protection of TNFs are necessary

Transnational families' social protection overcome one discipline or methodology, therefore, interdisciplinary collaboration is necessary. Eg., legal scholars may contribute by identifying differences between formal rights and lived access, conflicts between jurisdictions, gaps in portability, mismatches between family law and migration/welfare law. Social policy researchers may contribute how formal welfare institutions interact with family support, remittances, informal care, community networks. Sociologists and migration researchers may contribute by capturing relationships, practices, inequalities, everyday strategies. Policymakers and welfare institutions may can contribute by developing more portable rights, improved cross-border coordination, data-sharing frameworks consistent with privacy and rights, recognition of diverse family arrangements, etc.

Questions to consider: Who can contribute to overcoming the challenge social protection of transnational families? How professionals of various disciplines can contribute enhanse of social protection of transnational families and their members? How professionals of various disciplines should be prepared in order to help to better socially protect transnational families and their members?

Across all themes: Social rights and social protection of TNFs

Main Conclusion

- Contemporary social protection systems remain predominantly structured around individuals and nationally defined categories of social risk rather than around transnational families as a distinct social unit, while family life increasingly extends across borders. The social rights and entitlements of family members depend heavily on their country of residence, legal and migration status, applicable welfare model, and the interaction of national, international, and supranational legal frameworks. As a result, members of the same transnational family may experience significantly different levels, forms, and accessibility of social protection, while the portability of rights and benefits across countries remains a major challenge.
- An effective approach to the social protection of transnational families requires stronger cross-border coordination and interdisciplinary cooperation. Since existing social security systems primarily protect individuals according to specific social risks and social groups rather than transnational families as a distinct group, legal, social policy, and institutional frameworks need to better account for cross-border family realities. This includes improving the portability of social rights, coordination between welfare systems, recognition of diverse family arrangements, and access to social protection across jurisdictions.

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