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Transnational Social Protection: Inclusion for Whom? Theoretical Reflections and Migrant Experiences

Editors

Elisabeth Scheibelhofer, Emma Carmel, and Anna Amelina

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Editorial

Transnational Social Protection: Inclusion for Whom? Theoretical Reflections and Migrant Experiences

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Abstract

With migration being a reality within and between nation-states worldwide, transnational social protection has become a concern on various levels. This thematic issue focuses on nation-state conceptions and policies, migrants' experiences with regards to accessing social protection, as well as the social inequalities resulting from the nexus of transnational social protection and migration.

Keywords

inequalities; migration; social inclusion; social protection; transnationalism

Issue

This editorial is part of the issue “Transnational Social Protection: Inclusion for Whom? Theoretical Reflections and Migrant Experiences” edited by Elisabeth Scheibelhofer (University of Vienna), Emma Carmel (University of Bath), and Anna Amelina (University of Cottbus).

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1. Positioning the Topic

Until recently, the questions regarding the crossroads of transnational social protection and migration have been treated within different scholarly debates that remained, for the most part, separated. Although migrants make up a good part of populations, scholars of social protection may have viewed them less as core to their interests than the so-called majorities in nation-states.

Migration is still often conceived as comprising one-time movements from a given nation-state to another—a concept that in recent years has been widely discussed in terms of methodological nationalism (Scheibelhofer, 2011; Wimmer & Glick Schiller, 2002). As such a perspective is often incompatible with empirical reality, heterogeneous mobility patterns (not only one-time movements) have been included in the empirical studies on migration and social protection of the last years. The increasingly transnational quality of migration and mobility across Europe and other regions of the world has also contributed to the emergence of various forms of cross-border social membership. The latter manifest themselves in the form of such phenomena

as migrants' simultaneous use of social security arrangements in their sending and receiving countries. If welfare institutions assume responsibility for migration management and, in doing so, influence the production of differentiated life chances, then a closer analysis of social stratifications is of great importance. On top of migration management, welfare institutions in Europe and other regions of the world have become the main pillar for the articulation of citizenship, and thus one of the essential media of social inclusion and exclusion. Belonging has thus become a major issue in terms of policy instruments and their application through street-level bureaucrats.

2. A Global Perspective vs. the European Model

As migration increases globally, so does the need for social protection for migrants over their life course. Research has emphasised the presence of a clear South-North divide in terms of provisions for transnational social protection worldwide (Avato et al., 2010; Barglowski et al., 2015; Faist et al., 2015; Sabates-Wheeler et al., 2011; Sainsbury, 2006). While many bilateral agreements have been concluded globally

(Sabates-Wheeler et al., 2011; Sainsbury, 2006), it is the EU that is usually referred to as the best-practice example in the seminal literature in such diverse disciplines as law, economics, and the social sciences (Blauberger & Schmidt, 2014; Carmel et al., 2011).

We approach social security as referring to social membership in the context of migration and mobility within a cross-border supranational community (Kivisto & Faist, 2009; Soysal, 2012). Social security is treated as primarily based on and provided through institutional structures, e.g., unemployment insurance coverage, old-age pension funds (private and public), etc. Yet we agree with Peggy Levitt et al. (2017), as well as with Thomas Faist and his research partners (Faist, 2017; Faist et al., 2015), that a broader approach is necessary than is usually discussed when referring to social security.

This thematic issue is one of the publications based on a long-term collaboration among four researchers. Anna Amelina (Germany) initiated our first meeting in Frankfurt in 2014, leading to a Norface project—TRANSWEL—in which we studied in a multifaceted way the questions addressed above (for a brief description of the overall project see Scheibelhofer, 2022).

3. Contributions to the Thematic issue

Inaugurating this thematic issue, in her article “Migrants’ Experiences With Limited Access to Social Protection in a Framework of EU Post-National Policies,” Elisabeth Scheibelhofer advocates that we should no longer think of welfare chauvinist policies (targeted at excluding migrants from social rights) as opposed to post-national policies (that frame belonging in terms of inclusion). Based on a transnational, comparative research project, she argues that the social protection of EU migrants portrays the intertwining of both inclusionary and exclusionary strategies, with the effect of three different mechanisms limiting access to social protection.

Jean-Michel Lafleur and Inci Öykü Yener-Roderburg put the perspective held by sending states at the centre of their analysis in “Emigration and the Transnationalization of Sending States’ Welfare Regimes.” While the literature has continued to describe a variety of political, economic, and/or institutional aspects that are decisive for the approaches of the sending countries towards their emigrants’ welfare, these authors propose the concept of welfare regime transnationalization in an attempt to take into account the complex effects that emigration as a social process in itself has on sending-state welfare politics. Empirically, they use the health care policies of Turkey and Mexico as transnational examples.

Ewa Palenga-Möllenbeck sheds light on the complicated public discourse surrounding so-called “benefit tourism” in her article “Making Migrants’ Input Invisible: Intersections of Privilege and Otherness From a Multilevel Perspective.” Based on two empirical research

studies, she shows how care work migration can only be adequately understood if we also take racism and gender into account. Institutional and everyday-life discrimination reinforce one another such that social inequalities become hidden.

In “Welfare Paradoxes and Interpersonal Pacts: Transnational Social Protection of Latin American Migrants in Spain,” Laura Oso and Raquel Martínez-Buján analyse the relationship between migration, care work and welfare provision based on narrative interviews with Latin American migrants in Spain providing formal and informal transnational social protection. They introduce the concept of “interpersonal pacts” to the debate as a way systematically underprivileged immigrants forge out forms of social protection involving their significant others—also across generations in their transnational families.

Nora Ratzmann and Anita Heindlmaier concentrate on the role of street-level bureaucrats when interacting with unemployed EU migrants in their article “Welfare Mediators as Game Changers? Deconstructing Power Asymmetries Between EU Migrants and Welfare Administrators.” Based on their analysis, they propose to differentiate between various types of existing power asymmetries and how administrators act differently upon asymmetries.

“Who Belongs, and How Far? Refugees and Bureaucrats Within the German Active Welfare State,” by Katrin Menke and Andrea Rumpel, also thematises the relationship between migrants—in this case, refugees—and street-level workers. They compare two policy fields (health and labour market policies) and show, against the backdrop of theories of belonging, how administrators can regulate refugees’ rights in everyday practice. Such comparative work opens up new questions around the inconsistencies within as well as in between social policy fields.

In her single-authored contribution, Nora Ratzmann concentrates on one of the most debated questions in migrant provisions and the welfare states—language proficiency. In “‘No German, No Service’: EU Migrants’ Unequal Access to Welfare Entitlements in Germany,” Ratzmann focuses on stratification techniques that are usually beyond the scholarly radar—as a part of informal practices administrators need to engage in. Thus, the barriers to legally valid social rights come into view through this analysis based on data collected in German job centres.

Finally, Maarja Saar, Bozena Sojka, and Ann Runfors draw on 48 expert interviews (with policy advisors, legal experts, officials from ministries and policy experts) from eight EU countries. In their article “Welfare Deservingness for Migrants: Does the Welfare State Model Matter?” the authors propose an analysis of the connections between various welfare state models as established by Esping-Andersen (1990) on the one hand, and specific discourses on migrant deservingness on the other hand. These discourses build upon four rationales

of belonging, put forward as a conceptual framework for the study of the politics of migrant rights (Carmel & Sojka, 2020).

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Acknowledgements are due to Ann Runfors (Sweden) and Emma Carmel (UK), the two other collaborators with whom I had the pleasure to experience a true intellectual and empirical learning experience thanks to the migrants and experts who shared their perceptions and experiences with us. Without our four national teams, we would not have been able to carry out the heavy workload, so our thanks extend as well to all of them—some of whom have also contributed (transnationally collaborating) to this thematic issue: Maarja Saar and Bozena Sojka, together with Ann Runfors. My special personal thanks go out to Emma Carmel—one of the most inspiring and mind-opening scholars I have had the pleasure to meet. Also, I want to thank Clara Holzinger, my long-time local colleague, who has shared her insights with me for many years. As to the Austrian contributions, the sponsors of the project were the Austrian FWF (grant numbers I 2025 and P 33633) and the University of Vienna via its open access initiative.

Conflict of Interests

The author declares no conflict of interests.

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Elisabeth Scheibelhofer is an associate professor of sociology (University of Vienna) working on migration, mobility, and qualitative methods. She is currently leading the research project DEMICO (2021–2024) which is looking at dequalification from a qualitative longitudinal approach. This is a follow-up project of a broader international collaboration (transwel.org, 2015–2018) covering EU migrants' transnational access to social security rights. She has published extensively on a range of issues within migration research and qualitative methodologies.

Article

Migrants' Experiences With Limited Access to Social Protection in a Framework of EU Post-National Policies

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Abstract

It has been argued that nation-states confront migrant protection with a highly diverse array of measures ranging from excluding strategies (often labelled as “welfare chauvinism”) to more inclusionary, post-national approaches. While exclusionary strategies are often guided by nativist principles such as citizenship, post-national approaches of social protection are usually based on residence. Building on an international comparative project with a focus on free movement within the European Union, and involving four pairs of EU member states, this article argues that the extremes of these two ways of understanding nation-state approaches to migrant social protection are not mutually exclusive, as has been discussed so far, but, instead, are intertwined with one another. While there is a common (and globally unique) framework on the EU level for the coordination of mobile citizens' social protection, EU member states determine their strategies using residence as a main tool to govern intra-EU migration. We differentiate between three main intertwining strategies applied by nation-states in this respect: generally, selectively, and purposefully gated access to social protection. All three potentially lead to the social exclusion of migrants, particularly those who cannot prove their residence status in line with institutional regulations due to their undocumented living situations or their transnational lifestyles.

Keywords

citizenship; EU free movement; migrants; social protection; welfare chauvinism

Issue

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1. Introduction

How is it possible that the citizens of a European Union member state or a country within the European economic area (EEA) are still discriminated against in terms of their social protection when they migrate within the EU? Legally, they are protected by EU regulations for transnational social security that are unique compared to other nation-states worldwide and based on post-national policies enacted by the EU. In this article, we use the term “social security” for provisions of nation-states in a narrower sense, while the term “social protection” encompasses an elaborate network of governmental, private, and intermediary institutions (Levitt et al., 2017). Unlike other nation-states around the world,

EU member states have agreed to ban discrimination based on citizenship (among them and for their citizens only). However, recent empirical research shows that equal treatment is not an unflawed social reality for EU migrants trying to access their social rights in another EU member state (see, for example, Kramer, 2020). In this article, we examine the two extreme positions in this debate to understand the differences between nation-states in terms of migrant access to social protection: the post-national welfare state and the chauvinist welfare state. Recently, especially the concept of a chauvinist welfare state has been rightly criticised, pointing to the need for further clarification (Carmel & Sojka, 2021). Until now, these two approaches have been considered in opposition to each other, but we argue that they are

two mechanisms working *together*. As such, the intertwining of the two mechanisms contribute in complex and manifold ways to the exclusion of specific groups from social protection and, thus, create further social inequalities within European societies.

It has been argued that, while EU regulations and the rulings of the European Court of Justice on issues of social welfare for migrants are based on a post-national spirit, they also lay the foundation for more exclusionist policies effected on a national level by EU member states (Favell, 2014, 2016). In particular, right-wing and conservative governments create regulations that have nationally chauvinist outcomes. Such strategies imply that the regulations aim to establish the difference between natives and non-natives. Since such differentiation is not compatible with EU legislation and jurisdiction; certain EU member states use the main pillar of a post-national principle to achieve nationalist ends. As a result, residence becomes a contested issue, based on which EU migrants are often excluded from social protection. As EU regulation itself is based heavily on residence and simultaneously postulates that eligibility is decided on a case-by-case basis, EU migrants are frequently placed under scrutiny by street-level bureaucrats.

2. Are the Extremes of Post-National and Chauvinist Welfare State Strategies Mutually Exclusive?

While there has been a discussion, primarily in social policy research, about the relationship between different types of welfare states (De Giorgi & Pellizzari, 2009; Sainsbury, 2006) and the provision of social protection for migrants, the debate on welfare state chauvinism has more recently gained momentum (Carmel & Sojka, 2021; Favell, 2016; Kymlicka, 2015). Schmitt and Teney (2019) argue that the differences between nation-state responses in terms of migrant access to social protection can be classified under two opposing theories: the theory of welfare state chauvinism and the theory of post-national approaches. Welfare state chauvinism is based on the idea that social protection should be exclusively provided for those who are considered “natives” of the respective nation-state. Such a nationalist model is perceived by some as necessary in light of political movements towards closure and restriction against foreign-born persons, both across Europe and in other parts of the world (De Koster et al., 2013; Hjorth, 2016; Mau, 2007).

In contrast to this position, scholars have argued that nation-states also deal with issues of migrant welfare using post-national logic. From this perspective, rights are based on physical presence within state territory, which does not necessarily coincide with nativism or citizenship (Obermaier, 2016). In particular, the modus operandi of the EU has been put forward as an example of a post-national model (Favell, 2014, 2016). Concerning the situation of mobile citizens within the EU, Adrian Favell also stressed that, even though everyday racism

might still result in individual instances of discrimination, the regulations in place assure that the state cannot discriminate against migrants based on their citizenship. In light of recent developments within the EU (e.g., Brexit, the rise of right-wing nationalist parties, and the difficulties of the EU to find more common ground in important policy areas such as migration), many scholars have criticised the analysis of the EU as a post-national space (Auer, 2010; Edmunds, 2012; Koopmans, 2018; Pinelli, 2013; Tonkiss, 2019).

Apart from these discussions on the post-national character of the EU, the national dimension plays an important role for intra-EU migrants’ welfare state provisions, as they are usually confronted with a multilayered policy outcome. Empirical research has thus provided us with a complex, ample picture of different patterns to be observed when it comes to national policies in this respect (Heindlmaier & Blauburger, 2017; Kramer, 2020; Kramer & Heindlmaier, 2021). The process is furthermore complicated by the fact that multilevel governance is not unidirectional: There are multiple players within EU institutions, while nation-state actors intervene in the decision-making processes in various ways and at different levels (Carmel et al., 2011). Thus, the “ground-level” regulations with which individual EU migrants are confronted on a daily basis take different shapes and forms depending on the member state’s welfare history, actual procurement of benefits, and transnational exchange with the institutions of the migrant’s birthplace. The post-national concept, therefore, suggests the idea of membership to a community that is no longer defined by citizenship, but by residence (for the changing significance see, in detail, Joppke, 1998; Soysal, 1994).

Until now, it has been argued that these two approaches contradict each other (see, e.g., Schmitt & Teney, 2019). At first glance, this would seem logical, as the modes of differentiation are clear-cut and opposing: While the post-national welfare state makes distinctions along the lines of residence, the chauvinist welfare state does so based on citizenship (for the implications for solidarity in larger groups see Kymlicka, 2015). Yet our research suggests that these two modes of differentiation, as to who should have access to national welfare and who should not, are, in fact, both at work when analysing the actual experiences of EU citizens who migrate to another EU member state.

3. Current Social Protection for EU Migrants

As migration increases globally, so does the need for social protection for migrants over their life course. Research has emphasised the presence of a clear North–South divide in terms of provisions for transnational social protection worldwide (Avato et al., 2010; Blauburger & Schmidt, 2014; Faist et al., 2015; Giulietti, 2014; Lafleur & Romero, 2018; Paul, 2017; Römer, 2017; Ruist, 2014; Serra Mingot & Mazzucato, 2019).

While many bilateral agreements on social protection for migrants have been concluded (Sabates-Wheeler & Koettl, 2010; Sabates-Wheeler et al., 2011; Sainsbury, 2006), the EU is usually referred to as the best-practice example in the seminal literature within diverse disciplines such as law, economics, and the social sciences (Blauberger & Schmidt, 2014; Carmel et al., 2011; De Giorgi & Pellizzari, 2009; Ferrera, 2016; Heindlmaier & Blauberger, 2017; Hjorth, 2016; Schmidt et al., 2018; Serra Mingot & Mazzucato, 2018).

On the complex legal basis of the EU, it is the duty of member states to create and enact national laws and regulations following EU policy. Thus, member states devise various ways to implement laws, opting either for more strict or more *laissez-faire* national solutions (Amelina et al., 2019; Carmel & Paul, 2013). A case-by-case principle applies if a citizen does not feel correctly treated by a member state. An EU citizen moving to another EU member state is thus confronted with complex and often opaque regulations (Carmel et al., 2019) when trying to access social security rights. This article is based on the experiences of migrants who are mobile between two specific EU countries. When analysing the migrant perspective on navigating two national welfare systems, how welfare chauvinist ends can be reached through national interpretations of post-national EU regulations became apparent. The key aspects in this respect are how “residence” is constructed and perceived by EU and national institutions, as well as what the implications of this construct are for migrants.

To solve the question as to which member state is responsible for the provision of social benefits, national welfare institutions are obliged to establish each applicant’s “habitual residence.” However, the criteria for residence are general and by no means clear-cut (Carmel et al., 2016). In article 11 of EU Regulation 987/2009, these criteria refer to the following: family situation, duration and continuity of presence in a member state, employment situation, exercise of non-remunerated activity, the permanent character of the housing situation, and intention of the person to reside as it appears from all the circumstances. Based on these rather vague indications, national institutions may conclude that a given individual’s centre of vital interests, and thus their residence, is located in another member state. If the workplace is in yet another member state, the person qualifies as a frontier worker. In practice, such categorisations may occur when close family members live in different member states or when individuals frequently travel to another nation-state. The decision on the centre of vital interests is indeed wide-ranging, as it is up to the authorities of the country in which the centre of vital interests is located to pay unemployment benefits. Especially in the context of migration from “new” member states to “old” member states, such decisions impact the life chances of many EU migrants significantly, since the levels of social benefits in the “new” member states are usually only a fraction of those in the “old”

member states (Bruzelius et al., 2018; Seeleib-Kaiser & Pennings, 2018).

What we saw through our empirical research is that national regulations, as well as their application by street-level bureaucrats, varied greatly across the four “old” receiving EU member states we studied. These states were part of the following four country pairs: Hungary–Austria, Poland–UK, Bulgaria–Germany, and Estonia–Sweden. For all interviewed migrants seeking social protection in one of these four member states, place of residence was the main barrier. Research on other EU countries has suggested that the four “old” member states examined in this article are not the only ones that use residence as a basis to build measures that ultimately function as exclusionary mechanisms towards “foreign” EU citizens. Lafleur and colleagues, for example, report such issues for Belgium as well, where residence tests led to the expulsion of several thousands of Italians (Lafleur & Mescoli, 2018; Lafleur & Stanek, 2017). So far, however, the literature on the experiences of migrants themselves is rather scarce and not comparative in this respect.

4. Empirical Basis of the Argument

Our empirical research project was designed to study the experiences of EU migrants moving from a “new” EU member state to an “old” EU member state (Scheibelhofer & Holzinger, 2018). At the core of this project was an interest in scrutinising the provision and execution of cross-border welfare rights within four country pairs. The country pairs were selected due to ongoing discussions of welfare migration from “new” to “old” member states; additionally, they were chosen based on their differences in terms of welfare state regimes and forms of migration (Faist, 2017). We expected to find ensuing differences in the cross-border social security access of mobile EU citizens. Thus, the “old” countries of immigration were selected to address different welfare state regimes and to provide a contrast between “old” countries holding strict labour market restrictions for EU migrants (Austria and Germany) and those that are less restrictive in this regard (UK and Sweden). In turn, “new” countries of emigration were selected based on their differing migration histories as compared to the respective “old” sending countries. The selected country pairings already mentioned above were based on the assumption that migration history influences the organisational structures of diasporic communities, which then play an important role in providing relevant information on access to social security rights.

Concerning the selection of interview partners, theoretical sampling strategies were employed that were embedded in a circular research methodology based on the research perspective of constructivist grounded theory (Charmaz, 2006). We carried out problem-centred interviews (Scheibelhofer, 2008; Witzel & Reiter, 2012) with a total of 81 migrants between the winter of 2015 and the end of 2016.

5. Three Mechanisms of Excluding EU Foreigners Based on Assumptions of Residence

We perceive “residence” here as a spatial-social construct (see Massey, 1999, 2005). This construct is produced by diverse political and administrative actors on different levels and, due to this construction, welfare institutions determine, through application and interpretation, whether or not an individual should receive benefits. The meaning of spatial concepts has previously been discussed in the context of intra-EU migration (Scheibelhofer, 2016). Our focus in the present investigation is how such a (politically and administratively enforced) concept of space is experienced by EU migrants themselves once they try to access social benefits. Based on our empirical research, we propose that post-national and welfare chauvinist approaches are in practice entangled with one another, given that post-national policy-making based on residence is used to restrict access for migrants between EU member states.

In addition, we address the issue as to how member states respond to greater welfare rights of EU citizens. Recent research has indicated that member states mostly rely on strategies of restricting EU citizens’ access by “quarantining” them instead of using more inclusive responses (Kramer et al., 2018). Based on our empirical research, we make a conceptual contribution by defining such “quarantining” more precisely: We propose three different approaches as to how welfare states turn the post-national dimension of residence into a means to limit access to welfare systems. We would not have been able to arrive at these conclusions via a top-down policy analysis, as some exclusionary mechanisms cannot be directly derived from the policy frameworks targeting EU free-movers and, thus, have not been part of the scholarly debate. By taking the migrants’ perspective as a point of departure, we were able to trace the implications of these counter-intuitive exclusionary practices for individuals. In the following, we describe the peculiarities of each type of residence-based limitation on migrants’ access to social benefits across the EU, utilizing the case studies generated to describe the complex functioning of these exclusionary mechanisms.

5.1. Generally Gated Access to Social Benefits: The Swedish PIN System

The interplay of overall welfare administrative regulations on the one hand and the living conditions of EU migrants on the other can play out in such a way that specific mobile groups are excluded from accessing social security. This is often the case for transnational EU migrants who have usually more than one centre of vital interest.

An empirical example for such a situation was found in Sweden (the TRANSWEL project in Sweden has been carried out by the team of Ann Runfors, Florence Fröhig, and Maarja Saar; see also Fröhlig et al., 2020):

The Personal Identification Number (PIN) system was not set up to manage migration per se, as all newborns in Sweden receive a PIN. Many social services and benefits are automatically provided to PIN holders but are not accessible to those without such an identification. Once a person moves to Sweden, they have to apply for a PIN in order to access (nearly) any social benefit. This is the case for *all* migrants, including EU citizens. Concession requirements play out in a very complex manner (Runfors et al., 2016). To put a long institutional history short, PINs are only granted if EU citizens with the intention of moving to Sweden can prove to have both a work contract of at least one year, as well as accommodation. Nevertheless, employers face difficulties when attempting to hire individuals without a PIN, and landlords also prefer tenants with PINs or, in the absence of a PIN, who hold steady employment. As a consequence, EU citizens have a hard time obtaining a PIN when migrating to Sweden. Although this problem was common amongst the interview partners, this major obstacle has been barely discussed in the pertinent literature (for an exception see Spehar et al., 2017).

Based on the empirical data uncovered through our research, we concur with existing research results indicating that transnational lifestyles within the EU are part of many migrants’ everyday lives (Goldring, 2017; Kraal & Vertovec, 2017). Migrants may have domiciles in two EU member states, or they may have close family members whom they try to see as often as their jobs in the “old” member states permit. Indeed, some of our interview partners travelled regularly to their countries of origin for these reasons. This was true for many Estonian citizens working and/or living in Sweden. Thus, the very concept of having one single and exclusive “centre of vital interests,” as envisaged by multilevel EU social policy coordination, is problematic. As a result, individuals may face difficulties when attempting to provide proof of employment and residence in Sweden to the extent requested by regulations and street-level bureaucrats in charge.

In our study, problems receiving a PIN arose especially for individuals involved in transnational family arrangements, as legal baselines to prove a centre of vital interests include close family members’ residence. In our sample, 47-year-old Estonian citizen, Raivo, experienced such difficulties: At the time of the interview, he was employed as a construction worker in Sweden, while his wife and two teenage children were living in Estonia. He encountered difficulties applying for a PIN because of the specific interpretation, by the Swedish administration, of how proper family arrangements should be in spatial terms:

They had a problem there that my family is in Estonia, children are in Estonia. One child was younger than 18 by then. And that was it. And then they started telling me in connection with the marriage that, Jesus Christ, how can it be that your wife is there and you are here. (Raivo, 47 years, Estonia/Sweden)

Transnational family arrangements, by now, form part of migrants' social lives, as empirical research in Europe has widely shown (Kilkey & Merla, 2014; Kraler & Bonizzoni, 2010; Ryan, 2011). Raivo was not the only interview partner in our sample to live a transnational family life. While regionally separated household compositions within one nation-state (e.g., commuting on a daily or weekly basis within one nation-state) are not constructed as socially problematic in terms of accessing social security, crossing EU-borders when commuting becomes an issue for the "mobility" of EU citizens within the current policy framework. This is due to the concept of the centre of vital interests as laid down in EU regulations on accessing social benefits and its implications on a national level. In Sweden, the centre of vital interests is also inherent in national PIN legislation, which is in line with EU regulations, and therefore must be adhered to by EU citizens. Thus, policies with welfare chauvinist effects are not visible at first glance but have direct implications for the life chances of migrants even within the EU.

5.2. Selectively Gated Access to Social Benefits: The Austrian Registration Certificate System

Access can be selectively gated for EU migrants in instances where regulations are complex and might not be easily understood by individuals. Not conforming to obligations at certain points in time might, later on, lead to serious problems in terms of securing access to social benefits.

With the latest rounds of EU enlargement, Austria introduced a new national regulation in 2006 requiring EU citizens who wish to stay for longer than three months to apply for a registration certificate (*Anmeldebescheinigung*). EU migrants without employment or those who are self-employed are required to account for sufficient means of subsistence and health insurance coverage for themselves and their family members. In accordance with the maximum length defined by EU regulations, migrants (under certain circumstances) need to be registered for a five-year period in order to apply for a certificate of permanent residence (*Bescheinigung des Daueraufenthalts*). It is only after this period that EU citizens may apply for means-tested benefits in case they were not regularly employed before this period (Blauberger & Schmidt, 2014; Heindlmaier & Blauberger, 2017).

Through our qualitative interviews, we found that the interview partners living in Austria were rarely aware of this registration for a lawful stay in Austria. This is the case because registration regulations and ensuing obligations are manifold and complex. Any person in Austria who intends to stay at a given address for more than three nights needs to report their stay with the local authority (compulsory housing registration or *Meldepflicht*). This law also applies to EU citizens, as it does to nationals or third-country nationals. On top of this general registration obligation, EU citizens intending

to stay for more than three months must register an additional time, which adds confusion as we saw in our interviews. No automatic communications are sent to the persons who register in the first place that they need to do so a second time. Whether EU migrants learn about their obligation to apply for registration certificates depends on street-level bureaucrats' decision to share this crucial information, or migrants' ability to find it through personal contacts or by means of a rather difficult internet research.

In our qualitative interviews with Hungarians living in Vienna, we found several cases in which individuals were not covered by welfare regulations because they had not registered as EU citizens. As a paradigmatic example, we draw here on the case of Virág who, at the time of the interview, had been living in Austria for 17 years and still lacked full access to social benefits due to registration issues. She was 62 years old at the time and working as a housekeeper in private residences on a semi-legal basis. Furthermore, her living arrangement, an unofficial sublet, prevented her from registering. When we accompanied her to the Austrian Pension Fund, she was told that she needed a proper housing registration and employment contract. With the help of an NGO, she was able to provide a rental contract and transfer one of her jobs into lawful employment. The street-level bureaucrats used their leeway of decision-making power in her favour and provided her—after one year of constant back and forth between institutions—with access to a small pension she could live on. Virág was relieved about this decision as, at that time, she was no longer able to work because of progressive Parkinson's disease. Having kept track of Virág's journey throughout this project, we can report that the process turned out to her benefit, yet the regulations on residence would have also allowed for a less favourable decision by the street-level bureaucrats (Lipsky, 2010; Smith, 2003).

Granting selectively gated access means that additional restrictive policies are put in place on a national level to restrict the access theoretically granted to social benefits on an EU level in a post-national spirit. Once again, the effect on the migrant can be an exclusionary one if the individual is in an inferior position in terms of information and legal knowledge.

5.3. Purposefully Gated Access to Social Benefits: Institutionalised Targeted Residence Tests in the UK and Austria

As described above, the principle of granting access to social benefits based on residence and not based on citizenship is inherently post-national in character. Yet, also the third type of residence-based exclusionary policy consists of purposefully gated access realising welfare chauvinist aims based on residence. These regulations only affect EU citizens if they apply for a certain social benefit. While the PIN system in Sweden is applied to every newborn native and each individual moving to Sweden,

and while the Austrian registration certificate must be applied for by each EU citizen, targeted residence tests have been introduced in all four immigration countries under investigation; nonetheless, we found the most pronounced testing regulations in the UK and Austria.

In 2004, the habitual residence test (HRT) was introduced in the UK to limit access to social benefits for citizens of the accession countries (Carmel et al., 2016; Larkin, 2009; O'Brien, 2015). The HRT is administered amongst EU citizens who apply for certain means-tested benefits. To pass the test, migrants need to show that they have a right to live in the UK (O'Brien, 2016) and that they intend to settle. If an individual owns a house in their own country, they may fail the test, as the intention to reside permanently may not be assumed.

By way of qualitative interviews with migrants, our colleagues in the UK (Emma Carmel, Bozena Sojka, and Kinga Papiez) established that passing the HRT could be challenging, as street-level bureaucrats had a rather large amount of decision-making leeway, which several interview partners found was used against them. Cezary, for example, was asked whether he owned property in Poland and indicated that he had a flat he used when staying there. HRT regulations are not strict in terms of how such information should influence the outcome of the test, which means that authorities are relatively free to make a decision. During the UK team's interview with Cezary, further details were revealed that the street-level bureaucrat may not have been aware of when turning down Cezary's request:

In the council, they asked about property in Poland....I made a mistake, because I told them that I have a studio flat in Poland. But this studio flat is a council flat, not my own. They added something to the files and, after that, I received no more help from them. I sent also documents from Poland. I sent documents from the council to prove that I do not claim any benefits and any additional housing support in Poland. (Cezary, 35 years, Poland/UK)

As mentioned above, such purposefully gated access based on residence was also identified when carrying out the empirical study in Austria, although the situation in terms of residence tests differed from the one described above for the UK. While the receipt of Austrian unemployment benefits is tied to presence in the national territory (so that the unemployed can search properly for jobs), "presence" is an ambiguous term especially in a highly transnational region such as Western Hungary and Eastern Austria. Thus, the term in itself needs further legal interpretation. For example, travelling back and forth the same distance on weekdays but staying in an *Austrian* location on the weekend poses no trouble to those entitled to unemployment benefits. Our interview partners who spent their weekends in Hungary when unemployed could be categorised as "frontier workers" according to EU regulations. As a consequence, Austria

would no longer provide unemployment benefits and the given individual would fall under Hungarian jurisdiction. The Hungarian interview partners were, therefore, threatened that they might lose their entitlement to Austrian unemployment benefits which were nearly four times higher than those administered in Hungary (Regös et al., 2019).

As we observed during 17 months of fieldwork in Vienna, our interview partners found their cases under ever-increasing scrutiny when applying for unemployment benefits; furthermore, they were forced to defend themselves against the suspicion of having their "centre of vital interests" in Hungary. Most notably, a form designed to aid the Austrian Employment Service (AMS) in deciding whether or not Austria is responsible for providing unemployment benefits was introduced during the period of our research and was modified several times, as our data indicate. The form is described in detail in the following citation by Szabolcs, a 27-year-old Hungarian university graduate who had to pass the residence test at a local unemployment service office in Vienna:

They gave me a document about how often I travel to Hungary, whether I have a Hungarian car, ahm, how many days I spend here, whether I have a flat in Hungary, who of my relatives live in Hungary, and I, in this situation, I felt that NOBODY EVER asked me these questions. And this was the first moment when I felt that, damn it, I am a miserable Eastern European in the eyes of the administrator. (Szabolcs, 27 years, Hungary/Austria)

Although not detailed explicitly in the form, the contained questions are in line with the criteria agreed upon in the European social security coordination regulations (as mentioned above in article 11 of EC 987/2009; see also Carmel et al., 2016) to identify a "centre of vital interests" (Scheibelhofer & Holzinger, 2018). The introduction of this questionnaire was not announced on the website of the AMS or otherwise communicated to Szabolcs. Thus, his experience resulted in a feeling of arbitrariness and discrimination based on his being perceived as an Eastern European.

6. Conclusions

Our empirical research concurs with other recent investigations (Bruzelius et al., 2017; Ehata & Seeleib-Kaiser, 2017; Heindlmaier & Blauburger, 2017; Kramer et al., 2018; Pavolini & Seeleib-Kaiser, 2018; Shutes & Walker, 2018), showing that the intra-European promise of social security in the event of migration frequently fails in practice to lead to a post-national model of social protection. Rather, we suggest that we are confronted with an intertwining of welfare chauvinist and post-national strategies resulting in limited social security for those who migrate. This is a noteworthy finding, as antidiscrimination laws have been in place for many years and EU

member states have agreed upon a coordination system for EU citizens' social benefits (under certain conditions). We thus conclude that the description of EU politics as post-national (Favell, 2016) does not provide the whole picture and is not an adequate framework when accounting for the actual experiences of EU citizens who migrate within the EU. We see that we need to take into account the complex multilevel policies and how they play out in the end for mobile individuals. Our investigation yields detailed insights on how residence is used as a differentiator on various policy levels to exclude non-nationals from social welfare provisions.

In this article, we have argued that, on the basis of the post-national principle of residence, discrimination towards EU non-nationals still occurs due to welfare chauvinist ambitions of EU member states to exclude the "unwanted." Based on qualitative interviews with EU migrants in different EU countries, we proposed three different concepts of how residence is used by institutions of member states to exclude EU citizens from such provisions. As empirical research on migration and mobility has shown, many migrants fit the definition of "resident" currently in use within the multiple levels of EU politics. Those who arrive with a work contract, as well as those who are supported by their future employers, may not encounter major difficulties in accessing social protection and may not even be aware of the spatial restrictions for legal settlement (Runfors et al., 2016). However, most mobile Europeans from "new" member states face welfare chauvinist national policies and thus cannot enjoy freedom of movement without discrimination, as envisaged in the above-cited EU regulations and principles. We understand that a main difficulty for migrants arises due to the multiple definitions of "centre of vital interests." These definitions vary and can have multiple meanings, even within the same member state (Regös et al., 2019). Yet all definitions share a common denominator, highlighted in the EU coordination of social security: "Centre of vital interest" only exists in the singular and plurality is not foreseen. Thus, migrants who lead highly mobile or transnational lives are most vulnerable once they try to access social security, as they often encounter difficulties when attempting to adequately prove their centre of vital interests. This is even more true for those who live in transnational families. Thus, having multiple places of residence often becomes a serious obstacle in accessing social security, at least in the case that a national border with a "new" EU member state separates an individual from their family.

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Conflict of Interests

The author declares no conflict of interests.

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Article

Emigration and the Transnationalization of Sending States' Welfare Regimes

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Abstract

How does emigration affect sending states' welfare policies? Existing migration literature has identified numerous political, economic, and institutional variables that influence sending states' approaches towards emigrants' welfare. However, this literature has neglected broader processes of social transformation in sending states. Using the concept of welfare regime transnationalization, we show more precisely how emigration transforms welfare regimes in their functional, distributive, normative, and politico-institutional dimensions. This process is nonetheless strongly constrained by domestic politics. To illustrate our analytical framework, we discuss the transnationalization of health policies in Turkey and Mexico.

Keywords

diaspora; emigration; immigration; health; Mexico; transnationalization; Turkey; welfare regime

Issue

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1. Introduction

How does emigration affect sending states' welfare regimes? In spite of the numerous controversies around issues of welfare and migration that take place across the world, existing scholarship has not yet proposed an answer to this particular question. As we show in the first part of this article, social policy and migration scholars have developed separate discussions on the migration-welfare nexus. The social policy literature has looked into how migration shapes welfare reforms but looks primarily at policy restrictions faced by immigrants in their country of residence. The migration literature, and in particular the diaspora and transnationalism literature, highlights emigrant agency in home country politics.

It nonetheless largely neglects that welfare policies concerning citizens abroad are also driven by institutional, normative and political variables.

To overcome the limits of existing scholarship, we propose in the second part of this article to combine these two bodies of literature. More precisely, we build on the argument of Ferrera et al. (2000) according to which deep societal transformations in European welfare states push them to "recalibrate," that is, to reform in their distributive, functional, normative, and politico-institutional dimensions. Adjusting this concept with the input of migration scholarship, we propose the analytical concept of welfare regime transnationalization, which we define as processes of change in discourses, social policies, and institutional responsibilities implemented

by welfare states to respond to the new social risks that mobile populations and their immobile relatives face due to emigration.

In the third part of the article, we apply our analytical framework to recent health policy reforms in Mexico and Turkey that highlight the role of emigration in welfare reforms. To do so, we also rely on original qualitative data collected by the authors in the two countries. Overall, our case studies offer empirical evidence of the relevance of the concept of “welfare regime transnationalisation” as an analytical framework to study emigrants’ impact on homeland welfare regimes. However, the case studies also highlight how domestic politics hinder the full transnationalization of welfare regimes.

2. Combining Social Policy and Migration Studies Approaches to Welfare State Reforms

Coverage of individuals against social risks by nationally institutionalized welfare systems has long been perceived as a core foundation of citizenship associated with full membership in a national society (Faist & Bilecen, 2014; Marshall, 1964). This vision is however contested by immigration as it historically triggered debates within polities about who is a legitimate receiver of state-sponsored solidarity beyond the sole criteria of nationality. In the European context, already in the immediate post-war period, several North-Western welfare states explicitly included access to welfare policies in the labour recruitment agreements they signed with Mediterranean states. Far from the predominantly negative tone that characterizes contemporary debates on welfare and migration, migrants were therefore once perceived as both needed contributors to European welfare systems and legitimate beneficiaries of welfare policies. This rationale of decoupling rights from nationality (see Soysal, 1994) also guided the EU integration process from its inception as it explicitly recognized the need for taking the portability of welfare entitlements into account to encourage workers’ cross-border mobility. However, in spite of this evolution, European welfare states maintained that access to social rights had to still be primarily determined by a direct relationship between individuals and nation-states (Maas, 2007). This explains why in the context of the 2008 financial crisis and later the 2015 “refugee reception crisis,” EU member states have been able to adopt a series of restrictions to mobile individuals in their welfare legislation (e.g., the removal of residence permits to EU citizens on benefits) to curb specific flows of undesirable migrants (Lafleur & Mescoli, 2018; Pennings & Seeleib-Kaiser, 2018).

While numerous policy-makers across Europe and North America are quick to point out the centrality of immigration as a factor justifying welfare states reforms, the scientific literature offers a much more nuanced picture of the link between the two phenomena. As noted by Van Kersbergen (2002), social science disciplines have approached the welfare state differently. Economists

and sociologists have traditionally looked at the welfare state as an independent variable and therefore try to determine how policies generate certain social and economic outcomes. Political scientists, on the other hand, treat the welfare state as a dependent variable and are accordingly more interested in explaining why certain policies are adopted and how they vary across nations.

In the abundant literature that seeks to explain welfare state reforms, immigration is rarely a central explanatory variable. In her review of existing evidence in the field of economics on the association between immigration and welfare effort, Fenwick (2019, p. 360) noted the influence of migration on welfare state effort “is complex and likely to be influenced and mediated by a number of factors.” Of course, migration has long been identified as an underlying factor that accompanies macro societal transformations which themselves trigger welfare reforms. Scholars such as Wilensky and Lebeaux (1965) for instance focused on the role of industrial development while Pampel and Williamson (1989) identified demographic changes as explanatory variables. In this sense, while the link is rarely explicitly made, scholarship on welfare state reforms is much more related to existing migration theories than one could expect at first sight. To illustrate this point one can look at the new economics of labour migration (Stark & Bloom, 1985) according to which migration occurs when households seek to minimize risks of social exclusion by diversifying the type of economic activities in which their members engage. According to this theory, migration can thus be partly explained by the immigrants’ country of origin welfare systems that does not act as a necessary buffer to prevent people from migrating (Kureková, 2013).

Scholars who have focused on the politicization of welfare reforms since the 1970s insist that, beyond these macro-evolutions, “politics matter.” In other words, welfare state reforms cannot be disconnected from party politics (Castles, 1999), the logic of elections but also from welfare institutions themselves that promote path-dependence through their capacity to block reforms (Pierson, 1994). As immigration progressively became one of the most contentious topics in European and North American politics, a political-electoral approach potentially places immigrants at the centre of welfare state reforms. Indeed, parties concerned with their electoral performance do have to take a position on immigrants’ access to social protection systems. Those debates are indeed frequently overshadowed by welfare chauvinistic positions and the perception that generous welfare policies necessarily lead to increased immigration—a position that some pundits derive from Borjas’ (1998) famous “welfare magnet hypothesis.” Nowadays, arguments about the fiscal impact of migration are still frequently voiced in debates around welfare policy reforms to restrict immigrants’ access to public funds (Deacon & Nita, 2013).

Overall, while the idea that “politics matter” is essential to understand contemporary debates on welfare and

migration, it does not consider immigrants as agents in welfare state reform but merely as one among several variables that may contribute to the outcome of welfare state reforms. This way of conceptualizing the role of immigrants in welfare strongly diverges from recent socio-anthropological scholarship on migration and social protection. Indeed, migration scholars primarily interested in the transnational dimension of social protection practices and policies have examined the role of immigrants as formal and informal social protection providers in countries of origin (see, for instance, Mingot & Mazzucato, 2017), their experience with accessing welfare entitlements across borders (see, among others, Amelina et al., 2019) and the normative debates associated with these questions (Faist, 2019).

As the literature on immigrant transnationalism has evolved in recent years, a number of scholars have examined policies adopted by sending country governments by which they seek to engage with citizens abroad, their descendants and/or specific ethnic groups that these states acknowledge as being members of the polity independently of their nationality (Collyer, 2013; Delano, 2009; Gamlen, 2019). Such state engagement is often presented as a natural consequence of the growing instrumental use of emigrants for economic or political purposes (Lafleur, 2013). While some attempts have been made to examine the role of emigrants in their homelands' electoral and nationality policies, the actual influence of diasporas on the design of home country social policies is still largely unknown. At the same, overemphasizing the economic and electoral weight of diasporas on their homelands may lead to neglecting the influence of other home country actors. Similarly, path-dependency and institutional resistance may limit diaspora agency in processes of policy reform.

Overall, existing scholarship, whether starting from the welfare policy approach or the migration and development approach, has not yet successfully identified the mechanisms by which immigrants as agents in policy-making processes can shape the outcome of welfare reforms in their home country. In the remaining parts of this article, we, therefore, develop an analytical framework that builds on these two bodies of literature and then proceed to examine two case studies on the impact of emigrants on Turkey and Mexico's health policies.

3. From Recalibration to Transnationalization of Sending States' Welfare Regimes

A major challenge in attempting to develop a conceptual framework to analyse the impact of emigration on sending states' welfare regimes is that the characteristics of welfare states across the world vary substantially. The literature on welfare states' evolution has paid significant scholarly attention to categorizing them according to different regimes. In this regard, Esping-Andersen's (1990) seminal work that stressed the role of decom-

modification and defamiliarization in the development of welfare states in the Global North has triggered numerous reactions. Several scholars have indeed attempted to refine typologies by paying specific attention to unexamined areas such as Southern Europe (Ferrera, 1996). Similarly, scholars from the Global South and international development scholars have also questioned the limits of trying to apply the regime approach to middle- and low-income countries. For instance, existing typologies have not paid sufficient attention to the role of informal employment as a decisive feature that creates significant segmentation in access to state-sponsored social protection (Barrientos, 2004). Related to this, a Western approach to welfare regimes therefore also tends to undermine the role of non-state actors (such as churches or NGOs) that are key players in the provision of social protection in the Global South (Martínez Franzoni, 2018; Wood & Gough, 2006).

Taking these specificities into consideration, we propose to start from the social policy literature and in particular the concept of recalibration (Ferrera et al., 2000) that was developed in the European context as both a heuristic and prescriptive tool. Recalibration suggests that long-term and deep societal transformations such as "international competitiveness, the transformation of working life, the demise of traditional family structures, [and] demographic ageing and fiscal austerity" affect the "welfare architecture" of European welfare states (Hemerijck, 2006, p. 8).

According to these scholars, welfare states' recalibration occurs at four different levels. First, functional recalibration consists of the welfare state transformations required to adjust to the new social risks that arise from the post-industrial society. The authors mention technological changes or the feminisation of the labour force as examples of factors that require policy adjustments such as training or child care programmes. Second, distributive recalibration has to do with the fact many new social risks primarily affect certain cohorts more than others, such as young people and young families. These groups lack political capital compared to other parts of the population and therefore require additional attention. Distributive recalibration, therefore, stresses the need for "rebalancing of social protection provisions across policy clienteles, stakeholder interests, and public and private resources" (Hemerijck, 2006, p. 10). Third, normative recalibration concerns the norms and values that policy-makers need to put forward to justify reforms addressing these new social risks and redistributing the balance of power towards disadvantaged groups. It, therefore, has to do with the discourses that legitimize social policy reforms. Fourth, institutional recalibration refers to deeper structural changes within Welfare States that are deemed necessary to address new social risks and protect disadvantaged groups. It has precisely to do with "the design of institutions, levels of decision-making, and social and economic policy governance, including the separate and joint responsibilities

of individuals, states, markets and families” (Hemerijck, 2006, p. 13).

While the concept of recalibration proves invaluable to approach the transformation of European welfare states, it has limits inherent to the European and social policy contexts in which it was developed. Beyond the limits that Eurocentric approaches already expressed above, we argue that—in line with other social policy works discussed above—this approach also under-conceptualizes the effect of migration on social policy changes. In the remaining paragraphs and adapting the four dimensions of the concept of calibration, we, therefore, suggest looking at the effect of outward mobility on the welfare architecture of the states of origin. To this end, we propose to look at welfare regime transnationalization, which we define as processes of change in discourses, social policies and institutional responsibilities implemented by welfare states to respond to the new social risks mobile and immobile populations face due to emigration. More precisely, we call these processes “transnationalisation” rather than “internationalization” because this process goes further than international cooperation between nation-states (e.g., via the signature of international social security agreements). On the part of the sending countries’ welfare systems, transnationalization represents an explicit acknowledgment that the physical presence of individuals on the national territory is no longer a requirement to benefit from state-sponsored solidarity.

Welfare regime transnationalization, we argue, is a process that has four dimensions (see Table 1). The first two dimensions are identifiable at the discursive level. It consists, first, in the identification by political elites in public discourses of the necessity for the welfare state to include the category of emigrants and/or their relatives among the beneficiaries of its policies and programmes (distributive transnationalization). Second, functional transnationalization occurs concomitantly in stressing that this new category of beneficiaries of welfare support requires ad hoc policy responses because their needs fall outside of the traditional realm of welfare policies. In this dual process of legitimation, the economic importance of the diaspora and the remittances they send, the emotional burden that emigration represents or the impact absence has on relatives who stayed behind serve to justify the need for social policy reforms. In this sense, the ability of citizens abroad to mobilize and voice on the home country political stage their shared concerns about their social protection concerns is critical. The last two dimensions of welfare regime transnationalization concern the materialization of these discursive elements into actual policies. Normative transnationalization refers to social policy adjustments designed to address new cross-border social risks for groups identified as requiring the protection of the homeland. Beyond a mere service provided by consular authorities, normative transnationalization rather refers to the adjustments of existing social policies to take into account the

Table 1. The four dimensions of welfare regime transnationalization.

	Definition	Case study 1: Turkey	Case study 2: Mexico
Distributive transnationalization	Identification of new groups that require the welfare state’s protection independently of their primary place of residence	Retired return migrants and emigrants visiting the homeland for a short period	Mexican families with a breadwinner abroad and return migrants
Functional transnationalization	Identification of new social risks triggered by international migration that require home country intervention	Difficulty to use host country public health insurance for emigrants during temporary visits and/or upon return to the homeland	Difficulty to access Mexico’s public health insurance for families split across borders
Normative transnationalization	Social policy adjustments designed to address new cross-border social risks for groups identified as requiring the protection of the homeland	Agreement between Turkish and welfare authorities of different EU member states to facilitate public health insurance intervention	Policy enabling emigrants to register non-migrant dependents to Mexico’s universal health coverage
Politico-institutional transnationalization	Redistribution of institutional responsibilities and/or the emergence of new actors to implement cross-border social policy adjustments	Increased administrative cooperation of Turkish welfare authorities with European counterparts	Posting of health ministry civil servants in consulates

specific needs of mobile populations and/or their non-mobile relatives. One critical element about these policy adjustments is that it is not necessarily concerned with the ability of the reform to respond to the actual need that was identified. It can also be adopted to symbolically respond to the pressure of the emigrant population. Fourth, politico-institutional transnationalization has to do with the redistribution of institutional responsibilities and/or the emergence of new actors to implement cross-border social policy adjustments. The degree to which traditional institutions in charge of welfare policies on the national territory are involved in the implementation of policies that target emigrants and their dependents is, accordingly, an indication of how much the infrastructure that upholds the welfare state is itself transnationalized.

4. Empirical Evidence of the Transnationalization of Health Policies in Turkey and Mexico

In this section, we discuss two health reforms in Turkey and Mexico that highlight processes of welfare regime transnationalization. These two cases were selected because of similarities in their emigration and socio-economic profiles. Looking at their migratory profiles, both states have a large diaspora, amounting—at the beginning of the 21st century—to 11 million people in the case of Mexico and 2.5 million individuals in the case of Turkey, according to the approach of the OECD (2011) measuring diasporas. Similarly, as we shall see below, both Mexico and Turkey have a high level of institutionalization of their relations with the diaspora via dedicated ministries and/or agencies, as well as voting rights and programmes to support diaspora organizations in destination countries. In other words, unlike smaller, more fragmented and less organized diasporas, both the Mexican and Turkish diasporas have a demonstrated capacity to dialogue with homeland authorities; including on matters of social protection. From a socio-economic viewpoint, both states are middle-income countries who are members of the OECD, unlike most other large emigrant sending states. In addition, as noted by Özel and Parrado (2020) both states share “parallel legacies of highly stratified Bismarckian conservative welfare states.” In both cases, their welfare regimes expanded in the 1990s as they integrated more deeply into regional and global economies. These two characteristics—their socio-economic status and similar evolution of their welfare regimes—entail that both states had comparable capacities to react to the pressure of the diaspora claiming inclusion in their homeland’s health reforms.

4.1. Turkey: Transnationalization of Welfare Policies for Electoral Gains?

Turkey’s engagement in favour of the social welfare of its citizens abroad started as early as the 1960s with

the signature of bilateral or multilateral agreements to protect guest workers who moved to Western Europe (Sirkeci, 2003). These agreements—the first of which was signed in 1961 with West Germany—focused primarily on return migrants and the pension rights of migrant workers. In this initial period, the attitude of Turkish authorities in the area of social welfare can be characterised as mostly passive with few exceptions. In the area of citizenship, on the contrary, Turkish authorities have clearly entered a phase of distributive transnationalization in the 1990s by identifying citizens abroad as a category that required specific attention. The 1995 citizenship law, for instance, enabled former Turkish citizens who had to renounce their citizenship to access naturalization in their country of residence to access a special citizenship status that came with electoral rights as well as the right to retire in Turkey (Çağlar, 2004; McFadden, 2019).

The first electoral victory of the Justice and Development Party (Adalet ve Kalkınma Partisi [AKP]) in 2002, has given a new turn to Turkey’s diaspora engagement (Arkilic, 2021). It is particularly visible at the institutional level; with institutions being created (i.e., the Office for the Turks Abroad and Related Communities [YTB]) or expanded (i.e., consular network) and non-state organizations receiving public support (i.e., the Turkish-Islamic Union for Religious Affairs [DITIB]) (Adamson, 2019; Aydin & Østergaard-Nielsen, 2020; Yanasmayan & Kaşlı, 2019; Yener-Roderburg, 2020). In the area of welfare mainly on health-related matters, all these institutions have also become informal counselling bodies. With the support of the Ministry of Culture and Tourism of Turkey, the YTB, for instance, offers seminars and workshops in Turkish missions abroad to inform the diaspora members about their right to social protection (see YTB, 2022). Similarly, the unofficial European branch of the Presidency of Religious Affairs, the DITIB, launched family and psychological counselling services in 2009 (see DITIB, 2009). This development cannot be disconnected from the expansion of the emigrant franchise, which, since 2012, has increased the population of external voters to over three million citizens, most of whom favour the AKP (Umpierrez de Reguero et al., 2021). For this reason, it appears that AKP-linked organizations have a clear incentive—particularly in Germany, where its diaspora is concentrated—to offer services in the area of welfare but also services related to education and religious affairs.

In the area of social protection, in particular, the most innovative programme launched by Turkish authorities under the AKP government is the Overseas Provision Activation and Health System (YUPASS), which came into force in 2014. In a clear sign of distributive transnationalization of the Turkish welfare regime, YUPASS was introduced under the justification of responding to the health care needs of the diaspora during their visits to Turkey. YUPASS initially appeared as a unique Turkish

health service system that enables blue card or Turkish citizenship holders and their family members who are permanent residents in selected EU member states to access Turkish health services, in a similar fashion to tax-paying residents during short visits or long term stays in Turkey. The first agreement was signed with Germany in 2014, followed by others in 2017 with Belgium, Austria, France, and the Netherlands, and more recently Cyprus, North Macedonia, Romania, Albania, Bosnia-Herzegovina, Czechia, and Luxembourg. To access this benefit—which frees eligible individuals of the obligation to subscribe to travel insurance—beneficiaries are required to submit a valid social security document from their host country health care public insurance and register it, upon their arrival in Turkey, at the social security offices. YUPASS is therefore a clear indication of a form of institutional transnationalization of the Turkish welfare regime since it requires cooperation between Turkish and foreign welfare authorities. The ability for individuals to access care and medicine under this system without having to put the money upfront, however, was terminated on 1 December 2019 under the economic and currency crisis that placed a heavy toll on the country's public finances. Following reform, individuals now have to pay upfront for care and medicine and apply for reimbursement upon their return to their country of residence (unless they seek emergency medical attention). Considering that emergency care had always been freely accessible to visitors, the reform made YUPASS significantly more burdensome and less attractive for the diaspora.

Overall, YUPASS is a policy that has received significant media attention in Turkey and among the diaspora upon its introduction and it was recurrently raised during the 2015 and 2018 electoral campaigns as a symbol of the authorities' concern for the diaspora. On the contrary, the 2019 reform that rendered YUPASS significantly less attractive for its target group was barely advertised. These elements indicate that there is a strong symbolic if not instrumental dimension within Turkey's process of transnationalization of its welfare regime.

4.2. Mexico: Institutional Limitations in the Transnationalization of Welfare Regimes

Mexico's engagement with its diaspora in the area of welfare is not a recent phenomenon but is however directly related to the transformation of the country's political regime. The coming to power of Vicente Fox in 2000, after 71 years of rule by the Institutional Revolutionary Party, marked a paradigm shift. After decades of distrust towards citizens abroad, Fox engaged in a process of distributive transnationalization, developing a new narrative according to which the physical absence of citizens from the national territory was no longer a sufficient condition to exclude nationals from public policies. Similarly, Fox initiated a process of institutional transnationalization that progressively led to an expan-

sion of its consular network and the creation of a dedicated public institution to support its diaspora called the Institute of Mexicans Abroad (see, among others, González Gutiérrez, 2003).

Enhancing the diaspora's access to welfare and, in particular, improving undocumented migrants' access to health services in the US has occupied a good share of the authorities attention over the years. For over a decade, Mexican authorities have indeed been conducting information campaigns in the US intending to raise health awareness among the migrant population (i.e., "bi-national health weeks") and created "health windows" in consulates to inform documented and undocumented migrants about their options to access health-care in the US (Delano, 2018). These different Mexican initiatives also illustrate one of the major institutional limitations of Mexico's attempt to transnationalize its welfare regime: Unlike Turkey, Mexican authorities can only count on the limited cooperation of host country authorities (in this case, the US). At the state level, some notable initiatives have been taken to address the specificity of Mexican immigrants' health needs. In California, for instance, the 1998 Knox-Keene Act allows employers to purchase insurance coverage for their employees who live in Mexico or prefer to use health services in that country (see Vargas-Bustamente, 2008). On the national level, however, the US Federal Government has appeared largely uninterested in cooperating with Mexico in the area of welfare since the end of Bracero programme in 1964, which had consisted of a series of diplomatic agreements between the US and Mexico providing for short-term labour contracts to Mexican farm and railroad workers. They included provisions aiming at guaranteeing decent labour conditions as well as an obligation to US employers to withhold 10% of their wages and deposit it on a bank account to be later transmitted to Mexican banks for future access by the workers (see Driscoll de Alvarado, 2003). One element that supports this view of a lack of interest on the part of US federal authorities is the fact that a social security totalization agreement—coordinating coverage for workers who have a career split between two states—has been awaiting ratification by the US since 2004. This lack of engagement from the receiving country authorities stands in major contrast to the Turkish case study discussed above.

The above-mentioned Mexican initiatives in the area of immigrant health are ad hoc programmes run autonomously by the Ministry of Foreign affairs. On the contrary, the creation in 2005 of a universal health programme for residents through a prepaid and subsidized plan called *seguro popular* ("people's insurance") appears as the first real attempt at transnationalizing the Mexican welfare regime. This plan—designed to limit out-of-pocket payments—guarantees basic healthcare (medical, surgical, pharmaceutical, and hospital services) to millions of non-migrant Mexicans who did not previously have access to health insurance through work.

In a clear acknowledgement of the interdependence between emigrants and their non-migrants dependents, the policy explicitly allowed heads of households in Mexico to register other family members even in their absence. Such possibility entailed, for instance, that spouses living in Mexico were able to register their partners and therefore ensure their immediate access to healthcare upon visit or return (Vargas-Bustamante et al., 2012). Similarly, grandparents were given the possibility to register their grandchildren in the case both parents had migrated. This policy that granted citizens abroad similar attention to residents in a critical public health policy indicates the clear distributive transnationalization (i.e., the willingness to target a new group of beneficiaries) of the Mexican welfare state.

This process further developed with the signing of an agreement between the Foreign Affairs Ministry (i.e., the Institute for Mexicans Abroad) and the Health Ministry by which immigrants became able to pre-register themselves as well non-migrant relatives to this plan in Mexican consulates and health windows (Smith et al., 2020). The rationale behind this agreement was that immigrants have a strong influence on relatives in the home country and have a stake in registering them because they tend to use remittance money to cover their health costs (Frank et al., 2009). With this development, the institutional transnationalization of Mexico's welfare regime became evident at two different levels. First, this policy entailed that Mexican welfare institutions were explicitly engaging with non-residents. Second, the consular network—an actor that was traditionally not involved in social policies—was given a critical role in the implementation of one of the country's biggest social programmes in recent history.

Despite the incentive for Mexican immigrants and their relatives to join *seguro popular*, the initiative of involving diaspora to expand universal health coverage in Mexico was relatively short-lived. Indeed, the possibility to pre-register from abroad no longer exists, but a more limited cooperation—focused on deported migrants only—continues to occur between the Foreign Affairs and the Health Ministry. One element that contributed to the termination of the programme, we argue, is that the process of transnationalization of Mexico's *seguro popular* policy was incomplete. Indeed, the policy acknowledged the existence of new social risks (functional transnationalization), the need to address the welfare needs of non-residents and their immobile relatives (distributive transnationalization), and was accompanied by discourses and policies that justified emigrant involvement to improve the coverage of their non-emigrant dependents (normative transnationalization). Institutional transnationalization was, however, left incomplete. Registration to *seguro popular* from abroad required important financial and human resources, which triggered institutional competition between Mexican health authorities and the Foreign Affairs Ministry. For health authorities, engaging with

nationals abroad when their core mission is to deal with the resident population is, therefore, a trade-off between the potential gains that emigrant involvement may entail in terms of improvement of the previously excluded (migrant and non-migrant) population and the cost or signing partnerships and running promotional campaigns outside of the territory. For the Foreign Affairs Ministry, on the other hand, delegating part of the relation with the diaspora to another ministry and allowing these actors to operate in consulates when the Foreign Affairs Ministry had a historical monopoly in terms of diaspora relations proved to be sensitive.

5. Conclusion: Emigrant Agency, Domestic Politics, and the Limits of Welfare Regime Transnationalization

Our two case studies have revealed the interest of approaching the issue of sending states' engagement for the well-being of their citizens abroad from a welfare regime perspective. Despite the similarities in their emigration profile, socioeconomic status, and historical evolution of the welfare regimes that justified the selection of these two cases, our discussion showed a significant difference between the two cases: the role of destination country authorities. Turkey had been able to implement social security agreements with a number of European destination countries which enabled it to offer—for a limited period—an extensive form of health coverage for which it could count on the financial contribution of partner countries. Mexico, on the contrary, has had to implement its health reform without the cooperation of the US federal authorities. This difference in engagement of receiving state authorities, we argue, have had financial and legal implications that significantly influenced the type of welfare policies for citizens abroad that sending states can support.

The analytical framework developed in Section 2 of the article allowed us to identify in the two case studies how emigration has become an integral part of discourses, policies and institutions in middle-income sending states. However, as our data did not aim to establish a direct causal link between emigration and welfare reforms, our findings do not allow us to conclude that emigration is the decisive factor in the reform that we analysed. Indeed, our two cases showed how, in two states that had experienced large emigration for several decades, it is only with the coming to power of political parties wishing to capitalize on the emigrant population that the welfare regime started to go through a process of transnationalization across several of its dimensions. In this sense, our article supports a “politics matter” approach to welfare state reform: It highlights how domestic politics and more precisely expected political gains encourage reforms. Similarly, the fact that the two reforms we studied—YUPASS and *seguro popular*—were downsized after an initial phase of expansion towards citizens abroad hints at the symbolic, if not instrumental, motives that guide political actors in the

transnationalization of welfare regimes: a finding that scholars interested in diaspora engagement policies have already hinted at. Overall, our empirical findings, therefore, serve to recommend including a “transnationalization of welfare regimes” approach to the study of welfare reform of migrant-sending countries as it allows the identification of variables that are traditionally neglected in welfare literature.

Less expectedly, the two cases also showed how processes of welfare regime transnationalization are intertwined with broader evolutions of welfare policies worldwide. In line with the global trend of increasing individual responsibility in welfare policies, both the Turkish and Mexican policies placed the onus of obtaining health coverage in the homeland on individual emigrants. Indeed, independently of the fact that emigrant agency in the area of welfare may be limited by legal, educational, or financial barriers, the benefit of welfare regime transnationalization is far from universal but rather limited to those who can comply with bureaucratic requirements.

However, independently of the fact that the two reforms we studied were short-lived in their most “generous” version, our analytical framework allows us to conclude that they created precedents that made lasting marks in their respective countries’ welfare systems at three levels. First, non-residents are now deemed legitimate beneficiaries of state-sponsored solidarity (distributive transnationalization). Second, this population is acknowledged to have specific needs to be addressed beyond the host state’s responsibilities (functional transnationalization). Third, there exist discourses and norms to justify these interventions (normative transnationalization). Lastly, our analytical framework revealed that institutional transnationalization remains one of the major hurdles to the transnationalization of welfare regimes. Indeed, path-dependency of welfare institutions unaccustomed to dealing with cross-border issues and the potentially diverging interests of home and host country welfare institutions place emigrants in the precarious position of seeing their newly gained benefits removed, improperly implemented or even duplicated with host country benefits.

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Conflict of Interests

The authors declare no conflict of interests.

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Article

Making Migrants' Input Invisible: Intersections of Privilege and Otherness From a Multilevel Perspective

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Abstract

For some years, the German public has been debating the case of migrant workers receiving German benefits for children living abroad, which has been scandalised as a case of “benefit tourism.” This points to a failure to recognise a striking imbalance between the *output* of the German welfare state to migrants and the *input* it receives from migrant domestic workers. In this article I discuss how this input is being rendered invisible or at least underappreciated by sexist, racist, and classist practices of othering. To illustrate the point, I will use examples from two empirical research projects that looked into how families in Germany outsource various forms of reproductive work to both female and male migrants from Eastern Europe. Drawing on the concept of othering developed in feminist and postcolonial literature and their ideas of how privileges and disadvantages are interconnected, I will put this example into the context of literature on racism, gender, and care work migration. I show how migrant workers fail to live up to the normative standards of work, family life, and gender relations and norms set by a sedentary society. A complex interaction of supposedly “natural” and “objective” differences between “us” and “them” are at work to justify everyday discrimination against migrants and their institutional exclusion. These processes are also reflected in current political and public debates on the commodification and transnationalisation of care.

Keywords

care; discrimination; domestic work; intersectionality; othering; transnational migration

Issue

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1. Introduction

The emotive term *Sozialtourismus* (“benefit tourism”) keeps resurfacing in German public discourse. One such occasion was in 2016, when the debate focused on transnational migrant workers from Central and Eastern Europe (CEE)—they were accused of exploiting a supposed loophole in the German child benefit scheme by receiving German child benefits for their children, who were living in their respective countries of origin. This notion is not only questionable from a theory of justice perspective, but it is also factually wrong, insofar as it ignores the nature and amount of work done by large numbers of CEE migrants in Germany. This in turn means that the German public fails to perceive a strik-

ing imbalance between the output of the German welfare state directed to migrants and the input it receives from migrant domestic workers. In this article, I seek to show how processes of othering along sexist, racist, and classist lines obfuscate the migrants’ contributions and render them invisible, thus legitimising discrimination in everyday interactions and exclusionary practices on the part of institutions.

For this purpose, I will use examples from two empirical research projects that investigated how Germans—both parents and adult children of dependent parents—“outsource” reproductive work to both female and male domestic migrants from CEE. Drawing on the concept of “othering” developed in feminist and postcolonial contexts, I will apply it to the context of German political

discourse to understand how ideals like gender equality or fair work conditions paradoxically produce a new international division of domestic and care work that is anything but gender-equal or fair.

The accusation directed against migrant workers is based on the fact that many of them fail to live up to normative standards of work, family life, and gender relations and norms set by the sedentary mainstream. I will show how such perceived differences between “us” and “them” are then instrumentalized to legitimize everyday discriminations and institutional exclusion.

The notion of “benefits tourism” implies that migrants from CEE are coming with the intention of “enjoying themselves” at the expense of the locals. On an ethical level, this notion has been criticized as xenophobic and classist. In this article, however, I try to show that it must be criticized also on a factual level, as it distorts the actual situation by rendering invisible one side of an implicit social contract between the receiving society and the migrants, to the point of being paradoxical. For instance, Polish migrants are the largest national group of child benefit recipients from within the EU in Germany, and more than half of them receive those benefits for children living in Poland: 87,000 Polish children account for more than half of all cases in which child benefits are paid for children outside Germany. This fact is often scandalised in the media, but what is ignored is that Poles are also by far the largest group of new migrants coming to Germany from within the EU. More importantly, however, it also ignores that for at least the last 25 years, they have also comprised the largest portion of domestic workers—elder carers, cleaners, and handymen—who are often employed informally.

2. Data and Methods

The first case involves men from CEE who work in the construction sector or in private households as “handymen,” a phenomenon that has only recently begun to be researched (Kilkey & Perrons, 2010). While reproductive work is traditionally seen as stereotypically “female,” there is a male side to it: Applying a broader definition, maintenance tasks around the house, like renovations, repairs, gardening, are also “reproductive,” but are typically done by men. At this point, they are often “outsourced” to male Polish migrants in Germany. The project Men in Global Care Chains was conducted from 2012–2013 and combined three methods: a secondary analysis of regional statistics on handyman activities on the labour market; an analysis of “brokering firms” and internet forums used by handymen and households; and 37 in-depth interviews with Polish handymen, their partners, informal brokers and companies in the handyman sector, and men and women in households with dependent children employing Polish handymen.

The second project, Decent Care Work (2017–2021), focused on so-called 24/7 live-in elderly care. The activities of transnational agencies brokering migrant care

work in Germany were examined from the perspective of the agencies, stakeholders, workers, and care recipients and their families. The study combined four methods: document analysis (regimes of labour market, migration, gender, and care); analysis of websites of transnational care agencies (of which 140 were based in Poland and 337 were based in Germany); interviews (42 semi-structured and expert interviews with six agencies based in Poland and 11 agencies based in Germany); interviews with two employer-oriented organisations in Poland, plus three employer- and two employee-oriented organisations or counselling centres in Germany; interviews with 10 migrant care workers, four of their family members, three relatives of care recipients.

During data collection and analysis, the principles of grounded theory were applied (Glaser & Strauss, 1980). Framed in terms of standpoint epistemology, my position as a Polish-German researcher who worked as a caregiver for the elderly and severely disabled for several years means that I had linguistic and cultural competencies that enabled me to adopt both an external and an internal perspective. This had a profound impact on the research process, starting with the choice of research interest, the selection of literature, the communication with interviewees, and the interpretation of the data. In particular, all interviews were conducted in the participants’ native language to mitigate power asymmetry. The Decent Care Work project was carried out by a multilingual team in which I conducted several interviews in Polish; I also conducted all interviews in the “handymen” project. Of course, communicating in the participants’ own language cannot completely remove power asymmetry and biases from the research process. Biases created by differences in class, age, ethnicity, or gender remain and need to be reflected upon as part of the research process. Similarly, the use of a common language can create the pitfall that researchers overestimate their “insider knowledge.” To address these risks, the interpretation was discussed in group contexts as far as possible.

3. Theoretical Considerations: Racism Without Races, Paradoxes of Gender Equality, and the Redistribution of Family Work in Germany

The starting point of my theoretical reflections is my long-term observation of the field. Even though there is by now an extensive body of research on the disadvantaging of domestic workers from CEE in Germany—such as structural discrimination in the labour market or in workers’ everyday relations with their clients—this form of employment has become increasingly common. More recently, it has even been legitimised as a “fair” contract, as a win-win situation for all involved parties, both by clients and agencies, and even by the workers themselves (Aulenbacher et al., 2021).

From research on the denial of discrimination by discriminators, we know that this primarily serves to

preserve their own privileges. The existing body of intersectionally-oriented research on migrant domestic work has already thoroughly analysed the complex positioning of CEE migrant workers (Karakayali, 2010; Lutz, 2008): It has clearly shown that their gender, class, age, and ethnicity do represent disadvantages as well as resources. In this intersectional tradition, however, I would like to limit myself in this article to explain the salient tendency of how evident disadvantages are systematically legitimised, even glossed over, by those who benefit from them. Among others, postcolonial and feminist othering concepts can explain the connection between the disadvantages of the minority and the privileges of the majority; these will be used here in conjunction with other concepts, such as citizenship as a “community of values,” following Anderson (2013), or mechanisms of (institutional) discrimination (Gomolla, 2010).

A key tenet of feminist theory is that a set of pervasive androcentric norms in society disadvantage women and privilege men, for which Connell (2005) coined the term “patriarchal dividend.” Such privileges are the subject of feminist literature on intersectionality, e.g., in black feminism (Collins, 2008; Yuval-Davis, 2006) and critical whiteness studies (McIntosh, 1997). Feminist theory explains the invisibility and undervaluation of reproductive work from a socio-theoretical (Becker-Schmidt, 2004; Federici, 2015) and constructivist perspective. The differentiation and naturalisation of a binary gender order is seen as a central mode of producing social inequalities. Especially with the approach of “doing gender while doing work,” the gendered hierarchy of household work could be analysed (Gottschall, 1998). In contrast, the increasing degree of organisation of live-in elderly care or handymen work is a relatively new empirical phenomenon. In the European (as opposed to the Northern American or Asian) context (Chang, 2018; Ortiga et al., 2021), there are few studies on the subject overall (Krawietz, 2014; Leiber et al., 2019) and even fewer gender-theoretical analyses (Kilkey et al., 2013). To illustrate my argument, I will therefore draw on approaches in the sociology of professions dealing with gendered differentiation in professional hierarchies, which are used in a continuum between informal attributions of competence and formal hiring criteria to achieve higher profits, among other things (Wetterer, 2017).

From an intersectional perspective, ethnicity is considered a category to be deconstructed. Postcolonial and racism studies, on the other hand, have so far found less application in the study of ethnicity in Germany, for a range of reasons. For one thing, the concept of racism itself is treated with some scepticism in Germany, unlike in the English-speaking world. As the concept of “race” is primarily associated with the period of National Socialism, Germany’s reckoning with its colonial history is still in its infancy, and most labour migrants arriving in Germany are from “white” backgrounds, the concept of “ethnicity” is used more commonly in the German sociology of migration. What is commonly called

“racism” in English-speaking publications is more likely to be referred to as “xenophobia” (*Fremdenfeindlichkeit*) or “hostility towards foreigners” (*Ausländerfeindlichkeit*). At the same time, newer types of racism, such as cultural racism or Islamophobia, have also been debated in Germany for some time. Postcolonial studies and critical race theory are also less often applied to CEE migrant workers because their countries of origin are not typical colonies or not colonies at all, and Eastern Europeans, predominantly, are “white.” In the literature on migration, Polish immigrants in particular have for a long time been labelled as an “invisible” minority because they are considered as “inconspicuous” and “well integrated.”

Terkessidis (2019) interprets this invisibility from a postcolonial perspective: for him, pressure to assimilate into German society is one reason why the postcolonial memory of Polish migrants is absent in Germany. He also considers German-Polish history a part of European colonial history, against which background the pejorative expression *polnische Wirtschaft* (“Polish economy,” a synonym for mismanagement) continues to exist in the German language today. Thus, postcolonial perspectives on European history are gaining momentum and the role of Germany—not only as a target of immigration but specifically as a former imperial power—is analysed in this context. To be accurate, from the Polish perspective, this discussion has been going on for some time but has been less focused on the role of the West. Rather, the Polish discourse presents a complex *mélange* in which Poland appears as both colonised (by Germany, Russia, and “the West”) and colonising (in relation to its former Eastern borderlands). Zarycki (2014, pp. 89–114) examines in detail the problems of translating the concept of postcolonialism into a Polish context; Mayblin et al. (2016) provide a recent example of its application to biographical research. The postcolonial perspective seems particularly fruitful in the context of the current discussion about a “post-migrant” society (Huxel et al., 2020). Most importantly, the CEE domestic workers, such as the stereotypical “benefits tourist” mentioned previously, can be understood from a postcolonial perspective as the epitome of the poor, backward migrant from a past world who functions as an antithesis to “ourselves,” with “our” modern values and lifestyles.

In this context, I adopt the term “postcolonial” in a broader sense than usual, going beyond the binary classification of white vs. non-white societies that is often associated with it. In migration studies, Eastern Europeans are generally labelled as “white” in this binary classification, even if they are often placed at a relatively low position in the stratified social order. As Safuta (2018) shows with the example of Ukrainian domestic workers in Poland and Polish domestic workers in Belgium, they occupy a position that is best understood as one of (in Wallenstein’s sense) “peripheral” whiteness. In this sense, she applies the concept of a “racial contract”—a term Mills (1997) coined to describe the division of labour between people of different racial

backgrounds in North America—to the European case: Here, a similar hierarchy exists, but with people of different “shades of white” (Safuta, 2018) placed along with it.

The “racial contract” between CEE migrants in domestic work and their clients assigns to them what Safuta (2018) describes as a “comfortable alterity.” They are paradoxically privileged because, like their clients, their skin colour is (a shade of) white and (compared to migrants from the Global South) they share a similar cultural or religious background with their clients. At the same time, they are not accepted as equal by their clients but are considered subordinates due to their “peripheral” whiteness (Amelina & Vasilache, 2014). In domestic work settings, this combination of subordination and similarity is strengthened further by the particular kind of emotional labour they perform (Safuta, 2018).

Alongside cultural and gendered differences, class is another factor that functions to mark proximity and distance, or the distinction between “one’s own” and “the foreign”; othering based on poverty is another element constituting racism without races (Anderson, 2013). The mere existence of poverty is perceived as a threat to the social order and the meritocratic principle with its naturalisation of personal achievement, which forms a defining principle of modern society. CEE migrants, like migrants in general, tend to work in economic sectors that have been come to be recognised as “systemically relevant” since the Coronavirus pandemic but are particularly affected by precarious employment (Khalil et al., 2020). In addition, especially in the area of reproductive work, workers are being systematically deprived of their citizenship rights (Plomien & Schwartz, 2020).

Although we are talking about EU nationals, who are legally privileged in comparison with non-EU nationals, we can observe that their citizenship rights, in particular social rights, are “eroding” even while they are “expanding” in other respects (Kivisto & Faist, 2007). This development is causing increasing structural disparities within the EU. Amelina et al. (2020) and Engbersen et al. (2017) also show how the *de jure* and *de facto* rights of EU citizens diverge. However, this structural situation is often individualised (Kordasiewicz, 2016) and sometimes racialised. This shows that class-based discrimination (classism) may become overtly evident when individuals experience discrimination based on their social background or lifestyle, or covertly evident, in the guise of racism and sexism. The nexus of classism and racism has been pioneeringly explored by black feminists in the USA; the discourse gained momentum after Crenshaw (1989) coined the concept of intersectionality (Kemper, 2016).

As Barone (1999) argued, compared with racism and sexism, classism has long been a neglected topic of research on discrimination even while it forms a central category in research on labour migration, e.g., when discussing the precarity of work and the devaluation of skills (Kofman & Raghuram, 2015). In studies on

migrant domestic workers, class-based othering is analysed primarily at the level of relations between individuals (domestic workers and clients). One example for this type of othering has been observed by Kordasiewicz (2016) in her study on domestic workers in post-war Poland: Class relations are often disguised by individualising them, e.g., when the domestic worker’s subordinate position is justified by references to deviations in their biographies (such as alcohol abuse).

In comparison to this type of discrimination in relationships between individuals, institutional discrimination remains less researched (Bomert, 2020). Consequently, this article also aims to stimulate the debate on transnational care work and social memberships from an intersectional, discrimination-critical, multi-level perspective.

4. Domestic Workers From Poland: Intersections of Otherness and Privilege From the Multilevel Perspective of Individual Actors and Organisations

Both case studies mentioned above deal with care work that is increasingly commodified, i.e., is no longer provided for free within the family, but is brought in from outside. Specifically, care work is “bought in” from CEE migrant women, who in this way help German families of the upper-middle class to cope with their everyday lives and to reconcile the demands of work and family. These migrants are thus seen as informal welfare givers in their host societies (Kofman & Raghuram, 2015).

4.1. Othering and Privilege in Everyday Relations: Clients and Workers in Private Households

Along with house cleaning, care work is the prototypical example of reproductive work that is predominantly done by women. However, work that is usually done by men, such as renovations, repairs, gardening, etc., can also be considered a part of reproductive work. In private households, this type of work is also increasingly performed by CEE migrants. The motivation to delegate this work to others is well-illustrated by the following statement from a client (Stefan) in an interview I conducted:

My wife and I, we are both working, we’re not really into cleaning the house, doing repairs, and stuff. That’s why we’re hiring someone to do it, so we have more free time...and we have to look after our son. He’s 15 now, so he still needs a lot of support and attention after all.

Stefan frankly declares that he and his wife are simply “not interested” in housework. Here the core of this contract is revealed: The outsourcing of domestic work (both “male” and “female”) is what makes egalitarian gender relations and modern praxes of motherhood and fatherhood possible in the first place. The individual life situations of the people who perform these services are not

perceived as relevant in this context; it simply remains outside of Stefan's perception. The subtle way in which inequalities are concealed in the characteristics of the handyman job and how they are legitimised by the narrative of supporting disadvantaged migrants becomes evident in the following statements from an interview with a handyman and his client. For twelve years, 52-year-old Thomas has been outsourcing various chores around his house and garden to 61-year-old Polish migrant Zygmunt. Both men describe their relationship as one of friendship and mutual trust. Thomas describes it as based on "reciprocal" benefits and frames his part as helping Zygmunt without seeking any benefit for himself:

Thomas: Well....I pay Zygmunt 10 euro an hour and I think it's...quite inexpensive, but that's also the reason why I'm having him do all these things, which perhaps I wouldn't have otherwise. For example, during a time when Zygmunt was out of work, he was doing all kinds of things, I had a lot of money, relatively speaking, I had taken a credit for the renovation, and then he was really working here for hours on end.

Interviewer: So it was a deal, in your eyes, that you supported him?

Thomas: It was perfectly okay, I wouldn't have been able to do it at all if I'd had little money, well, so it simply all fell together, it was just the right thing at the time, and insofar it was okay, [I said] just go ahead.

Here we observe how Thomas subtly justifies his unequal relationship with Zygmunt—he tries to frame it in the broad terms of friendship and emphasises their ostensibly egalitarian win-win situation. What remains outside this view is Zygmunt's situation as a husband and father of three children. Unlike his client-friend, who spends his free time with his little son, Zygmunt has been spending all his time off on various other jobs to achieve what he considers an acceptable standard of living for himself and his family (Palenga-Möllnbeck, 2016).

This ignorance or invisibility is made possible by processes of othering, which justify inequality and disguise one's own privilege. Anderson (2013) analyses how such processes of inclusion and exclusion on the individual level can be transferred to the level of political discourse on the example of UK migration policy. She describes how modern states do not see themselves simply as communities of individuals with equal codified rights, but as "communities of values" made up of people committed to unwritten common ideals and patterns of behaviour considered honourable (Anderson, 2013). Anderson describes the "us and them" contrast between good citizens, who share these values, non-citizens, who do not share these values and have "wrong" values instead, and failed citizens, who have proved unable to live up to the shared values and thus become "internal strangers." The narratives on CEE migrants found in

nearly all interviews with clients (and institutional actors) are likewise rooted in a differentiation between "them" and "us," and can also be described using Anderson's terms. Even perceptions that see the employment of migrant caregivers from less affluent countries as a win-win situation, are largely based on acts of othering that attach certain labels to them that mark "them" as inferior to "us." These labels are "sticking" (Ahmed, 2014) to the entire group, even when they are welcomed as useful. Ironically condensed, this othering works as follows: "We" are in a care crisis, "our" welfare state is under pressure, "we" have perfectly good reasons to act the way we do—we are even doing "them" a favour by allowing them to work for less than the minimum wage. "They" should be grateful for being given the chance to earn some money for their children's education—and isn't everything so cheap over there, anyway?

Such narratives conveniently overlook the fact that "our" lifestyle would not be feasible without the services provided by those migrants. As postcolonial and feminist authors have pointed out, "we" tend not to see the structural causes and the direct connection between our privileged situation and "their" underprivileged one. Instead, "we" actively essentialise, naturalise, or culturalise "them" in a way that allows us to think of ourselves as "better." This phenomenon may best be illustrated by how "we" judge the way that "they" treat their children: "We" spend quality time with ours in the evenings or on weekends, "they" leave their neglected children behind in Poland—and since they incorrigibly "are" that way, they may as well look after our old parents, or fix some things around the house for us (Palenga-Möllnbeck, 2016).

4.2. Institutional Othering and Privilege: Elderly Care Placement Agencies

The legitimization of inequality based on othering and the win-win argument is not only found in the narratives of the buyers of domestic services. In contrast to the less formal relationships described in the example above, the example of the live-in elderly carers shows how othering works in institutional terms.

As in the case of Polish handymen, care work performed by women has been a constant element of transnational migration between Poland and Germany in the era after 1989. While this kind of work was initially arranged mostly by informal intermediaries, the last ten years have seen a rapid growth of transnationally-operating agencies formally mediating employment (Aulenbacher et al., 2021; Krawietz, 2014; Leiber et al., 2019).

As our analysis shows, the practices of othering in the everyday business practices of these intermediaries combine the traditional elements of racism, sexism, and classism (such as naturalisation/culturalisation and the adoption of implicit norms modelled on the mainstream values of the receiving society). These, in turn,

smoothly transition into forms of othering described in more recent discussions, such as neo-liberal instrumentalisation in the case of “femonationalism” (Farris, 2017), or health sector-specific professional discourses of rationalisation in which the progressive monetisation of care work results in specific divisions of labour and profit between professions, networks, ethnicities, and mobile workers (Aulenbacher et al., 2018).

At the centre of the analysis is the collective othering that takes place within the industry as expressed in its concepts and practices, in particular the recruitment of workers and the work itself. As will be shown, these are based on a sexist, racist, and class-based construction of homogeneous groups of workers. Thus, in these transnational labour markets (Shire, 2020), we see both direct and legal (through explicitly exclusionary norms and practices) and indirect (through apparently neutral norms and practices) effects of de-professionalisation and an erosion of labour rights. Although these can be observed in the entire elderly care sector (Dammayr, 2019), in this case they are reinforced by the ethnicisation and transnationalisation of the labour market segment and a shifting of risks from the West to the East within subcontracting structures that is typical for transnational labour markets (Mense-Petermann, 2020).

This process of constant differentiation, combined with hierarchisation, and the emergence of exclusions for some and the consequent privileges for others, as well as their functions and legitimisation, will be shown in the example of three areas in which we traditionally find indicators of what the ILO calls “good work,” and by means of which the industry permanently places workers outside the framework of (a) professionalisation, (b) remuneration, and (c) regulation of work, especially as far as the issues of responsibility and risk are concerned.

When advertising its services, the industry uses a narrative of legality about the (largely informal) market. It emphasises that in recent years the industry has been increasingly formalised and the work itself has undergone a certain professionalisation. So let us take a closer look at the social construction of this work in the context of the professionalisation of the work and the required skills, which Chun (2009) calls the “classification struggle” in the context of the struggle for good work.

The agencies mostly use the term “care” (*Pflege*, *pielęgnacja*) in a rather unspecific way, even though both in Poland and Germany profession-related regulations exist that determine its meaning. Recently, a DIN (2021, p. 1) specification on “caregiving...through live-in caregivers from foreign countries” detailing “requirements for brokers, service providers and caregivers” was developed with limited involvement of stakeholders. However, its provisions are rarely explicitly referred to in the recruitment and contracting process, or in actual practice. Instead, an informal understanding of care skills is underlying, which women are somehow supposed to be particularly capable of “by nature” and/or have learned in their own families. Accordingly, care experience from

one’s own family is one of the few hard criteria in the recruitment process.

In this context, it is worth mentioning that even in the discourse on professional care work, the type of work is often considered not entirely formalisable because of its special characteristics. Helping people in need is seen as a moral duty as opposed to a professional task; the relationship with the person in need of care is seen as holistic and individual as opposed to business-like (Waerness, 1984). Such a differentiation and hierarchisation of qualifications between professions and horizontally within professions themselves have already been well described in the literature on gender functions in professions (e.g., Gottschall, 2010) and organisations (Wetterer, 2017): It leads to a privilege for men, which we also observe in our research.

In addition, we find here a social construction of skills attributed to a specific group of foreigners, in particular women from CEE, who are supposed to be predisposed to this work due to their cultural proximity (cuisine, mentality) and religious proximity (Catholic socialisation, predisposition to care). One representative of an employers’ organisation self-ironically but bluntly evokes the (auto-)stereotypes that supposedly justify an international division of labour, in which Polish women take over subservient work that is “unworthy” of Germans:

People who have grown up here in Germany...are used to the German way of life, so to speak...You’ll hardly manage to convince them to live and work with someone in a domestic community. That is beneath the dignity of a German. A German...places great value on...not having to serve...That’s not really in our nature and, yes, that’s what I need to do when I live in a domestic community. (Organisation 1)

This implied superiority of German workers/citizens contrasts with the notion that the migrants are grateful for the opportunity to escape from their own “defective” families by working in Germany, which appears in the following statement by an industry representative:

You don’t have a proper education...maybe with the Poles it’s often like, your husband is an alcoholic, you don’t feel like staying at home and getting beaten up anyway...and then you go to Germany and earn really good money in these short periods of time. (Organisation 2)

We observe here even stronger tendencies towards a racialisation or culturalisation of social conditions: a similar trope of justification as in the phenomenon of “white men...saving brown women from brown men” described by Spivak (1988, p. 296). At the same time, another group of failed citizens (Anderson, 2013) is constructed as a contrast in a rather classist and disparaging way in order to strengthen the stereotypical positive image of CEE women as “hands-on”:

As a rule, Germans are not flexible enough and the [German welfare recipients] are not necessarily people who are prepared to do strenuous work on a continuous and reliable basis. (Organisation 2)

Thus, in this gendered and ethnically segregated sector of work, which in Germany (and in Poland) has traditionally been and still is unpaid and informal work, there is a tendency towards deskilling, which has been widely described in the literature and by female migrants, because the transferability of skills is limited in such sectors (Dobranja, 2017).

This deskilling is not only part of the everyday business practice in which supposedly “natural” female or ethnic skills are sold in place of professional qualifications, which results in the workers being socially marginalised. It is also taking place on the institutional level of the transnational secondary labour market in the German welfare market (Ledoux et al., 2021). This sector is already complementary to the formally qualified and better-paid elder care sector, but, as our research has shown, the sector is also striving to be fully integrated into the formal care system that is financed by statutory health insurance.

Salient here is the already mentioned effect of hierarchisation along with the emergence of a new, ethnically-defined underclass. This means that local employees are already enjoying privileges now. In future, it will also give German agencies, which are already lobbying to achieve favourable regulation (as in the case of the DIN specification mentioned above), an even greater influence on the valuation and sale of care work. The industry plays an important institutional role here (Aulenbacher et al., 2021; Leiber et al., 2019) and is now becoming an important player in the social construction of “ideal” care workers in transnational care chains. This applies to both the hierarchical elderly care skill regimes of the receiving countries and the recruitment and qualification processes in sending countries (Ortiga et al., 2021).

The second discriminatory practice is the underpayment of workers, which is accompanied by a rhetoric of “fair pay.” The low pay is due to the low qualifications described above, but it is also specific typical for live-in work, where working hours are practically unregulated (hence the moniker “24-hour care”) and conditions are severe (social isolation, lack of privacy, etc.). Considering that the wage ratio between Poland and Germany is currently 1:3 and the lack of a strong welfare state in Poland, earnings of €1,000 to €1,800 per month are indeed high from a transnational perspective. Labour migration in and of itself remains an important option for the workers, who for the most part consciously choose this form of earning in the context of their individual lives.

However, what is interesting for us here is how these non-standard working conditions and wages are legitimised. The sector uses a win-win rhetoric and bases this on a notion of “justice” that supposedly considers the specific needs and abilities of CEE workers, but also the

“innate” willingness to help. This narrative is a part of what from a postcolonial perspective can be described as an imperialist encroachment of the West on the human and symbolic resources of the East for its own advantage.

The owner of Agency 2 frames the activity of his business as a kind of development aid:

So the idea of our business model from my point of view is that we are talking about the principles of fair care [work], that we want to provide an honest and fair value for what we charge...and for people who come from an even more difficult situation we simply provide even more...don't we?

Finally, let us look at the discriminatory effects caused by the specific way these transnational labour markets segments are regulated (Shire, 2020).

First, to a large extent, the markets have produced a business model which transfers risks and responsibilities “downstream” along value chains (Palenga-Möllnbeck, 2021). In the EU, this often involves the outsourcing of labour and responsibilities to subcontractors who send posted workers to another member state (Mense-Petermann, 2020).

Second, the organisations operating in these markets apply an ostensibly neutral procedure, which however is androcentric, ethnocentric, and classist in itself, and thus has a discriminatory effect on those who do not conform to these norms. Being EU citizens with extensive labour and social rights, these workers appear privileged in comparison to undocumented workers. However, in this industry, they can only work as self-employed; the business rests on two legal models, in both of which responsibility for working conditions is largely or entirely transferred to the workers.

If they are self-employed, they work as contractual parties and bear the full entrepreneurial risk. They are conceived of as typical rational-choice actors who have access to full information and capital. This fits in with the current neo-liberal vision of work with minimal employee rights and in which the employees disavow themselves of all responsibility. In particular, “foreigners” such as transnational migrants are virtually guest workers, who are de jure or de facto excluded from many social privileges (Engbersen et al., 2017).

In the second, thus-far dominant model, the posted-worker system, workers are employed through contracts not covered by labour law in the sending country. Here, too, the central characteristic is a shifting of responsibility (for training, managing day-to-day work, mediating conflicts, etc.), this time literally across borders, along transnational commodity chains, which are themselves asymmetrical (Palenga-Möllnbeck, 2021).

The literature on institutional discrimination often observes the danger of questions of equality and justice being depoliticised by their being reduced to the level of organisations and relevant technical procedures (Gomolla, 2010). However, it is above all the structural

past-in-present discrimination that a society inherits from its history (Feagin & Feagin, 1986) and current discourses about supposed “others,” e.g., in labour markets, that guarantee that the distinctions between “us” and the “others” are consistently reproduced, as the scandalisation of “benefit tourism” demonstrates.

5. Conclusions

Discourses such as that on “benefit tourism” are based on a distorted perception of reality. They rest on simple dichotomies between “us” and “them” that help to produce invisible privileges for one side and exclusion for the other side of an implicit contract. The concept of othering is applied to capture this specific combination of disadvantages and privileges. In an intersectional perspective on processes of othering, discriminatory and privileging consequences of sexism, racism, and classism were discussed on the basis of feminist, post-colonial, and classism-related theories. Drawing on two case studies dealing with Polish handyman in German households and transnational agencies placing Eastern European live-in elder carers in German households, intersectional othering was analysed from a multilevel perspective comprising individual actors and organisations. This othering, i.e., the creation of the “them” side, does not only take place in asymmetrical everyday relations between workers and clients: It is also woven in the fabric of increasingly formalising and professionalising transnational labour markets, which is demonstrated by the example of the elderly care employment sector. The agencies mostly base their business on the othering of workers, the naturalisation and culturalisation of their skills and work, a win-win rhetoric that openly rests on a market-liberal world view, or under the guise of “helping,” ignorance caused by their own “problems” and washing their hands of practical and moral responsibility on the other side of the border.

Thus, we observe, on the one hand, an unequal treatment of equals (EU citizens) and, at the same time, equal treatment of those who are in fact unequal, as they are particularly vulnerable (Skrivankova, 2010). The construction of the mobile, “self-employed” migrant apparently “without family ties” benefits the employers, placement agencies, and the receiving welfare state. Circular migration is an economical asset, which is also manifested in the idea of the free movement of workers and services legally anchored in EU policies.

Thus, domestic workers in Germany occupy an ambiguous position within German society: Their mobility makes them attractive within the market, but at the same time this very mobility also makes them suspicious or “strange” and restricts their ability to fulfil the expectations that the “community of value” (Anderson, 2013), imposed by the non-mobile and more affluent part of society, has towards “good citizens.” All this leads to an overlooked disparity between the contributions that migrant domestic workers and their families are making

to the stabilisation of the German welfare state and the benefits they themselves receive from it.

The narratives on alien “benefit cheats” and “bad parents,” or on “good” and “bad” carers, is the tip of an iceberg of structural discrimination and instances of othering, which all contribute to the obfuscation of the fact that a privileged “modern” and supposedly equal and autonomous lifestyle is increasingly dependent on the contributions of supposedly archaic and traditional migrants.

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Conflict of Interests

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Article

Welfare Paradoxes and Interpersonal Pacts: Transnational Social Protection of Latin American Migrants in Spain

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Abstract

This article analyses the relationship between migration, care work, and welfare provision, highlighting the role of Latin American migrants in Spain as providers of formal and informal social protection on a transnational scale. It contributes to the debate on transnational social protection and transnational social inequalities from the perspective of welfare paradoxes and interpersonal pacts. Migrant women in Spain have become a resource for the provision of formal social protection through their employment as domestic care workers. Nevertheless, given that access to social rights in Spain depends on job stability and residency status, they have difficulties in accessing formal social protection themselves. This process constitutes a “welfare paradox,” based on the commodification and exclusion paradoxes, explained by structural factors such as the characteristics of the welfare regime (familiaristic model, with a tendency to hire domestic workers as caregivers into households), the migration regime (feminised and with a clear leaning towards Latin American women), and the economic landscape resulting from two systemic crises: the great recession of 2008 and the Covid-19 pandemic. Interpersonal pacts, rooted in marriage/couple and intergenerational agreements, and their infringements, are analysed to explain the transnational and informal social protection strategies in the context of the “exclusion paradox” and the breach of the “welfare pact.” Our research draws on the exploitation of secondary data and multi-sited, longitudinal fieldwork based on biographical interviews conducted with various members of transnational families in Spain and Ecuador (41 interviews).

Keywords

care work; domestic service; Ecuadorian migration; gender roles; immigration in Spain; social protection; transnational families; welfare

Issue

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1. Introduction

Scholarship studying the link between migration, care work, and welfare provision has traditionally focused on the drivers of global care chains (Hochschild, 2000), social care analysis (Daly & Lewis, 2000), and the circulation of care (Baldassar & Merla, 2014). In recent years, transnational social protection studies have reviewed reflections on these analyses and contributed new approaches to them. Recently, this analytical framework

has been used to argue that the “global care chain” concept was focused principally on highlighting the emotional costs of distance mothering paid by migrant women employed as caregivers and unable to provide their children with the necessary attention and affection. Likewise, the “social care theory” has proved extremely useful in analysing the social models of care and their evolution, even though they are rooted in the notion of social rights associated with nation-states, thereby complicating the identification of transnational protection

needs (Parella & Speroni, 2018). Furthermore, it assimilates social protection with the formal sphere, overlooking the informal protection practices that are forged in personal interaction networks. Finally, and although the “circulation of care” concept creates broader areas of care than the previous concepts, it is unable to link the demand for care with “the precarious labour market conditions for migrant care givers” (Lutz, 2018, p. 582) and therefore fails to articulate the exchange of welfare with the structure of global inequality that is the natural habitat of these workers.

In an attempt to bridge these gaps, research on transnational social protection has introduced new conceptualisations that have contributed to an understanding of how the global inequality processes of migrant families (in particular those of female migrant domestic care workers) are articulated with their transnational care strategies. An example of this is the term “assemblage of care” coined by Amelina (2020, 2017). This author argues that the concept allows care to be distanced from the territorial category in which its provision is articulated, enabling the identification of patterns of inequality that emerge precisely during this assemblage. A further contribution to this process is the use of the term “transnational social inequality” (Amelina & Lutz, 2019), which refers to how the transnational nature of care implies the creation of new hierarchical patterns, which naturally stem from gendered and racialised cultural values regarding care provision, but also from the support for their organisation proffered by public regulations in the host countries, the economic situation, and the regulations governing domestic service. This concept, studied mainly in relation to migrant domestic care workers, links the disadvantaged position of these workers in both the labour market and in the social structure of the host country. This inequality has a localised impact, reflected in migrant marginalisation in relation to the public schemes of social protection, but it also operates in a transnational space as it generates the deployment of cross-border support practices within the family to overcome situations of social risk.

Rooted in the intention to move forward with the theoretical and empirical articulation between the structural processes conditioning global inequalities in access to welfare and the informal practices of mutual support and solidarity deployed among transnational families, the principal objective of this article is to apply the concepts of “welfare paradoxes” and “interpersonal pacts” (focusing on intergenerational and marriage/couple pacts) to the analysis of the formal and informal strategies for the transnational social protection of Ecuadorian migrants in Spain. This article contributes to scholarship in this field firstly through its application of the concept “welfare paradox” to the study of the adverse effects of welfare policies and their connection with cross-border inequalities resulting specifically from formal welfare provision. The “welfare paradox” concept was initially used to analyse the redistribution capacity of

universalist welfare policies (Korpi & Palme, 1998), and more recently to assess the gender-equality impact of work–family reconciliation policies (Kowalewska, 2021). In this reading, we use the term “welfare paradox” to consider the impact of Spanish long-term care policies, based on cash transfers, on the demand for domestic migrant and care workers, as well as the conditioning labour factors that block these workers’ access to basic social rights. We argue that this “welfare paradox” is further supported by two paradoxes conceptualised and discussed here, namely the “commodification paradox” and the “exclusion paradox.”

Secondly, the article contributes to scientific production debates using the concepts of “intergenerational and couple/marriage pacts” to explore informal transnational social protection strategies. We define the concept of “intergenerational pact” as an implicit agreement, rooted in cultural norms underlying the family sense of solidarity regarding the provision of care between generations (Ayuso, 2012). Beyond the formal marriage contract, which implies a series of rights and obligations for the couple regulated by law, we consider marriage/couple pacts as a series of informal agreements which organise the provision of family welfare. These pacts are obstructed by cultural norms and gender impositions, which traditionally reserve reproductive work for women and confer the traditional role of “breadwinner” on men. The article highlights how intergenerational and marriage pacts account for the articulation of transnational strategies of informal social protection. Such strategies are used by transnational families to offset the effects of the “welfare paradoxes” and their exclusion from the social pacts that are implicit in the nature of welfare states. The originality of our article lies not merely in the fact that it analyses mutual assistance and family support strategies, which have been amply addressed in the literature, but also because it highlights how conflicts and the breakdown of “intergenerational and marriage/couple pacts” account for the explanation of the formal and informal social protection strategies deployed in the transnational space.

Thirdly, the article contextualises transnational social protection from a top-down approach considering informal assistance practices, Spanish welfare policies, and the economic landscape. Previous analyses have been limited in understanding the exchange of goods and services in the regions where migrants settle, whilst structural factors shaping these practices have been overlooked (Hellgren & Serrano, 2017). “Welfare paradoxes” and “interpersonal pacts” are essentially conceptual tools that connect responsibilities for care (both those held with the transnational family and those that emerge as a result of entering into paid care work) with the economic and political situation of the host country, whilst also revealing how these scenarios activate specific transnational welfare practices (Figure 1).

The article is structured as follows: The next section describes the methodology used, followed by a review of

how Latin American and Caribbean (LAC) migrant women have become the main providers of “formal social protection” in Spain, addressing in particular social policies aimed at long-term care and describing the “welfare paradox.” The fourth section broadens this examination by detailing the informal social protection strategies deployed by Ecuadorian transnational families through the application of the concept of “intergenerational and marriage/couple pacts.” The fifth and final section presents the principal conclusions.

2. Methodology

The methodology is based on the analysis of secondary data to consider the position of LAC migrant women within the Spanish care model and to explore the scope of formal social protection. The data were obtained from the Spanish Labour Force Survey (INE, 2020), the Spanish Municipal Population Census (INE, 2021), and social service statistics from the Spanish Institute for the Elderly and Social Services (IMSERSO, 2019).

Secondly, the analysis of transnational family social protection strategies is based on multi-sited fieldwork conducted in Madrid and Quito. Biographical interviews with transnational families were held, thereby introducing time, spatial, and intergenerational factors into the analysis of transnational social protection strategies. This methodology also allows the “crossing” of family member narratives, shedding further light on how “interpersonal pacts” are formed and breakdown, as well as on intergenerational and gender relations (for further details see Oso & Suárez-Grimalt, 2017). Our selection of interviewees was based on gender and generation variables, as well as the type of transnational family, depending on who initiated the migratory process (mothers, fathers, children, or siblings).

The fieldwork also had a longitudinal dimension, as it was conducted over two time periods. Phase one of this research was carried out in 2008, coinciding with the outbreak of the financial crisis, although its impact was yet to make itself felt. It included biographical interviews with persons with family members in Spain, held in a district of southern Quito, together with interviews with key informants. This was followed by interviews with relatives of some of the people contacted in Quito, who had settled in Madrid. Eighteen people were interviewed during the initial phase of our fieldwork (11 women and seven men).

To analyse the impact of the crisis of 2008 on transnational social protection dynamics, a second phase of fieldwork took place in 2015. Contact was re-established with four families who had been interviewed in 2008. Some of the interviews were repeated in Quito and Madrid (eight in total), and new members of the same families were also interviewed for the first time. This longitudinal approach allowed us to monitor the biographical narratives of these families over time. The fieldwork was completed with interviews with other residents of

the district, key informants, and a number of returnees in Quito. In this second phase of the fieldwork, 23 interviews (13 women and 10 men) were carried out.

A total of 41 interviews, with 33 people (eight persons were interviewed twice), were carried out throughout the two-phased fieldwork: 19 women and 14 men (15 of whom were members of the chosen four monitored families). A further phase of the fieldwork was initiated in 2021 to analyse the impact of the Covid-19 crisis. To date, one of the four monitored families has been interviewed (Table 1).

We have illustrated the analysis of empirical data with the interviews of the monitored family cases, discussing those testimonies that best illustrate the articulation of interpersonal pacts and their infringements for transnational social protection provision. The analysis is based on a grounded theory approach (Charmaz, 2005).

3. Migration, Domestic Care Work, and the Welfare Paradox From a Transnational Approach

According to Eurostat, 49.1% of the Latin American migrant population resident in the European Union has settled in Spain (Bayona-i-Carrasco & Avila-Tàpies, 2019), where this group accounts for 3.1% of the total population and 40.2% of the foreign-born population (see INE, 2021; the Spanish Municipal Population Census is an administrative register that includes demographic data and, in the case of the migrant population, also includes those people with an irregular status; in Spain, registration is compulsory and it is a reliable source of foreign population data, as inclusion on this register is a requirement for access to healthcare and education). Spain’s economic growth, a growing demand in Spain for domestic and care workers, and migration policies drawn up in the context of post-colonial relations with visa regulations and less restrictive citizenship requirements for LAC population (who are entitled to Spanish citizenship after two years of legal residence in the country, compared to ten years for people from other regions), have been the key triggers for the settlement of migrants, in particular women (Bertoli & Fernández-Huertas, 2013). In 2020, the feminisation rate stood at 56.9%.

Domestic service is the biggest sector of employment for female migrant workers, who account for 17.8% of the workforce. This figure is higher in the case of women from the LAC region, which provides 64.3% of the workers in domestic service. In contrast to 24.9% of domestic and care workers from Europe, 3.8% from Asia, and 7.1% from Africa. In 2020, the number of domestic workers stood at 454,000 and around 63.7% of these employees are female migrants (see INE, 2020; the Spanish Labour Force Survey includes workers both in a regular and an irregular situation). The concentration capacity of the migrant population in this sector has been addressed in numerous studies, which indicates that growth in this sector is linked mainly to household care requirements that are inherent to population

Table 1. Description of the transnational families interviewed.

Transnational family	Description	Family members in Ecuador	Family members in Spain	Family member interviewed; Interview place and date
María	Family comprising the mother, Magdalena, her three daughters (María, single, Lucía and Ana, separated), and their three descendants	Mother, youngest daughter (Ana), and Ana's daughter	María, Lucía, and Lucía's two daughters	Magdalena and younger sister Quito, 2008–2015 María and Lucía Madrid, 2008–2015
Graciela	Family comprising a divorced couple and two sisters (one is married and has two descendants)	Father, who is currently living with another woman (who has two children from a previous union) and has had a daughter with her	Graciela, mother, and sister (together with the sister's husband and descendants)	Graciela's father Quito, 2008 Graciela Madrid, 2008–2015, 2021
Manuel	Family comprising a divorced couple, four children, and a grandchild	Mother, two middle sons, and the youngest daughter	Manuel (father), eldest daughter, and granddaughter	Mother, two middle sons, and the youngest daughter Quito, 2008–2015 Manuel Madrid, 2008–2015
Elvira	Family comprising a couple, three children (Elvira and another two), and two grandchildren	Father (in a union with another woman following the mother's death), elder brother (with his wife and son), youngest sister	Elvira, who lived in Madrid, but who was residing in Buenos Aires in 2017	Mother, eldest brother, and Elvira's father Quito, 2008–2015 Elvira interviewed in Madrid in 2008 and in Buenos Aires in 2017
Total number of monitored family members	15			
Other people interviewed	18			

ageing, changes in family structures, and the increasing participation of women in the labour market (Moré, 2018). Scholars also agree that the spread of this activity is associated with the increasingly international nature of the gendered work division, which would explain why it includes a large number of female migrant workers (Barañano & Marchetti, 2016). The concentration of LAC workers is attributable to the fact that this group fits in with the image of an ideal postcolonial Spanish speaking worker with catholic values that are perfectly aligned with domestic tasks in general and care work in particular (Castellani & Martín-Díaz, 2019).

The spread of public policies addressing long-term care based on cash transfers rather than social services

is another key factor in the consolidation of the commodification of these tasks on care work to migrants (Picchi, 2016). These cash transfers act as a subsidy given directly to the families, enabling them to acquire, in the private market, the social service deemed appropriate by the public system ("economic benefit linked to a social care service": 10.7% of long-term public care system users in 2019) or to have close relatives providing care work ("economic benefit for care in the family environment": 30.3% of users in 2019). Several studies (e.g., Díaz & Martínez-Buján, 2018) have shown that the money granted for the care of family members through "economic benefit for care in the family environment" is being used to pay private carers hired through domestic

service, partly because there is no way of monitoring the way the money received is used. The co-pay mechanism linked to service-related financial subsidies has also contributed to this process. It was established in the light of the austerity policies introduced during the global financial crisis of 2008 and consists of users making a financial contribution that would complete the cost of the social service acquired through this programme. The issue is that co-payment is income indexed and the principal limitation is that this amount is very high, even for those on average or low incomes.

As an example, the average cost of a place in a care home in Spain is 1,800 euros (IMSERSO, 2019). For a person with a high degree of dependence, the maximum subsidy is 715 euros, provided that their monthly income does not exceed 565 euros. This user would have to pay the difference; in other words: 1,085 euros, more than their disposable income. The same is true of home-based care. The cost per hour for this service in an average-sized municipality is 12.70 euros. A severely dependent person would receive a maximum of 70 hours per month (Martínez-Virto & Hermoso, 2021) at a cost of some 889 euros. Considering that the average pension in Spain is 1,140 euros, co-payment for this service would be 30%, whereby the user would pay 267 euros for just two hours of care per day. As a result, many users are unable to pay the stipulated co-pay and resort to domestic service as a more economical and flexible way of filling their care requirements.

This situation indicates a contradiction between the philosophy underlying the design of public resources and the adverse effects that arise during their application. We have coined this process as a “welfare paradox” (in line with the terminology of earlier authors mentioned in the introduction) that impacts not only on the actual users but also on the care strategies of the family environment and other provision areas. We posit that two clearly differentiated “welfare paradoxes” can be identified. On the one hand, the social resources referred to above are immersed in a “commodification paradox,” in that they have proved incapable of decommodifying care and are reduced to subsidies that complement the hiring of domestic service, or discourage the use of public social services due to the cost involved for beneficiary families. In other words, these measures fail to reduce individuals’ dependence on the market. Back in the 1990s, feminist scholars were already calling for the need to highlight the “commodified” dimension to guarantee equal access to public resources (Orloff, 1993). If we include co-payment in the equation, stratification regarding who can or cannot access certain social services becomes even more pronounced. On the other hand, this contradiction interacts simultaneously with the strategies adopted by Spanish families to resolve their needs and is also connected with the conception of a dualized welfare state that differentiates workers based on their entitlement to labour and social rights. In this way, we find, at one extreme, well-paid workers who have access to

welfare protection and, at the other extreme, we have precarious, low-paid, and unprotected workers. This segmentation, according to Castellani (2020, p. 3) “has configured a dualized welfare, which creates a class of ‘worker citizens,’ the ‘insiders,’ who contribute to the welfare state and are entitled to its benefit and a subclass of ‘working poor,’ the ‘outsiders,’ who have limited access to welfare benefits.” It is complemented with a further stratification layer among domestic migrant care workers comprising ethnicity, legal status, and migration policies. All these processes create an “exclusion paradox” that blocks the migrant population’s access to the social rights enjoyed by other citizens, as they experience greater difficulties in maintaining contributions throughout their labour trajectory (Figure 1).

This impact is particularly harsh in the case of domestic migrant care workers, who are also bound by a much more restrictive framework for the protection of their labour rights than other workers. This legal framework permits cease and desist dismissals (whereby the employing family can fire a worker at any time they deem fit), non-entitlement to unemployment benefits (even though they are legally employed), exclusion from the Occupational Risks Prevention Law, and the absence of work inspections in the private households that employ them (Molero-Marañón, 2020). This situation places them in a position of extreme vulnerability, particularly during periods of systemic crisis. During the recession of 2008, even though many domestic care workers remained at work, the continuous wage cuts and worsening working conditions were clearly in evidence on multiple occasions (Hellgren & Serrano, 2017). During the Covid-19 crisis, when they suddenly became essential workers due to the particular vulnerability to the virus of the elderly population, their working conditions were so precarious that they became the most vulnerable workers of the pandemic (ILO, 2020). The introduction of the Spanish government’s “Extra Subsidy for Domestic Service Workers,” for workers who had lost their jobs or had seen their working hours reduced as a result of the health emergency, did little to ease the situation (the subsidy was up to 70% of their contribution-based earnings, up to a maximum of 950 euros, the minimum salary for 2020). The condition of being registered with in the social security system detracted from its universalising effect as it is estimated that 30% of domestic and care workers are in the underground economy (Díaz & Martínez-Buján, 2018). This situation together with the delay in its introduction (applications were not accepted until May 2020) and late payments (which in some cases extended to up to three months following application) have further worsened these workers’ living conditions, forcing them to resort to informal means of support or seek aid from voluntary organisations to cover their essential needs (Díaz & Elizalde-San Miguel, in press). Consequently, distanced from the “social pact” that formed the foundations for the welfare state and the inability of social protection mechanisms to act quickly

and effectively in the light of an emergency, adopting transnational strategies for achieving social protection has become an essential resistance strategy.

The following section, based on our fieldwork, presents the arguments that show how these informal social protection strategies, aimed at offsetting the paradox of exclusion and the breach of the “welfare pact,” are based on interpersonal agreements rooted in marriage/couple and intergenerational pacts and their infringements. The tension between relationships of solidarity and conflicts underlie the adoption of informal social protection strategies and their articulation with formal ones on a transnational scale, within the framework of the “welfare paradox.”

4. Intergenerational and Marriage/Couple Pacts in Social Protection Strategies of Transnational Families

Transnational social protection strategies are based on intergenerational family pacts that may involve mothers/fathers, grandmothers/grandfathers, sons/daughters, brothers/sisters, and nephews/nieces, underpinned by the sense of family solidarity and the obligation to provide welfare (Ayuso, 2012), as reflected in María’s testimony:

For us, the mother and father are sacred. It’s as if they were our children; like we have a lifelong obligation to repay them for everything they have given us. As they have protected us and continue to do so up until now, now that they are older and have worked so hard, it’s time for the children to play their part. (María, Madrid, 2008)

Transnational protection strategies are also articulated through marriage/couple pacts. In addition to their legal basis, which implies certain welfare rights and obligations before the parts involved, marriage/couple pacts are also grounded in cultural values and gender imperatives. As Pateman explained (1988), the sexual contract is also the principle of the marriage contract. Indeed, both the intergenerational and marriage/couple pacts are conditioned by gender roles. As Cortés and Oso (2017) point out, women are expected to play a greater role in the provision of welfare through care, whilst men’s contribution to the family welfare is essentially through their status as the breadwinner. However, the roles in the intergenerational pact are disrupted in the case of those families in which the woman acts as the pioneer in the migratory chain, leaving the children behind. The gender rules are broken when these women leave their role as “in-person carers,” delegating it to a third person in the country of origin, and assume the responsibility for family welfare through remittances (Cortés & Oso, 2017). This situation is occasionally sanctioned by the children left behind in the country of origin, who may perceive that the emotional dimension of the intergenerational pact has been broken. It occurs less in the

case of men who migrate alone, leaving their wives and descendants behind, as they assume the traditional role of breadwinner.

Graciela’s mother was one of the women that pioneered the migration process in their family following Ecuador’s economic crisis at the end of the 20th century, travelling to Spain to work as a domestic and care worker. Her migration was part of an intergenerational transnational social protection strategy to provide their daughters, who initially remained in Quito with their father, with a university education, which is very expensive in Ecuador. The interview with Graciela reveals our informant’s perception of an emotional collapse of the intergenerational pact after her mother migrated: “I was 13 when my mother emigrated, and my feelings were of abandonment” (Graciela, Madrid, 2015).

In another example, Manuel’s children, who were left with their mother in Quito, see their father’s emigration in a more positive light, even though the couple separated and Manuel settled down with a new family in Madrid (couple and daughter). His wife in Quito accepted this new relationship because, even though he had broken the emotional dimension of their marriage pact, Manuel upheld his responsibilities before the intergenerational pact with their children through remittances, therefore complying with his assigned role as the breadwinner. Thanks to their father’s financial support, all three children were able to attend private schools in Ecuador and undertake vocational training or university courses as part of an education-based transnational social protection strategy. Nevertheless, the mother did not want to grant Manuel a divorce because she feared that, after the formal break-up of the marriage pact, he would marry the other woman. A new marriage pact could have an impact on her children’s inheritance:

I’m not giving him the divorce, because he left to look after the family. He is with another woman, but she doesn’t stop him from sending me money. If I want him to continue to support me financially, I can’t say anything. (Manuel’s wife, Quito, 2015).

It is therefore clear that emotions also play a part in intergenerational pacts. A connection can be drawn between the emotional ties and the strength of the pact: The severance of these ties, the loss of affection, or family quarrels can articulate the agreements on which the transnational social protection is based (Oso, 2016).

Magdalena’s oldest daughter Lucía was the first to leave the country, followed by Lucía’s husband, their two daughters, and her middle sister, María, the only one who remained single and had no children. Lucía separated from her husband in Spain, shortly after he arrived in Madrid. The two sisters and Lucía’s two daughters lived together in an apartment and worked in the domestic, care, and cleaning sectors. After the breakdown of her marriage pact and her ex-husband’s lack of responsibility towards their daughters, this situation helped Lucía

as a strategy of informal social protection. The two sisters shared the care of the daughters, who were still young children at the time. María took care of her nieces as part of an intergenerational family welfare pact. Likewise, at the beginning of the migration cycle, the two migrant sisters provided financial support for the family back in Quito, a measure of transnational informal social protection that helped face their mother's ineligibility for a retirement pension and public healthcare, the medical expenses incurred by the premature birth of their niece, and the fact that both their sister Ana and her husband were unemployed in Quito. The remittances sent by the migrant sisters were the principal source of income for the household in Ecuador. In addition to the money they sent from Spain for daily expenses, María sent money to build an apartment for herself above their mother's house. This apartment was occupied by her youngest sister's family (Ana, her husband, and the niece) as a form of informal social protection in terms of the provision of housing:

My family depend on us 100%. My mother doesn't work [and] neither does my sister. The youngest, my niece, was born prematurely and we paid for all the hospital fees from here. Now, her husband is unemployed after he was dismissed, and we have to feed the four of them and the child, who is still a baby....We work for others to live....My mother no longer receives public healthcare, she now has a private doctor to treat her ailments. (María, Madrid, 2008)

However, the family in Ecuador was aware of the need to have a good relationship with María to ensure that she would not question the intergenerational pact that guaranteed remittances:

Now that we are so far apart, my sister back in Ecuador is much more affectionate towards me, just like my mum. She is closer to us and respects us more. She used to say whatever she felt like, but now she bites her tongue. Firstly, because she says that we are the elder sisters, and secondly because they depend on us—because, otherwise, we would stop sending money. Because when I get mad, I stop everything. (María, Madrid, 2015)

The onset of the 2008 economic crisis entailed the restructuring of the social protection strategies of the transnational family. Both Lucía and María experienced a sharp reduction in their working hours in the domestic service and cleaning sectors, which led to a substantial decrease in their income. They were blocked by the "exclusion paradox." The two sisters had a row, which prompted María to move into a small apartment all by herself in another area of Madrid, where she was living in 2015. Lucía's financial situation was quite precarious after the breakdown of the intergenerational pact with her sister. She had to turn to church as a form of

social protection to receive food. She also occasionally received remittances sent by her mother in Ecuador, as the economic situation of the family back in Quito had improved considerably (Magdalena was awarded a pension and her daughter Ana found a job). María is still helping her nieces in Spain at this point, giving them money for food and clothing whenever she sees that the financial situation is dire. The youngest niece had moved in with her in 2015 as a means of social protection given the difficult situation that Lucía was going through. This indicates that intergenerational social welfare pacts are re-established over time and that transnational social protection strategies are forged by the strength or breakdown of emotional ties, but also in light of the impact of the "exclusion paradox."

The intergenerational support pact of descendants towards their parents, or uncles and aunts towards their nephews and nieces, should supposedly be stronger in the case of single-family members. This is due to the conflict between intergenerational pacts and marriage/couple pacts, especially where descendants are involved. Some of our female informants explained how they had to conceal the remittances they sent to their parents and siblings from their partners. Indeed, parents' intergenerational pacts with their children take precedence over all others:

I send money to my mother every month without fail. My sister was off sick for around six months and she said [to me]: "I can't send money to mum, because those ten euros are for my daughters' milk." Or don't have children, if you have a partner, as they won't let you send money back to the family. Because the money is for the family, in other words, the husband, wife, and their children. As I'm single, they expect more from me. She says: "It's because you don't have any expenses; you're single, you don't have children." It's like, you have to send money because you just have to. (María, Madrid, 2008)

This clash between intergenerational and marriage/couple pacts is also reflected in the case of Elvira, who, at the start of her migratory experience, sent back half her salary, working in the domestic/care and catering sectors, to her mother. The money was invested in expanding the family business in Quito as part of an intergenerational social protection strategy. This safeguarded her brother's job and led to an overall improvement in the family's circumstances, and also enabled her younger sister to study at university. However, our informant's marriage to a fellow Ecuadorian she met in Madrid put a stop to these remittances over several years, and they were only renewed following the couple's separation:

In the beginning, I would send money back to my mother, which enabled her to purchase computers to set up a business, and also to help my brother and my sister....There was a period when I didn't send

anything—that was when I got married—because you have other responsibilities. We had a mortgage and he [her husband] and I had to find the money for our expenses....Later, when we separated, I was able to start sending money again. (Elvira, Madrid, 2008)

Following the onset of the economic crisis in 2008, Elvira, faced with the “exclusion paradox,” decided to return to Ecuador in 2014. However, she was unable to find her place in Quito. After the death of her mother, her father embarked on a sentimental relationship with another woman (a new couple pact) which interfered with the intergenerational pact. Elvira does not accept this union and begins to claim her space, questioning the father’s authority, leading to family rows. She decides to migrate again, this time to Buenos Aires. All this leads to a breach in the intergenerational pact with her father:

For me, it was not positive that she has built a bigger house, a better business....She no longer has the same respect that she had back then, the respect seems to have gone. (Elvira’s father, Quito, 2015)

In turn, intergenerational pacts are a means of ensuring social protection when a marriage/partnership breaks down. This is the case of Lucía (Magdalena’s daughter), who, after separating from her husband, turned to her sister María for help.

To further illustrate this idea, we turn to the family history of Graciela, who initially stayed in Ecuador following her mother’s migration. The family regrouped in Spain, but Graciela’s father felt unsettled and ended up going back to Ecuador. He and his wife separated and finally divorced—which resulted in the breakdown of their marriage pact. In 2021, the father was living with a new partner and the couple now has a three-year-old daughter. His partner has two older children from a previous relationship who are studying at the university. Following a history of domestic violence at the hands of the father, Graciela has made it clear to him that he must cherish the relationship with his new daughter and her step-siblings because they will have to care for him when he is older. The abuse that the women of the family (Graciela, her older sister, and their mother) suffered and the father’s decision to settle permanently in Quito brought about a breach in the intergenerational contract between the man and the three women. Graciela has urged her father to safeguard the new pact with the younger generation of his family and his partner in Ecuador as a means of social protection that will ensure he is cared for in the future:

I tell my dad: Behave towards them as you didn’t behave towards us—be a father. I tell him: Take advantage of this opportunity, maybe they will look after you when you are old, because we won’t be able to. (Graciela, Madrid, 2021)

The breakdown of the marriage pact with the father lies at the heart of the precariousness the family experienced in the wake of the 2008 recession. The mother lost her job and had no form of social protection because, as a domestic service worker, she was not entitled to any form of unemployment benefits. She was blocked by the “exclusion paradox.” Her husband, who settled in Quito, was not sending money to Spain, instead employing his financial resources on his own upkeep in Ecuador. In this case, he fails to assume his role as breadwinner.

The intergenerational pact forged between the three women became the sole form of social protection open to the family to face the welfare paradox, providing various degrees of support. The elder sister, who got married in Spain, had two children and moved to another flat with her husband. She acted as a permanent link in this chain of intergenerational social protection support. Thanks to her husband’s financial support (a new marriage pact) with household expenses, the elder sister was able to finance the costs of the flat Graciela and her mother lived in and also provided meals for her mother during times of greatest hardship. Thanks to her sister’s help, Graciela was able to study at the university and, as a result, found a skilled job in Madrid that enabled her to send remittances to her mother. In turn, the mother cares for the grandchildren and helps with domestic chores, thereby supporting her elder daughter, whose working hours in the catering industry, coupled with the lack of state support for families in Spain, make securing a life–work balance a challenging task.

Unlike the 2008 recession, which impacted most severely on the building industry, the Covid-19 crisis had a devastating impact on the catering sector, where Graciela’s elder sister and brother-in-law worked. Thanks to state social protection and specific aid for workers who lost their jobs during the health emergency (the furlough scheme known as ERTE), the couple were able to get through the recession, albeit on a far lower income. However, all members of the family who had settled in Spain, except for Graciela, caught coronavirus (her sister, brother-in-law, mother, niece, and nephew). This situation placed Graciela under great emotional stress, as she was in Madrid and extremely concerned about her family’s health. Her mother also suffered, as she was afraid of dying due to her age and health problems. In turn, the elder sister suffered panic attacks because of concerns over the family’s health problems and the after-effects of the disease she was personally experiencing. The family being separated (Graciela is alone in Madrid) and the lack of a solid social network made it difficult for them to manage the health emergency:

We don’t have a family network here [Spain]. My sister is ill and I’m not there to look after the children and take the medication to my mum. We don’t have a strong, consolidated network. The fact that we don’t have a family network, which I really miss, makes everything very difficult. (Graciela, Madrid, 2021)

In turn, Graciela was forced to go through the health emergency alone, working from home without seeing anyone, which also caused health issues. Faced with an emotional crisis, the intergenerational pact between women is activated, this time based on silence:

A close bond of solidarity has been forged between us: We look after one another by not talking about what we're going through. How are you? Great, fantastic, even though we all have health problems....How are you? I'm fine. Sure? Yes, mum, I'm good. (Graciela, Madrid, 2021)

This family's history highlights how the pacts and their eventual breakdown shape informal social protection strategies, which are combined with others of a more formal nature. The breakdown of the marriage pact between husband and wife, together with the mother's low income and her non-entitlement to unemployment benefits as a domestic service worker ("exclusion paradox"), worsened the precarious position of the family in Spain after the 2008 crisis. In turn, an intergenerational social protection chain formed by the three women was forged to secure the younger daughter's education and offset the mother's unemployment and the elder daughter's difficulties in balancing work and family. In addition to this chain, a pact of silence was established after the Covid-19 crisis which guarantees emotional stability. In Ecuador, the crisis caused by Covid-19 has been managed thanks to state social protection in the form of the father's pension, as well as the possibility of informal employment in the father's carpentry workshop, helped by his partner when she loses her job as a domestic worker in Quito. In addition, the family members living in Ecuador occasionally call on Graciela's sense of solidarity when they are in debt or need to make a particular purchase. Finally, due to the father's abusive behaviour, the distance that resulted from his decision to settle in Ecuador, and his failure to assume the role of breadwin-

ner, any future care of the progenitor will depend on the strength of a new intergenerational pact with his youngest daughter and his new partner's other children in Quito (Figure 1).

5. Conclusion

The first contribution of this article to the debate on transnational social protection is the application of the "welfare paradox" concept to show how formal social protection of long-term care in Spain has resulted in the emergence of a labour market for domestic service which centres the activity of migrant women, in particular of LAC origin ("commodification paradox"). Simultaneously, this process interacts with the difficulties these workers experience in accessing public social benefits, due to their non-contribution to the social security system and the legal framework that regulates domestic service ("exclusion paradox"). Expelling these workers from the "social welfare contract" in turn leads to the configuration of informal transnational social protection strategies, particularly in contexts of crisis and social risk. A review of the public system for long-term care in Spain is also necessary to revert this situation. The elimination of the co-pay mechanism and the option of hiring professional carers through monetary transfers are two criteria that could be monitored in the mid-term. The ratification of ILO conventions 189 and 190 and the equation of the working conditions of domestic caregivers to other employees are key criteria to minimise processes of social exclusion.

The second contribution of this article is the analysis of the fieldwork conducted with Ecuadorian transnational families, which has revealed how these informal social protection strategies are supported by interpersonal pacts (intergenerational and marriage/couples) that are sustained by cultural norms and gender imperatives. These pacts are the result of relationships of solidarity, although they are not free from conflict. As a

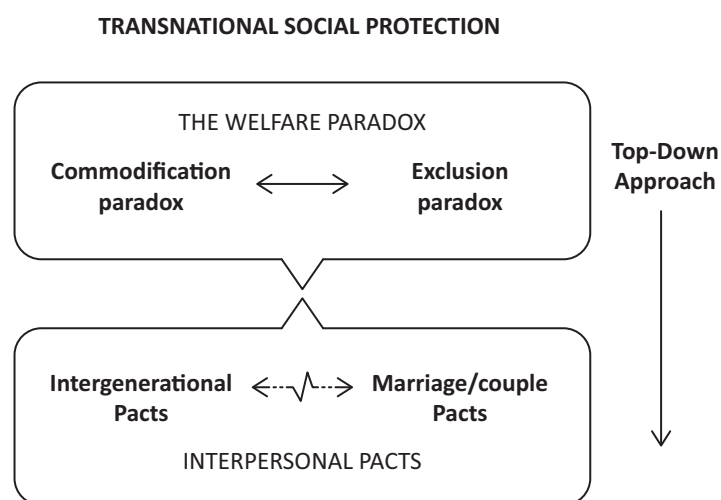


Figure 1. The “welfare paradox” and the “interpersonal pacts” in transnational social protection.

result, any breakdown in these pacts may also determine the nature of the transnational social protection strategies deployed. This tends to result in the activation of intergenerational pacts when marriage/couple pacts are weakened and vice versa. It is in the interplay of this tension between interpersonal pacts of solidarity, their breakdown and the exclusion in terms of the “social welfare pact,” that formal and informal social protection strategies come into play, applied within the transnational space.

Finally, the article highlights how the exchange of welfare between transnational families is linked to structural factors, a top-down analysis that has been hitherto overlooked in studies on transnational social protection.

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Conflict of Interests

The authors declare no conflict of interests.

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Article

Welfare Mediators as Game Changers? Deconstructing Power Asymmetries Between EU Migrants and Welfare Administrators

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Abstract

Under EU law, EU citizens constitute a particular group of immigrants, as they can, mostly without restrictions, move to, and reside in, another EU country, enjoying equal treatment with nationals in terms of accessing employment and social rights. However, as this article demonstrates, the settlement of EU citizens in another member state does not happen without hurdles. Through a careful in-depth study of access to transnational welfare rights in practice, we analyse knowledge and resulting power asymmetries impacting interactions between certain EU migrant claimants and street-level bureaucrats in Austrian and German social administrations. Following an inductive approach, based on an extensive data set of 144 qualitative interviews, this article first unpacks the different types of knowledge asymmetries relating to administrative procedures, formal social entitlements and the German language. We then analyse how such knowledge asymmetries may open space for welfare mediation in order to compensate for a lack of German language skills and to clarify misunderstandings about legal entitlements and obligations embedded in the claims system. Finally, our contribution offers a typology of welfare mediators and their characteristics, as not all types can be regarded as equally effective in reshaping power asymmetries. Overall, this article allows for insights into how welfare mediators, as more or less institutionalised opportunity structures, can shift policy outcomes in unexpected ways, enabling access to social benefits and services for otherwise excluded EU migrant citizens working, or seeking to work, in another EU member state.

Keywords

European Union; free movement; migration; non-take-up; social assistance benefits; street-level bureaucracy; welfare mediators

Issue

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1. Introduction

EU migrant citizens living in a different member state to that whose citizenship they hold enjoy freedom of movement within the EU and transnational social rights, such as entitlements, to certain social subsistence benefits, if they need financial support and fulfil certain, yet vague, eligibility criteria. As research has already demonstrated, many face difficulties in asserting such rights in

practice. Ambiguous legal entitlements to social benefits do not always translate into receipt of those benefits (see Amelina et al., 2020; Kramer et al., 2018).

While EU law already foresees barriers to social entitlements, additional hurdles arise. Broadly speaking, barriers to social assistance benefit receipt can relate to claimants’ individual circumstances (Tuckett, 2015), and system-immanent barriers (see Dittmar, 2016). For instance, local welfare administrators may interpret

loosely defined eligibility conditions, such as lawful residence (Heindlmaier & Blauberger, 2017) or habitual residence (Bruzelius, 2019), in a restrictive way and erect indirect barriers to claiming social benefits. In addition to the interpretation of vague technical criteria, stereotyped perceptions of certain EU claimant groups, and related individual judgements that a claimant is undeserving to claim can impede de facto access to social benefits (Ratzmann, 2021).

This contribution seeks to address how the interplay between individual resources and institutional hurdles shapes benefit access in practice, via the interaction processes between EU migrant claimants on the one hand, and street-level bureaucrats on the other, i.e., local welfare administrators as representatives of the state apparatus at street-level. This includes interactions between street-level bureaucrats and claimants, both face-to-face and via papers or email, but also how other third-party actors intervene as mediators at street-level, if necessary. As we know from the street-level bureaucracy literature (pioneered by Lipsky, 1980), it is during this administrative encounter that claims to social assistance are negotiated and put into effect. Street-level bureaucrats may use their discretion in administering benefits in order to apply the law in a more strict or lenient way (e.g., Dubois, 2010; Marrow, 2009). For instance, even if there is little discretion in how local administrators can apply eligibility criteria, procedural discretion can be exercised in decisions—about the documentation required for processing a claim, the nature of support offered during the application process, the number of face-to-face meetings demanded, the timing of appointments, or the waiting times for processing a claim. In short, informal discretion creates the potential for different treatment when processing benefit claims, which goes beyond erroneous interpretation of the legal and administrative framework.

Scholarship on street-level bureaucracy to date has mostly examined the “unequal relationship” between street-level bureaucrats and claimants in national contexts (e.g., Dubois, 2010, p. 47; Lipsky, 1980, p. 60; Scheibelhofer et al., 2021), commonly relating to class and skill level. To uncover potential barriers to substantive access to transnational welfare rights in Austrian and German welfare administrations, this article analyses potential knowledge asymmetries that could impact interactions between EU migrant claimants of working age in need of financial support, and street-level bureaucrats during the claiming procedure, focussing on social assistance. Following an inductive approach—and based on an extensive data set of 144 qualitative interviews in Germany and Austria with street-level bureaucrats, key informants such as representatives from rights advocacy groups and welfare organisations, and EU migrants themselves—our contribution unpacks the different types of knowledge asymmetries relating to formal social entitlements, administrative procedures, and the German language that impact access in practice.

We consider the group of EU migrant claimants worthwhile examining because they are a particular group, given that they should enjoy equal treatment as nationals when living in another EU member state, while their social assistance entitlements commonly remain loosely defined and imprecise under EU law (see the Supplementary File). In the EU multilevel governance context, a complex set of provisions at both the EU and the national level needs to be consulted, including case-specific judgments of the European Court of Justice (Blauberger & Schmidt, 2017). When it comes to EU citizens who are in atypical employment, implying few hours and/or little remuneration, or those who remain non-active when settling in an EU member state whose citizenship they do not hold, social entitlements remain particularly ambiguous and EU member states need to engage in individual assessments (Carmel & Paul, 2013; Martinsen et al., 2019).

For instance, while workers are entitled to receive equal treatment and, hence, benefit access under EU law, the rather fuzzy legal definition of a “worker” as any person who pursues “effective and genuine activities, to the exclusion of activities on such a small scale as to be regarded as completely marginal and ancillary” (*D. M. Levin v Staatssecretaris van Justitie*, 1982, para. 17) opens room for procedural discretion (Brodtkin & Majmundar, 2010) during local claims-processing for workers in atypical employment. Economically inactive migrants, for their part, could be eligible for benefits, inter alia if they reside lawfully in another EU member state, fulfilling the vague criterion of having “sufficient resources” not to become a burden on the social assistance system of their country of destination (Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004, 2004), and if they can demonstrate a “certain link” to the society of destination—at least prior to the European Court of Justice cases of *Elisabeta Dano and Florin Dano v Jobcenter Leipzig* (2014) and *Jobcenter Berlin Neukölln v Nazifa Alimanovic and Others* (2015) which restricted access to the five years residency threshold (see Martinsen et al., 2019). However, they can be expelled, and may fear being expelled, if constituting an “unreasonable burden” to the social assistance system when claiming social assistance benefits (Heindlmaier & Blauberger, 2017). EU migrants may de facto find themselves in precarious situations in a “schizophrenic welfare state” (Lafleur & Mescoli, 2018).

Thus, while EU migrant citizens have the right to move freely within the EU, albeit conditionally, and should not be discriminated against according to the consolidated version of the Treaty on the Functioning of the European Union (2012), the ambiguous character of EU law concerning EU migrants’ transnational social rights adds an additional layer of complexity, typically to the detriment of EU migrants. The findings, while focussing on the lived experience of EU migrants, may pertain to the needs of an increasingly diverse migrant client population, as some of the hurdles relate

to their position as foreigners, or outsiders with regard to an often unfamiliar bureaucratic system (Ratzmann, 2019). This status can create compounding effects with characteristics such as educational or class background, which could affect the claiming process for nationals and non-nationals alike (Dubois, 2014). In short, we argue that knowledge asymmetries between claimants and street-level bureaucrats are reinforced in the context of EU freedom of movement, due to the existing legal provisions which create a weak legal position for EU migrants vis-à-vis local administrators from the outset—and ambiguities which increase the room for administrative discretion in claims-processing. Street-level bureaucrats may facilitate or restrict de facto benefit receipt depending on their discretionary decisions.

Our contribution further highlights how such knowledge asymmetries open space for mediation into the welfare system. We focus on how such knowledge asymmetries can be resolved or negotiated in practice through third parties who, as “activist” parties, mediate access to social assistance benefits for their clients. We demonstrate how such individual welfare mediators intervene in the street-level interaction and may overturn the unequal relationship between local welfare administrators and EU migrant claimants by cushioning some of the knowledge asymmetries described. We specifically chose to conceptualise these third parties intervening in the street-level interaction as welfare mediators, rather than intermediaries—as our data showed such individuals primarily as advising and supporting claimants, rather than occupying a go-between, intermediate position brokering in both directions. Their main role is to smooth the path to accessing social benefits in practice, acting on behalf of their clients as “welfare influencers,” taking on an activist role on the individual level. Such welfare mediators may inform EU migrants about their social entitlements, accompany them to the relevant authority or inform them where to turn to, also exert pressure on the authority by legally challenging the decision to deny a claim (see Bruzelius, 2020), and act as language interpreters.

While migration research (de Jong, 2015; Infantino, 2013) has analysed how mediators can help to create weak bridging ties between individuals in order to facilitate the flow of information between new arrivals and the host society, their role has been studied less with respect to welfare administrations (except for Bruzelius, 2020, on the role of not-for-profit organisations as welfare intermediaries). The article highlights the often under-recognised role of welfare mediators and characterises them through a typology developed from our data, comprising designated migration counsellors such as welfare organisations, private mediators such as employment recruitment agencies, and personal relationships such as friends or partners. Our findings illustrate how de facto access to social benefits can be a highly mediated process, whereby third parties may strengthen EU migrant claimants’ positions vis-à-vis

street-level bureaucrats. Such a mediation process can take the form of supporting them in navigating social protection in the member state of residence more broadly, or by being present during the claiming interaction as translators.

The article is structured as follows: Section 2 gives an overview of the research design and data. Section 3 follows with a discussion on different types of knowledge asymmetries between EU migrants and welfare administrators. Section 4 explores how such asymmetries may be overturned through the intervention of welfare mediators and developing a typology of such mediators. Section 5, the discussion, highlights inter alia how knowledge asymmetries can translate into power asymmetries. Section 6, our final section, concludes and points to possible avenues for future research.

2. Research Design and Data

Our inductive study draws upon empirical evidence from Germany and Austria, focussing on EU migrants of working age, and social benefits with a link to the labour market. The two EU member states studied have a high share of EU migrants who have lived in the countries for less than ten years, compared to long-term EU migrants (European Commission, 2020, p. 20). This, it could be argued, turns them into paradigmatic examples of destination countries for EU migrants whose social rights are vague, given that EU migrants only enjoy full equal treatment, and hence clear social entitlements, after reaching the lawful residence threshold of five years. When comparing our data across the German and Austrian cases, we did not observe noticeable differences between the two countries, which may relate to them both belonging to the same corporatist welfare tradition. This tradition is characterised by a strong not-for-profit sector acting as a partner implementing social services for the government in a tripartite welfare state.

Our findings build on two complementary qualitative data sets of 144 in-depth interviews conducted between 2015 and 2017 (see Table 1 for details). The research questions for the two data sets were similar in nature (though not identical, which offers some drawbacks in terms of comparability), focussing on EU migrants’ (non-)access to social benefits and the reasons for such, as well as related hurdles. The interview topic guides comprised questions relating to knowledge of social entitlements and interactions between street-level administrators and EU migrant claimants.

The majority of the interviews in data set 1 were carried out in Berlin, which is, as Germany’s biggest agglomeration with 3.6 million inhabitants, an interesting case. Berlin represents Germany’s main migration hub, hosting three times more foreign nationals (accounting for 19 percent of its population) than the German average. About 38 percent of the foreign resident population are EU migrants, mostly Bulgarian, Romanian, Italian, and Polish nationals. By complementing data set 1 with data

Table 1. Breakdown of in-depth interviews.

Interviews	Data set 1	Data set 2		Total (per interview category)
	Germany	Germany	Austria	
Key informants (policy-makers, legal experts, migrant advisors, welfare organisations)	32	7	8	47
EU migrants	16	0	0	16
Welfare administrators	55	9	17	81
Total (per country)	103	16	25	144

Note: For details on the data sets see Ratzmann (2019, pp. 74–95, data set 1) and Heindlmaier (2018, pp. 87–91, data set 2).

set 2, and so with further interviews across Germany and Austria, both in urban and in rural areas, our corpus of interviews seeks to give a more rounded picture of what is happening in the two member states. However, we acknowledge the limitation of including only a small number of interviews with EU migrant claimants, who were difficult to access, especially when experiencing vulnerability. We sought to offset this weakness by relying on key informant interviewees who gave an aggregated overview of EU citizens' claiming experiences. Although beyond the scope of feasibility of our studies, further research could capture the voices of those concerned.

Key informant interviewees (such as diversity trainers, dedicated welfare, or EU migration counsellors from national welfare organisations or community-based associations, along with lawyers specialising in advising EU migrants) gave a comprehensive overview of EU citizens' claiming experiences from a third-party perspective. Conversations with welfare administrators provided insights into the day-to-day working routines of welfare authorities and the interaction with EU migrants from the perspective of street-level bureaucrats, at different levels of the hierarchy and within the main organizational units.

The complementary claimant interviews in Germany helped to uncover EU migrant citizens' subjective interpretations of their interactions with local bureaucracy. To reflect EU citizens' diversity of circumstances, the sample considered a range of gender, ages, and education levels. Regarding their citizenship status, selected interviewees were EU migrants who had moved from another EU country to Germany after the 2004 Eastern enlargement, but who had not reached the five-year permanent residency threshold, which would guarantee full equal treatment with nationals, at the time of the (potential) claim. About half of the selected respondents came from (South-)Eastern European countries, such as Bulgaria, Hungary, and Poland, while the majority of Southern and Western European respondents were French or Spanish nationals. Respondents were recruited following a snowball-sampling approach, based on three criteria: (a) to be of working age (15–67), (b) to have experienced a period of unemployment or underemployment since the 2005 "Hartz" reforms that pro-

foundly changed the German social assistance system (defining their need of basic social support, but not necessarily their legal eligibility), and (c) to be an EU migrant who had not reached the five-year permanent residency threshold at the time of the (potential) claim. Following an iterative and inductive approach, transcripts and interview notes were coded after each round of fieldwork, using emergent themes and categories.

3. Knowledge Asymmetries Between EU Migrant Claimants and Welfare Administrators

Following Warin (2010), three reasons for non-take-up of social benefits can be distinguished: a lack of awareness of entitlements, withdrawal of the benefit application by the claimant, or a denial of benefit by street-level bureaucrats despite legal eligibility (see also van Oorschot, 1991, p. 20). To better grasp the interactive dynamics between street-level bureaucrats in Germany and Austria, and EU migrants living and claiming social assistance in those EU member states as foreign citizens, this section unravels the different types of asymmetries of knowledge between the two interacting parties, which may contribute to, or lead to, non-take-up.

We consider this to be a pertinent question, as we observed in our research how knowledge asymmetries may render EU migrant claimants more vulnerable and less able to affirm their legal entitlements—or, in other words, reinforce existing power asymmetries at street-level. For instance, we could see that those EU migrant claimants who are not fully aware of their legal entitlements and inquire at the welfare authority about their social rights, tend to have higher chances of being turned away and being denied their claim in practice compared to those who are able to assert their social rights (Ratzmann, 2020). The data illustrate that this experience was shared by several respondents of different nationalities and educational backgrounds we interviewed, who did not "know their rights in Germany" (from interviews with EU citizens in Germany). EU migrant applicants who approached the institution with a request for more information, and unable to make their case due to informational gaps, may have their application rejected in the entrance zone

without a formal screening, violating the official directives set out by the Federal Agency for Employment, the German guiding institution for social assistance benefits and job mediation (interviews with key informants, Germany). For instance, a French couple in their mid-30s, both well educated, reported on their experience of being sent away by a receptionist at their local job centre office in Berlin. Here, their lack of knowledge of their legal entitlements could not be offset by their social status as young, qualified Western EU citizens. When they requested more information as “newcomers of how things work here” in Germany, the young couple, who had recently arrived in Berlin, was told that “as newly arrived, [they would] not get any support.” They were not provided with any further explanation. Equally in Austria, key informants reported how some local welfare bureaucrats would send away those EU migrants who wanted to submit their application for benefits, arguing that they were not entitled to draw benefits, as well as EU migrants not questioning local administrators’ judgements.

Overall, the relationship between welfare administrators and claimants can be characterised as “structurally asymmetrical” or “unequal” (Dubois, 2010). Street-level bureaucrats supply claimants with essential services, which cannot be obtained elsewhere, and thus hold an inherent power position in relation to the claimant (Demazière, 1996, p. 7), even if street-level bureaucrats themselves may follow instructions from superiors, which carry signalling effects, in their decisions (Martinsen et al., 2019). In the context of EU migration and transnational social rights, we identified three types of knowledge asymmetries, based on an inductive analysis of the collected data, and an iterative reading of existing scholarship. We consider unequal positioning within the street-level interaction to relate to EU migrant applicants’ knowledge of (a) formal social entitlements, (b) administrative procedures, and (c) the German language, which contribute to the shaping of their interactions with local welfare bureaucracies.

While the bespoke dimensions could be considered hurdles originating in the institutional structures of social administrations, and hence also be faced by other claimants, born and raised in Germany, legal ambiguities regarding EU citizens’ entitlements can exacerbate the trend, and hence allow for an interesting case in point. Depending on the gaps in their knowledge, which can emerge concurrently but do not have to, we argue that claimants are more or less able to meet the implicit demands embedded in the claiming-process in order to gain *de facto* access to social benefits. We focus on the claimant side, as street-level bureaucrats, through their professional role, are commonly advantaged over the claimant in having acquired such knowledge as a pre-requisite to exercising their occupation, even though not all do (see Heindlmaier, 2018; Ratzmann, 2019). This includes technical knowledge (*Fachwissen*) and awareness of day-to-day bureaucratic procedures (*Dienstwissen*; Weber, 1922, p. 129),

as well as adequate language skills and a formal qualification which are typically required for the job (Eckhard, 2021, p. 309).

3.1. *Asymmetrical Information on Formal Social Entitlements*

As alluded to in the introduction, legal social entitlements of EU migrants tend to be ambiguous and complex if the claimants are involved in marginal employment or are economically inactive. Claimants explained how legal sources are often difficult to read and understand. Despite some persistent knowledge gaps, street-level bureaucrats tend to be aware of the general conditions of entitlement (Dubois, 2010, p. 49) or have guidelines at their disposal. In contrast, this information is not always accessible to claimants, leading to misconceptions about their social entitlements (Ratzmann, 2020). Several EU migrants explained that they did not know their social entitlements—as confirmed by other interviewees in both countries (welfare administrators, key informants)—which prevented some from applying for benefits (see also Ehata & Seeleib-Kaiser, 2017). Newly arrived EU migrants were described as being particularly unaware of their legal entitlements by key informants in Austria and Germany. For others, insufficient knowledge of social rights engendered misunderstandings about what to expect. According to a key informant in Austria, several thought they had access to social benefits “once they simply lived in the country.” Key informant interviews highlighted how EU migrants may be attracted by a different set of expectations of social benefits available in their destination country than what they are legally eligible for.

3.2. *Asymmetrical Procedural Knowledge*

Secondly, bureaucratic systems are complex in their procedures and vocabulary. Hence, manoeuvring within them requires “bureaucratic competence” (Gordon, 1975) and knowledge about where to turn to in the first place. Or, in the words of Tuckett (2015, p. 1), “successful encounters with bureaucratic systems require users to be familiar with ‘insider’ rules,” a familiarity which claimants, as system-outsiders, do not necessarily have (Dubois, 2010, pp. 48–50). Several EU migrants recounted how, in contrast to German-born nationals, they were socialised in a different kind of society, which impacts their understanding of a bureaucracy. Similarly, some welfare administrators, who had themselves migrated to Germany during their childhood or adolescence, explained during the interview how such informal socialisation processes are likely to influence the applicants’ ability to appropriately decipher a given socio-cultural and bureaucratic context:

Somebody who grew up in Germany... grows up with the social system and knows what to bring along and

where to go, is familiar with the whole bureaucracy, having been socialised into this bureaucracy.

Through acculturation effects, their position as newcomers to the German language and the relevant administrative culture might slowly improve, reducing the associated risk of mistranslating implicit behavioural norms and welfare entitlements. This process could be captured by the idea of progressive assimilation, a concept first proposed by Chiswick et al. (2018) to describe immigrants' integration into a foreign labour market. Commonly, EU migrants described how they were often unfamiliar with the tacit procedural codes when they arrived in Germany or Austria, which tended to differ from the domestic context they grew up in. EU migrants also felt overwhelmed by the amount and types of documents they had to bring and did not understand why they had to bring certain documents, such as the registration certificate documenting lawful residence (interviews key informants, Austria and Germany). Many did not know "what exactly to do" or "which [benefit] to apply for" (interviews with EU migrants, Germany).

3.3. *Asymmetrical Knowledge of the German Language*

Closely intertwined with procedural knowledge are tacit cultural expectations, such as the ability to converse in the German language, which shape claimants' aptitude for interacting with national bureaucracies. There is a "certain unequal treatment of course already due to the language" when it comes to interactions between EU migrants and local administrators, said an interview key informant in Austria. As the data collected for this research indicate, EU foreign language claimants often feel discriminated against based on their inability to speak German, as this English-speaking interviewee living in Germany highlighted:

Sometimes I can speak English and they can understand. But from my experience, going through this process, more often than not, they will stop you and say: No.... I just remember the language being a huge problem.

Generally, claimants tend to be expected to speak the prevailing official national language in order to pursue "economic, political and social opportunities" (Brubaker, 2014, p. 23). To be able to interact with monolingually-oriented welfare authorities (Scheibelhofer et al., 2021), language skills appear decisive (see also Lipsky, 1980; Rice, 2013). From the perspective of welfare administrators, language remains a hurdle insofar as, "even if" they are willing to speak English, "foreign claimants themselves may not be able to do so" (interview with welfare administrators, Germany). This view, however, could be contested considering the administrative guidelines in German employment administrations, which stipulate that EU migrants ought to be provided with an inter-

preter at no cost if unable to communicate in German (Bundesagentur für Arbeit, 2011, p. 1). Considering EU claimants' entitlements regarding interpreting and translating services, outsourcing of such tasks to the claimants themselves could be considered a form of discrimination.

3.4. *The Role of Educational Background*

Overall, knowledge asymmetries may hinder EU migrant applicants in asserting their social entitlements. However, they should not be considered as a homogeneous group. According to the view of two welfare counsellors interviewed in Germany, educational level impacts on EU migrants' abilities to familiarise themselves with the host country setting. This includes both the learning of the German language, and understanding a new, complex administrative system, which Scheibelhofer and Holzinger (2018) qualified as "welfare learning." Following a similar line of thought, one of the community workers interviewed in Germany described those with lower educational levels as less prepared to acquire new knowledge:

These are commonly people who are not at all prepared for the situation. They do not know the language or things like how health insurance works or the difficulties of finding housing. Many of them work under ludicrous working conditions. Their lack of knowledge is often taken advantage of... many who have low levels of education, who only went to school for a few years [in their home country].

Within our sample, the well-educated gave the impression of being better prepared, or of being able to afford, and be more versatile in finding, help—compared to their less educated peers. In sum, as shown throughout our analysis, knowledge asymmetries can create vulnerabilities within the EU migrant group and lead to struggles in de facto claiming of social entitlements, depending on their preparedness to claim in an EU member state other than their own. We further note how welfare mediators can play a key role in bridging such knowledge asymmetries (Hasenfeld et al., 1987, p. 406). These mediators may enable de facto access to social benefits for those who have difficulties realising their claim in practice, which we turn to in the following.

4. **Overcoming Asymmetries through Welfare Mediators**

While welfare administrations can be seen as a locus of power in street-level interaction, crucial in deciding whether applicants can claim state support in relation to their welfare needs, third party actors often intervene in the process to overcome the described asymmetries. In other words, the ways in which different types of knowledge asymmetries play out in street-level interactions open space for welfare mediators to intervene

on behalf of EU migrant claimants (for some of the pathways see Ratzmann, 2019). Overall, following an inductive, and iterative reading of our interview scripts, three types of welfare mediators emerged from the field data, summarised in Table 2.

In terms of frequency of occurrence, we found that informal social networks of acquaintances and family are the mediators most relied upon, followed by welfare advice agencies. EU migrant claimants commonly rely on several mediators simultaneously, in a two-step mediation process. In this respect, more informal contacts facilitate access to formal mediators, such as the designated welfare organisations who support migrant residents in making claims. The latter tend to be the most versed regarding legal entitlements and administrative procedures, as such knowledge can be considered to be part of their professional role, but do not always speak languages other than German, whereas informal mediators commonly may be well equipped in bridging language gaps, but not necessarily other types of knowledge asymmetries.

The data we collected allow conclusions to be drawn on how EU migrant applicants commonly reach out for external support once they want to start a claim process, but do not know their exact entitlements, or where and how to apply (see Ratzmann, 2020). For instance, an Anglophone respondent living in Germany described her German native partner as having played a key role in explaining “tiny things” about how the system worked. Without his help she believed she would not have succeeded in making a claim:

I wouldn't have known I have these rights. My partner explained to me that I have these rights... a system which is completely new to you.

He not only acted as an interpreter, translating from English to German, but also provided her with the knowledge of the behavioural norms which welfare administrators expected to be known. Her partner effectively bridged both linguistic and procedural knowledge gaps, in a double translation process. Another example is a Polish citizen who had received benefits from his local welfare authority, but whose claim was rejected by his

new city borough's authority after he had moved within Berlin. The respondent appealed to the local social court with the support of a local community worker, who—knowing about the procedures and the entitlements—filed the appeal for him. Commonly, migrant counsellors are instrumental in realising a substantive claim in practice. They usually explain the EU migrants' rights and duties and guide them through the claiming process, including the appeal if necessary (interviews with key informants, Germany). Third-parties also mediate the substantive knowledge deficits regarding the steps involved in the administrative procedure, which appears more pronounced for foreign claimants, as this welfare counsellor in Germany explained:

Some claimants think that it does not matter if they do not provide a certain document. It's not only a problem of miscommunication but of misunderstanding.

Our research finds that both extended personal social networks and not-for-profit organisations play a crucial role in the welfare mediation process. They not only provide information to counter knowledge deficits and speak on behalf of EU migrants who may not be able to converse in German, but, through their role as translators, empower their clients vis-à-vis welfare administrators when claiming entitlements.

In addition, some EU migrants are assisted by private mediators. This could include former employers advising them how to claim social benefits in Germany. For instance, staff from human resource departments sometimes supports their foreign employees in preparing the necessary paperwork:

I was finishing this job, and the prospect of being unemployed was kind of, eh, very openly discussed within the lab I was.... They explained the process....I found that really, really helpful... made you feel empowered.

Moreover, designated private advisors regularly offer their services to EU migrants (not to be confused with state-financed migrant counsellors). As part of their

Table 2. A typology of welfare mediators.

Type of welfare mediator	Examples	Relationship with EU migrants	Trade-off between rootedness in the institutional system vs. Direct accessibility
Designated migration counsellors	National welfare organisations, community-based associations	Formal	Strong—Low
Private mediators	Tax advisors, employment recruitment agencies, former employers	Semi-formal	Medium—Partial
Personal relationships	Acquaintances, friends, family, partners/spouses, colleagues	Informal	Weak—High

business model, such private advisors inform about social entitlements, and offer translation services in different EU languages. However, several representatives of welfare authorities and rights advocacy groups casted doubt on the legitimacy of certain such mediators, questioning their loyalties and moral ambiguity, and whether they were acting in the interest of their clients (also see Lindquist, 2015). Key informants alluded to how such a third-party would not always translate in the interest of their clients, characterised by a discrepancy between what was said and done. Within our interview sample, they commonly assumed roles of (self-declared) tax advisors and book-keepers, raising awareness of the types of benefits which could be claimed, as this French respondent living in Germany explained:

Our tax advisor made us aware that we could top up our income....He told us he would help us, for a fee, in case we decided to go for it, as he knows our situation well.

Key informants pointed us to some illegal mediation practices, describing them as “letterbox companies.” For instance, a representative of the Bulgarian embassy in Berlin elucidated how such firms would provide EU applicants with a fake employment contract to facilitate benefit access, in exchange for a sum of money of up to 2000 euros. According to a Polish community worker, a shared language and country of origin, indicating belonging, may inspire misplaced trust and confidence in this context, whereby clients often sign papers without understanding them. In short, private mediators could be “an assistance on the one side, and a problem on the other side,” as one welfare administrator in Germany framed it.

In terms of accessibility, our data suggest that while there is a low threshold for connecting to informal mediators, who tend to be part of migrants’ extended social networks, other, more formalised mediation processes require knowledge about the existence, and the type, of services mediators can offer. According to our key informants, both in Austria and Germany, personal contacts tend to leverage access to organisations whose mandate is to support EU migrant claimants. Overall, the more informal a mediation relation is, the more trust tends to be involved, and the less effort is required to initiate a mediation process. But informal mediators come at the price of a marginally institutionalised position, which leads to lower institutional leverage, in contrast to professionally mandated mediators, who welfare authorities perceive as more legitimate counterparts, and who hence have a more authoritative voice. As illustrated by a welfare administrator in Austria who pointed to the advocacy role of local not-for-profit organisations: “Instead of threatening with a lawyer, EU migrants threaten with [this organisation].” The credibility formal mediators could gain from their institutional embeddedness may imply higher chances of redressing local-level power imbalances, but simultaneously engenders lower accessi-

bility, because their existence is unknown, and a potential lack of trust from their clients who may consider them as state-run, and hence, from their perspective, less trustworthy institutions. In short, the effectiveness of welfare mediators in empowering their clients, and in translating rights into de facto benefits receipt, depends on the trade-off between their rootedness in the institutional setting of welfare provision and their accessibility for the individual EU migrant seeking support during the claims-making process.

5. Discussion

EU migrants who do not (fully) know about formal entitlements or procedures, and do not speak the language, are typically in a vulnerable position vis-à-vis welfare administrators who make decisions about their claim. In short, “knowledge is power,” or, in other words, knowledge asymmetries can translate into, or exacerbate existing, power asymmetries at street-level when seeking to affirm social entitlements. Such asymmetries open up spaces for welfare mediation. Welfare advice or community organisations, family, friends, partners, or colleagues can bridge communication gaps and clarify misconceptions about legal entitlements and obligations embedded in the claiming system. Ultimately, they can help EU migrant applicants secure a benefit claim in practice by empowering their clients to actively assert their social rights. However, as our typology illustrated, not all welfare mediators can be regarded as equally effective in redressing power asymmetries, and so to speak, level the playing field. Their ability to attenuate knowledge asymmetries depends on their own knowledge base, and their anchorage or positioning within the institutional system. For instance, if mediators interpret the vague legal eligibility criteria in a restrictive way, they may discourage EU migrants from applying for benefits, or from a legal appeal if the claim was denied. Others may even generate new forms of vulnerabilities through their exploitative relationship with clients. From the perspective of welfare authorities, the ambiguous character of certain private mediators, such as tax advisors, can give rise to challenges to their work if the latter are knowledgeable about potential legal loopholes, and may encourage or assist their clients in committing welfare fraud, for instance through fake employment contracts. In such extreme cases, an inversion of the power asymmetry to the detriment of welfare administrators may be the consequence, they suspect.

Regarding potential implementation disparities, although no clear differences of patterns of implementation between the two countries studied were observed, a rural versus urban cleavage seems to emerge, with welfare mediation processes being more present in bigger agglomerations. This can be associated with the stronger presence of migrant counselling services in urban areas, offering formal assistance in claims-making, including legal appeals in the case of rejections.

Moreover, infrastructure, and resources to mediate knowledge asymmetries, seem less developed within rural welfare authorities. For instance, a welfare administrator in Germany mentioned that they “can’t call in an interpreter from Munich every time” they were confronted with an EU migrant whose language the staff could not speak. Our data also suggest that some street-level bureaucrats tend to be less familiar with the legal rules in such rural areas, as they process fewer cases of EU migrants and hence lack practice. In such rural areas, this could imply smaller knowledge asymmetries, and may, in some cases, contribute to more generous case processing (see Heindlmaier, 2018).

Finally, our interviews provide an outlook beyond the micro-level interactions between EU migrant claimants and street-level bureaucrats when shifting the focus onto welfare authorities themselves. Our findings point to the role of the institutional environment in which individual welfare mediation is embedded (which, however, goes beyond the scope of this study). In short, while street-level organisations can ease or reinforce claimants’ knowledge asymmetries in the first place, they equally enable or restrict opportunity structures for welfare mediation processes depending on the openness or restrictive outlook of a social administration. For instance, some Berlin-based welfare authorities seek pro-active collaboration with migrant counselling services when processing EU migrant citizens’ claims. As per our interviews with welfare administrators in Germany, this could concern legal queries or translation services. Additionally, some local institutions are characterised by in-house diversity policies, which may alleviate some of the knowledge asymmetries EU migrants typically encounter. These policies include the translation of signage within the authority into several foreign languages, such as English, French, or Polish, as well as the placement of complementary pictograms on the signs. Some local welfare authorities also started offering services in languages other than German and to provide information sheets in house or online in different languages. Local management employed a certain percentage of staff with migration experience, whose language competencies were recorded in a central database. Such institutional responses to some of the stumbling blocks to claiming, like language, may allow power asymmetries to be alleviated from within, and thus counter the need for welfare mediation in the first place.

As the described knowledge asymmetries partly originate from the institutional practices of welfare authorities, one could argue that they should be tackled in a more structural manner. To date, however, intercultural or diversity policies in social administration may sometimes be no more than lip service (Ratzmann, 2019). Instead, diversity-related challenges at street-level are individualised. Indirectly, the relevant welfare administrators adopt a “deficit perspective” of what EU claimants lack, in terms of linguistic skills and tacit knowledge, compared to national applicants. Solving such

problems is outsourced to the claimants themselves—and creates a pivotal role for welfare mediators as individual actors who can intervene during the benefit claiming process at street-level.

6. Conclusion

While research to date points to how non-active EU migrants, or those involved in atypical work, commonly remain excluded from social assistance benefits, this article focusses on an under-researched barrier to claiming social entitlements, namely the interaction experiences between EU claimants and street-level bureaucrats. We focus on the knowledge, and resulting power, asymmetries at street-level. While power asymmetries may apply to most claimant groups, they are more striking in the context of the EU freedom of movement, as partially ambiguously defined social entitlements may increase room for administrative discretion, and thus exacerbate knowledge and related power asymmetries.

EU migrants do not usually remain merely passive and powerless claimants. Instead, they tend to actively shape the claiming process, relying on third-party mediators to substantiate their social rights claims in practice. The article discussed how knowledge asymmetries call for mediated access into the welfare system in practice, and what role such mediation processes play in the state-claimant interaction. After briefly outlining the functions of welfare mediation, the article characterised the different types of mediators based on a typology we developed from the data. Our findings show how third parties can change the power constellation between claimants and street-level bureaucrats in unexpected ways, enabling access to social benefits and services for otherwise excluded EU migrant citizens. Yet, the former may equally create new, and additional power asymmetries and room for exploitation, depending on their moral character.

While our contribution offered a first typology of welfare mediators, further research could assess whether there are systematic differences between the types of welfare mediators different groups of migrants rely on, for instance regarding education or age. Our exploratory findings suggest, for example, that better educated migrants are better equipped, in terms of social capital, to reach out to formal welfare mediators, such as counselling services. Additionally, not only knowledge asymmetries relating to the functioning of the bureaucratic system, but also perceptions based on habitus or physical appearance, may impact the claim-making process, and thus warrant further attention. Moreover, even though we focus on mediation processes at street-level—of third parties intervening on behalf of EU migrant claimants, some welfare mediators seek to impact administrative claims-processing by systematically intervening on both sides of the street-level interaction. This particularly concerns the role of not-for-profit welfare counsellors who commonly fulfil an advocacy

function, seeking to change the institutional routines of processing EU migrant claims (see Bruzelius, 2020). In this context, the notion of welfare intermediation could be further conceptualised.

Finally, our article focusses on the role of mediators with regard to migrants' welfare access, but the findings may also be transferable to the migration-labour-nexus, i.e., to the relation between employers and EU migrant citizens. To what extent our findings on the structurally "unequal" relationship are transferable, and which role job broker agencies play, necessitates more detailed exploration. Making employment services more accessible for EU migrants could be of potential interest for the society of destination as, at least, Germany and Austria, need qualified migrant labour. Overall, diversity-oriented public services could make the national welfare service system more accessible, as well as any publicly financed and state-run service more generally.

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Conflict of Interests

The authors declare no conflict of interests.

Supplementary Material

Supplementary material for this article is available online in the format provided by the author (unedited).

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Article

Who Belongs, and How Far? Refugees and Bureaucrats Within the German Active Welfare State

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Abstract

Concepts such as “belonging” (Yuval-Davis, 2011) and “community of value” (Anderson, 2013) try to capture the multiple ways of classifying migrants. In this article, we argue that belonging needs to be analyzed against the backdrop of active social citizenship in European welfare states. Although the literature acknowledges the increasing links between migration and social policies, the latest “turn to activation” in social policy has hardly been accounted for. By focusing on two policy fields in Germany, the labor market and health policies, we briefly describe discourses and social right entitlements and their ambivalences. Empirically we show (a) how bureaucrats within the two policy fields regulate and justify refugees’ social rights in practice and (b) how refugees act vis-à-vis relevant institutional opportunity structures. Our study contributes to previous research twofold: Firstly, we illustrate processes of positioning and selecting refugees that stem from recent social policy architecture. Secondly, we demonstrate everyday experiences from refugees’ vis-à-vis relevant institutional opportunity structures in Germany. Our results show that inconsistencies within and between social policy fields of one welfare state have to be taken into consideration for further national and transnational research.

Keywords

active social citizenship; belonging; health policy; labor market policy; migration policy; female refugees; social policy; welfare states

Issue

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1. Introduction

Consistent with a demigrantization of migration research, an emerging strand in migration studies focuses on how migrants are societally “produced” (Mezzadra & Neilson, 2012; Morris, 2020). Concepts such as “belonging” (Yuval-Davis, 2011) and “community of value” (Anderson, 2013) try to capture the complex and dynamic ways of “producing” and classifying migrants. In this article, we discuss belonging against the backdrop of recent social policies. Although the interplay of social and migration policies is examined (Ataç & Rosenberger, 2019; Hollifield, 2000), the context of an “active social citizen” within contemporary European welfare states

(Eggers et al., 2019, p. 43) has not yet received much attention. We argue that the linkage between migration, welfare, and belonging cannot be fully captured without considering political paradigms such as activation and self-responsibility due to their meaning as societal discourses and restructuring character of social rights. By analyzing the interplay of asylum policy with two social policy fields in Germany, we illustrate how health policies and labor market policies produce a picture of “who belong[s], how far they belong and under which conditions” (Carmel & Sojka, 2020, p. 2). Our empirical findings illustrate (a) how bureaucrats regulate and justify refugees’ social rights in practice and (b) how refugees act vis-à-vis relevant institutional opportunity

structures. We use qualitative interviews with bureaucrats in welfare institutions and refugees to investigate these relationships. Our study makes two contributions to previous research: Firstly, we examine the question of which refugees belong, how much they belong, under which conditions, and how this is related to recent social policy paradigms. Secondly, we adopt a multidimensional definition of belonging and put it into the context of active social citizenship to empirically shed light on refugees' individual experiences, an under-explored side of the concepts of belonging (Amelina et al., 2020, pp. 9–10, 207). With our empirical examples of female and substance-using refugees, we disclose interconnections between different levels of migration and integration policies as well as the activation paradigm and demonstrate refugees' everyday experiences.

In the following section, we explain the theoretical conception of belonging and how it influences the everyday in- and exclusion of migrants. Secondly, we describe the recent context of active social citizenship and illustrate this within Germany's labor market and health policies. The subsequent section presents our empirical findings and illustrates how bureaucrats put rationales of belonging into practice and how refugees react to them. In the following discussion, we draw links from different concepts of belonging and assess how refugees act within their given conditions in the health and labor sectors with different ways of handling. The article ends with a conclusion, which shows the importance of bureaucrats in welfare institutions and how they influence the ways of handling.

2. Belonging as a New Dimension of Everyday Inclusion and Exclusion

Migration research has for some time considered in- and exclusion as a dichotomous social process. Due to a changed understanding of stratification processes as complex, multi-layered, and dynamic (Mezzadra & Neilson, 2012), concepts of belonging have become more important (Anderson, 2013; Yuval-Davis, 2011). They capture parallel forms of daily experiences of in- and exclusion by considering three different dimensions of belonging: Firstly, a person's emotional attachment and individual identification (Yuval-Davis, 2011). Constructions of belonging can be seen as a performative act of the individual by repetitive practices and struggle or resistance, or both (Yuval-Davis, 2011, p. 25). Secondly, formal and informal access to social rights is related to one's own status position nationally (Morris, 2020) and transnationally (Amelina et al., 2020). Thirdly, concepts of belonging enable the analysis of societal discourses that construct belonging to (national) collectives in a normative way. Anderson (2013, pp. 2–5) underlines that these "communities of values" remain in the imaginary realm. The interplay of dimensions 2 and 3 is what Carmel and Sojka (2020, p. 2) refer to as differential "rationales of belonging." According to them, this range

of discursive reasoning around status, rights, and membership provides organizational logics and practices that are, in fact, racialized, classed, and gendered (Carmel & Sojka, 2020, p. 4). Taken together, these dimensions decide "who belongs, how far they belong and under which conditions" (Carmel & Sojka, 2020, p. 2). Anderson (2013, pp. 3–7) describes the legally and normatively constructed citizen as being placed on a continuum between "good," "tolerated," and "failed"—a categorization that we will refer to later on. Overall, new hierarchies are arising among migrants as well as between migrant and non-migrant citizens.

We adopt this multidimensional definition of belonging, but we expand the analysis in two important ways: We consider processes of in- and exclusion that evolve from a context in which active social citizenship becomes crucial beyond migration processes. Furthermore, we empirically shed some light on the refugees' strategies. Although migrants' individual experiences build the main part of the concepts of belonging (Amelina et al., 2020, pp. 9–10, 207), empirical research on this is rare.

3. The Community of Value Within the Transformed German Welfare State

Literature on the interplay of social and migration policies stresses the argument that social policy regulates migrants' access to social rights in order to control and limit their mobility into, out of, and within nation-states (Ataç & Rosenberger, 2019; Hollifield, 2000). While migration policies are described as facilitating mechanisms of territorial and social in- and exclusion, social policies are commonly perceived as aiming to achieve equality, facilitate social participation, and improve well-being for (national) citizens (Ataç & Rosenberger, 2019, p. 3). In this nexus, insight from recent social policy analysis regarding European welfare states' paradigms such as activation, self-responsibility, and social investment (Bonoli & Natali, 2012) are not commonly considered. However, the principle of active social citizenship (Eggers et al., 2019) frames societal discourses and social institutions. The states' responsibility for social security differs between and within welfare states, which is accompanied by new challenges for citizens to secure their livelihood and well-being (Eggers et al., 2019). Effects discussed in the literature range from supporting the citizens' agency (in the sense of self-determination) to imposing obligations and requiring that they take on risk (greater self-responsibility). However, active social policies address citizens and refugees equally but have different effects. These are rarely explored (Hagelund & Kavli, 2009). We argue that active social citizenship establishes specific norms of belonging and produces differential forms of inclusion for refugees, who are confronted with additional challenges. In the following section, we give evidence of how active social citizenship applies to two different policy fields in Germany.

3.1. Labor Market Policies Towards Activation

Labor market participation has become a yardstick for measuring social integration. Discursively, being unemployed is labeled not only as a risk to one's own social security but also as a problem for the (national) social insurance community. The active labor market programs correlate with pressure on job seekers to enter low-wage and non-standard forms of work. Two forms of unemployment benefit exist: unemployment insurance for up to one year (ALG I) and a flat-rate, means-tested benefit (ALG II; Greer & Symon, 2014, p. 12). The literature describes this regime as inconsistent because recipients of ALG I are supported by a major role of the state, while those that receive ALG II are forced to be self-responsible based on relatively low benefits and strict eligibility conditions (Eggers et al., 2019, pp. 52–53). Refugees with a residence permit are always confronted with the stricter paradigm within the ALG II system. Additionally, social active citizenship interplays with family and gender equality policies inconsistently: Some instruments incentivize a (mostly male) family wage (e.g., German co-insurance regulations for the non-contributory spouse in the health and care insurance system, mini-jobs). However, within the ALG II system, all adults within one household have to be available for (all kinds of) full-time work regardless of their care duties (even if they have children under three years of age). Since women still perform the majority of unpaid care work, they are primarily responsible for managing divergent demands (Auth et al., 2010; Betzelt, 2015).

Activation policies and discourses, likewise, apply to newly arrived refugees (Salikutluk & Menke, 2021, pp. 3–4). Refugees' overall access to the labor market has been eased considerably in the last decade but still depends on residential status and type of protection awarded (for an overview see Schwenken, 2021, pp. 141–142). While early screenings and access to labor market integration measures create opportunities for easier and faster access to the labor market, differential inclusion of heterogeneous refugee groups emerges (Schwenken, 2021, p. 135).

However, female refugees face additional challenges to comply with the need for active social citizenship. The reconciliation of paid and unpaid work is exacerbated due to the absence of support from further relatives or missing access to childcare facilities that accept dual-earner couples first. Furthermore, societal discourses on female employment affect approaches to refugees' labor market integration (Ghorashi & van Tilburg, 2006; Koyama, 2015). Moreover, research on migrants receiving ALG II revealed cultural ascriptions, particularly against female Muslims within labor market organizations (Jaehrling & Knuth, 2010). From the bureaucrats' perspective in the public employment service, a lack of language skills, qualifications that do not apply to the labor market, being unaware of German gender roles, and having domestic care duties are the most commonly

stated reasons for barriers that refugees (mostly female) usually face when entering the labor market (Dietz et al., 2018). This makes it more difficult for them to be recognized as potential employees.

3.2. Health Policies Towards Self-Responsibility

There are three main rationales in health care, which were used as a validation for altering the welfare state: (a) the meaning of knowledge-based services, (b) the economization of health care with cost-containment and the efficiency of public healthcare services, and (c) the marketization (privatization) of healthcare along with the expansion and commercialization of healthcare services and products (Ewert & Evers, 2014). These alterations affect health care consumers in different ways. Knowledge-based services ask for more self-responsibility on the part of each individual and have become one of the main pillars of health care policy. Consumers act as co-producers and are expected to contribute to their own health as active social citizens; this is why Ewert and Evers (2014) employ the term "users." Users should be able to research and classify information in order to draw individual conclusions. Due to a lack of prior knowledge about the German health care system and its medical options, this has a selective effect on refugees. Economic policy rationales, which can be observed as a part of economization, lead to an evaluation of costs and benefits and transform patients into active consumers. They lead to patient-based selectivity, who now receive either support or face restrictions due to personal resources such as self-responsibility and economic considerations (Ewert & Evers, 2014; Rothgang et al., 2005). This context also affects refugees, who are being asked by health policy to be equally self-responsible and economically minded, while having fewer resources to accomplish this. Additionally, health is a social product; it differs between societies, groups, and generations (Conrad & Barker, 2010; Flick, 2000). These discourses manifest themselves through social constructions in the health system. Refugees are confronted with an ambitious health policy and have to take care of their own health concerns.

Health treatment for refugees is structurally differentiated into two possible options: (a) refugees with a recognized asylum status who are in the statutory health insurance and (b) "tolerated" refugees and refugees in the first 18 months of the asylum process who are covered by the Asylum Seekers Benefits Act, which limits access to the health care system by only providing acute treatment.

4. Methodology

Our empirical findings result from qualitative fieldwork in Germany coming from two separate projects within a shared research group. The first project explores the labor market participation of female refugees from an

intersectional perspective. The analysis is based on narrative biographical talks with female refugees and semi-structured expert interviews with local labor market experts (bureaucrats from job centers, providers of labor market measures, city administration, and welfare organizations) in two municipalities. While access to the labor market experts derived from official requests, access to the female refugees was based on personal introductions at regular meeting times at the counseling points of welfare organizations and in labor market measures. The sample consists of interviews with 20 local labor market experts and 16 female refugees, 12 of whom identified themselves as being Muslim. The second research project explores refugees' inclusion and exclusion throughout local health policies by using the example of substance-using refugees. Twelve narrative biographical talks with ten substance-using refugees in three heterogeneously selected municipalities were conducted. Access to the field varied and was realized through shelters, addiction services, social workers, or medical staff. The conversations varied between 45 minutes and three hours and were combined with other methods such as ethnographic and informal talks. The talks with refugees were conducted in a conversation triad with interpreters (Rumpel & Tempes, 2019) or in pairs in English or German. Four expert interviews were conducted with staff from the social welfare office and municipal addiction coordination in the three municipalities. By keeping the legal regulation open, municipalities themselves can strongly influence the approach to health care for refugees through their regulations. The implementation takes place via the social welfare offices, and the bureaucrats there influence the implementation of municipal regulations. Therefore, the management of the responsible departments of the social welfare offices was included in the sample. Additionally, one addiction coordinator, which is not provided for in every municipality, was included in the sample in one municipality.

The methodological background of both projects is the iterative grounded theory (Strauss & Corbin, 1994). The refugees' biographical talks were analyzed openly with the grounded theory methods' coding paradigm, focusing on conditions, interactions, and strategies from the refugees' perspective on using or not-using relevant welfare services in Germany. We focused especially on those parts in each interview that contained statements on contact with welfare state authorities. The expert interviews were evaluated by content analysis with inductive and deductive characteristics (Kuckartz, 2016) to adapt our research interest on formal and informal access to social rights. Deductive codes included the "cooperation in between authorities," "connections between asylum status and health care services or labor market integration," or "local characteristics." Further inductive codes included, e.g., the "meaning of religion" (first project), the "handling of substance-use" (second project), or "bureaucratic assignment of obligation" (both projects). The qualitative material was repeatedly

analyzed within an interpretation group, which helped identify the comparability of our data sets: Female refugees, especially those marked as Muslims, as well as substance-using refugees, are socially positioned at the periphery of citizenship. Both groups are confronted profoundly with societal discourses that raise questions of institutional access to social rights.

All interviews were conducted from 2018 to 2021; all quotes are provided with anonymous names.

5. Producing Partial Belonging of Refugees in Germany

The following section presents our empirical findings and illustrates first how bureaucrats put rationales of belonging into practice, and second, how refugees react to it. We start with the bureaucrats' perspective and female refugees' strategies in the field of labor market policies, followed by the field of health care policies.

5.1. Rationales of Belonging in Labor Market Policies

5.1.1. The Bureaucrats' Perspective on Belonging

Bureaucrats in the public employment service address female refugees primarily as accompanying spouses and mothers, not as autonomous subjects and potential employees. While childless or single women are perceived as an exception and are associated with higher education, women with caring responsibilities are described as being outside the labor market, less educated, and less willing. Some bureaucrats assume females adopt a child-bearing strategy to avoid being targeted by the authorities' activation practices. Most of the bureaucrats, though, link female refugees' perceived absence from the labor market to their specific cultural and Muslim religious ties:

There are clients who don't want to do anything. Because of their culture....When someone has been at home for 40 years, or has taken care of children for 30 years and so on, and has seven, eight children....You can't do anything with them....The second group really wants to do something but isn't allowed to do so....The husband comes and says, "well, what can I do to keep my wife at home?" (Mister Deeb, pos. 420)

According to Mister Deeb, the first group of female refugees is neither willing nor qualified for the German labor market; the second group is described as willing to do paid work but hindered by their (heterosexual) gender relations. The women's seemingly low education level is traced back to the local gender relations within their countries of origin. Bureaucrats compared them with Germany's social status of women several decades ago:

If I look back to the Federal Republic in the sixties, seventies, it was different by then, too, wasn't it?...These

structures are still alive in the five Big Players [main countries of origin]. (Mister Körber, pos. 1044)

According to this, female refugees first have to catch up with the recent societal position of women within the German majority society. However, bureaucrats who evaluate the women's language capabilities as particularly bad prescribe language qualifications, not with potential labor market participation in mind, but to enable them to communicate in German well enough to carry out domestic and care work, e.g., buying groceries, accompanying children to school or kindergarten, and making oneself understood to get medical treatments. By doing so, the bureaucrats express ethnographic-cultural stereotypes and gendered assumptions around work and welfare that hinder female refugees from participating in the German labor market.

The differentiation between female refugees also becomes relevant for the bureaucrats' activation practices. Activation efforts remain restricted only to a few female refugees, as Miss Zimmer explains: "We pick out those women early already during parental leave, the ones we think want to achieve more, and hold talks and try to reveal pathways and motivate them" (Miss Zimmer, pos. 385). With this selection, many female refugees are not considered for personal education and training programs because bureaucrats assume them to be not (sufficiently) interested in participating in paid work. This contradicts the activation paradigm of the German welfare state.

The majority of female refugee mothers in the sample are not initially forwarded into language courses or labor market integration measures. If these women are on parental leave or their children are under three, the bureaucrats' activation practice varies. While some express dissatisfaction with their activation efforts being interrupted due to care work, others underline the lawful right of mothers to not be targeted by activation policies, irrespective of their legal status: "The rules are clear, women during parental leave are not obliged to cooperate with us during the first three years" (Miss Günes, pos. 460). However, Miss Günes offers optional consultation services for mothers on maternity leave, something she does voluntarily. Meanwhile, the majority of the bureaucrats concentrate on the women's husbands in order to realize a male family earner status: "Well, then [as a man] you should strive to earn enough for your family. That is your free choice" (Miss Deise, pos. 760). If one person earns enough, other household members of employable age usually become deregistered as job seekers and excluded from the authorities' job search services. Therefore, several women in the sample ended up living in a more traditional gender relation in Germany than they did in their country of origin.

Female refugees perceived as "sufficiently" educated and ambitious for the German labor market are moved into jobs that hardly match their educational level. Instead of recognizing diplomas, university degrees, and

vocational or further qualifications, the bureaucrats expect the women to lower their sights. They are advised to pursue a strategy of smaller steps because such women "fall flat on their back quickly and afterward it takes a long time to do the construction work. That is why we show possible opportunities...to prevent them from experiencing too many failures" (Miss Zimmer, pos. 404). Those jobs that are offered to female refugees are mainly located in the low-wage sector within specific ethnic-gendered fields, such as cleaning jobs.

5.1.2. Female Refugees' Strategies

Most of the interviewed women expressed discontent with the labor market authorities. A lot of women attest to a bad consultation service due to a lack of interest in their individual vocational plans. Especially those who wear headscarves feel that they are stereotyped by the bureaucrats: "We realized that the job center offers cleaning jobs especially to the women. But we are from a country in which we have studied, we educated ourselves" (Amina, pos. 152). Others feel pressured by the authorities' activation strategies. For instance, as Silda had been asked to use childcare facilities to get into the labor market, she ended up deregistering herself as a jobseeker: "They send me a letter pleading with me to send my children to the kindergarten so that I could start working or participate in a language course. After that, we resigned from the job center" (Silda, pos. 589). While her husband's income enables Silda to withdraw from the authorities, others do not have this option. Amina's husband only works part-time, which makes complementary social benefits necessary. A third group laments that they do not have any access to the job search services and mediation towards language courses and labor market measures. These women are mainly mothers of children under three, who do not have to be activated by the Job center. Ghusum, for example, actually wishes to start a German language course: "Not until today, because my daughter isn't three years old" (Ghusum, pos. 297).

The women are confronted with the authorities' selective addressing and develop two varying strategies. Some tend to seclude themselves from German authorities and thereby put off their own vocational plans into the future. Silda, who studied IT in Syria, would like to use her capabilities in the future: "I would like to learn the language to go ahead. Maybe I will study. I do have the capabilities; I would like to make use of them. Right now, my capabilities are restricted due to childcare obligations" (Silda, pos. 894). Meanwhile, she works in a warehouse, a job her husband mediated for her with his employer. Sara (pos. 294), a mother of five children, wants to get a place in the kindergarten for her two youngest children in order to learn German and start work "step by step." She has also postponed the recognition of her diplomas and several pieces of work experience).

Other women in the sample show resistance before the labor market authorities' practices and how they

address them. These women articulate their dissatisfaction. However, critical intervention has had hardly any effect on the women's grievances. Although Naome, a teacher from Syria, made clear that she does not want to apply for cleaning jobs, her labor market consultant keeps sending her such jobs—to which she has to respond so as not to violate her obligation to cooperate. In the case of Naome, compliance with the approach, although not agreeing with it, turns out to be a tactical form of resistance since Naome is aware of her less powerful position vis-à-vis the authority. Others, like Amina, were sanctioned. Because she refused to apply for cleaning jobs and insisted on starting vocational training as a confectioner, the job center canceled the financing of her second language course. Since then, Amina has paid for a separate language course on her own:

I wanted to do vocational training; they said it was too difficult for me: “three years, you have children.” I told them, “no, I want to do that.” She said there were several other jobs where I could start working right away....After they realized that I kept holding on to my idea...they sent me appointments every two weeks and asked what I was doing. Although my exam was only in May. (Amina, pos. 808)

Allies within the system appear to be supportive of these women, such as welfare organizations, occasionally volunteers, or individuals with gatekeeper functions. For instance, women report better job agreements and a friendlier conversational tone with the labor market consultants when accompanied by volunteers from the wider society. Sometimes gatekeepers within the system, e.g., employees of external labor market measures, do see more potential in a woman than the labor market authority itself, as Aram experienced it:

When he heard me speaking German and saw that the labor market consultant wrote down “cleaning job,” he couldn't believe it....He said we [were] not going to do that, “we will find training in office management or something that would suit you far better.” And he wrote a lot of mails to my labor market consultant in order to convince her. (Aram, pos. 497)

Aram, who worked as a lawyer in Syria, finally trained as a language mediator.

5.2. Rationales of Belonging in Health Policies

5.2.1. Bureaucrats' Perspectives on Belonging

The bureaucrats of the social security office constitute a difference between “the Germans” and “the refugees.” This is based on the distinction accorded to nationality and by homogenizing countries of origin, e.g., Mister Keller (pos. 31): “The Gambia, Togo, Nigeria, in other words, the Central African states. They expect a better

future here.” Regarding substance use, further normative differences are marked: while Germans “get drunk peacefully” (Miss Beck, pos. 78) and “rather individually, not in such large groups” (Miss Beck, pos. 57), by way of this “logic,” partying in groups transforms the (male) refugee into a criminal, ready to fight at the drop of a hat:

The refugees, there was one word or another, and the knife was drawn very quickly. And that was not the case with the Germans in such numbers. So, there were really a lot of fights, and the police had to be called very quickly. (Miss Beck, pos. 77–78)

The “problem” with alcohol is viewed through the German attitude towards consuming alcohol, which is then transposed onto the refugee, who is assumed to have no ability to drink like a German (Miss Beck, pos. 66). In contrast, the consumption of illicit substances is portrayed as being imported from the country of origin. According to the bureaucrats, the difference between “the Germans” and “the refugees” leads to different health service preferences and outcomes; while Germans “want to make it low-threshold....We prefer to use self-help, which is at eye level. With the refugees, it's just the opposite....And I only take one doctor seriously” (Miss Beck, pos. 51). The bureaucrat has made a mental division between the kind of services preferred by Germans, who appear to her more active and independent when seeking care for themselves, and the ones preferred by seemingly “passive” and “unaware” refugees. While Germans seem to be able to help themselves, refugees are presented as unable to do so. According to this, they find medical support helpful and use doctor-based services.

A further empirical aspect is that bureaucrats delineate belonging by defining “exploiters” of the health care system. They accuse refugees in general of overusing and abusing the health care system due to the lack of quality within the system of their countries of origin; Mister Weber assumes that the majority of refugees would say:

“I come from a country where I was persecuted, where I had no accommodation, where I felt very, very bad.” And yes, that you feel that you are in a good position here that you and your family are taken care of here, that you can enjoy healthcare in particular too. (Mister Weber, pos. 20)

In the opinion of the bureaucrats, the introduction of an electronic health card would lead to refugees taking advantage of the system and moving around the country, as Miss Schumacher (pos. 81) describes: “This introduction would lead to the fact that people can also seek medical treatment nationwide and possibly also do a bit of doctor hopping.” This estimation is underlined by the image of refugees as people who come from a country with a poor health care system which is apparently being

entertained in certain political circles. The overall message appears to be that refugees are needy.

The discretion of the social welfare administration in approving health care services opens up opportunities for influencing the conditions under which refugees are (not) permitted access. While the formal hierarchy of refugees exists, of who is allowed to have access to the German health care system and who is not, there is also an unwritten hierarchy, where cases with scope for decision-making are passed into the hands of medical officers (Miss Schumacher, pos. 55; Mister Keller, pos. 91), other bureaucrats, like Miss Schumacher, set their own conditions: "If I know that he has applied for voluntary departure and will leave tomorrow or next week, I will no longer grant him psychotherapy...That's why we always check whether it's necessary or deferrable" (Miss Schumacher, pos. 87). With these aforementioned aspects, it becomes clear that Miss Schumacher is concerned with the economic side and not the medical. Only people who (supposedly and according to her conditions) remain in Germany in the long term deserve medical treatment. Additionally, there are normative aspects to consider: refugees must make an effort or prove themselves in order to gain access. Whereas a statutory insured person would apply for services to their health insurance provider, refugees who are insured by the Asylum Act have to apply to the social welfare office, which decides whether or not to approve a treatment. Mr. Keller as an employee within such an office who sets his standards by looking at "how serious is the will" and "does he *really* want to face the problem seriously?" Thus, whether one gets access and belongs (or not) is also about motivation and will. In the end, Mr. Keller takes a "spontaneous decision" (Mister Keller, pos. 99): For refugees, medical treatment turns out to be insecure and must be earned.

5.2.2. Substance Using Refugees' Strategies

The refugees are often searching for normality, and Hamsa explains what he counts as a normal life: "So I want to live a normal life, I want to find a job, I want to get married, make a family, have children" (Hamsa, pos. 135). Many refugees speak of boredom and living day-to-day, which leads them to substance use: "And that would be the big problem, this total living in the day. And no work. And above all, nothing to do. And boredom" (Frag, pos. 92). A cycle can be seen here: The lack of normality leads to drug use, while escaping from substance use is the main goal of the majority, which seems to be achievable only through normality. However, the conditions for achieving belonging through the desired normality are difficult to reach: "And the worst thing is that you don't have work, that you are not busy. Therefore, all first what the brain thinks is again this returning to this dependence that one has" (Arash, pos. 32). Successfully finding a job depends on their residence status; not everyone has a work permit: "I would

like to get my passport so that I am sure I can stay here so that I can achieve the goals I have set for myself so that I can offer something to society" (Reza, pos. 117). Reza describes his wishes for continuity and security, which he links with his economic usefulness.

Another coping strategy is to counter-respond with persistence by ally-seeking. Some of the contacts take part in a rehabilitation program only after becoming defiant towards individual bureaucrats or the health care system. For example, Reza first tried to find help by himself: "There were two or three places where I went, but unfortunately they did not accept me because they said, for example, that I was in the asylum procedure and I could not get that offer" (Reza, pos. 68). He kept trying to gain access by obtaining help from an "Iranian friend" (Reza, pos. 72). Since this path did not work out for him either, he turned to a social worker: "He said, 'no I will arrange an appointment for you.' If I do that then that will work, through him, I have been accepted here" (Reza, pos. 64). Only when Reza called in the home director did doors finally open up for him. This shows that knowledge and persistence alone are not enough and that allies from the dominant society are necessary. Also, other contacts had to fall back on their social workers as allies, but it did not always work out though; for example, Raghbir made energetic attempts to get help and asked his social worker, his doctor, going to the clinic a few times on his own, he even asked the researcher for help. However, it seemed as if no one could help him get the treatment he desperately needed (Raghbir, pos. 10–18).

A third coping strategy is to retract or resign. If no health care support is found, or even if a normal life is missing, consumption strategies are used as self-medication: Sami, for example, drinks beer to deal with all the death and bloodshed he witnessed before his escape (Sami, pos. 1). While Raghbir consumes alcohol to treat physical pain after an accident left him with untreated injuries (Raghbir, pos. 68), Hamsa wants to banish the reoccurring thoughts and images that prevent him from falling asleep by smoking marijuana (Hamsa, pos. 159). Fraug wants to mediate his alcohol use through medication (Frag, pos. 66). Finding it hard or even being denied access to the health care system leads in these cases to resignation and self-medication through drug use.

6. Discussion

According to our empirical findings, we can answer Carmel and Sojka's questions of who belongs, how much they belong, and under which conditions (Carmel & Sojka, 2020) as follows. In all responding welfare institutions, bureaucrats focus on differences between German nationals and refugees and point to differential possibilities of (not) belonging. The bureaucrats' stereotypes of societal discourses about deservingness or cultural proximity play a major role. By attributing certain characteristics to the refugees such as passivity, independence,

being unwilling, or being uneducated, they construct a difference between “us” and “them” analogous to what Anderson (2013) calls the “community of value.” Thus, homogenized national Germans appear to be the normative standard by being self-responsible, active, and modern individuals that own access to social rights. As far as refugees are able to conform to such behavior, belonging seems feasible. However, those who use illicit substances, those who misuse the health care system, and Muslim refugee families with several children are perceived—in Anderson’s words—as “failed citizens” with hardly any prospect of societal participation. Formal and informal access to social rights is at least questioned by the bureaucrats. While little administrative attention is being paid to (further) address female refugees and their needs (e.g., by offering them work-related or language training), it is important to the health care bureaucrats that misuse of the health care system needs to be discouraged by making exploitation and taking advantage of the system more expensive (for users) for its own protection—until then, controlling and reducing refugees’ access to the German health care system is preferable to dealing with them. In cases where belonging seems possible from the bureaucrats’ perspective, they set the conditions under which refugees potentially belong and thus stay in control of their access to certain social rights. Bureaucrats believe that substance use or living in seemingly patriarchal gender roles hinders refugees from belonging to German society, which sets up formal and informal barriers when claiming social rights. Finally, our empirical findings indicate the extent to which refugees can potentially belong, following the rationales of the bureaucrats. In case of substance-using, refugees’ possibilities of belonging are interconnected with their addiction. While substance-use disqualifies refugees from being part of the community of value, partial belonging might be possible if substance-use were to stop. In the case of female refugees being accepted into the administration’s activation efforts, they are mediated toward low-skilled jobs such as cleaning jobs. Partial belonging for them is possible if they accept labor market participation in predominantly low-level, specific ethnic-gendered sectors.

Our research also illustrates the varying ways refugees handle access to social rights and how the way bureaucrats address them affects their emotional attachment and individual identification with German society. Those navigating the German health care system are in search of normality in order to belong to the community of value. While those who use substances are challenged by boredom throughout their everyday lives and seek to contact health services in order to escape from substance use, female refugees feel overburdened, misidentified, and demeaned by the labor market administration, its activation obligations, and bureaucrats’ lecturing. None of our interview respondents mentioned a feeling of belonging. On the contrary, some refugees tended to exclude themselves from the system and

their social surroundings, irrespective of the policy field. While (self-)exclusion from the labor market processing can come along with new possibilities for those female refugees who are socially anchored to heterosexual gender relations, resigning from the health care system might come at the cost of falling into substance use as a form of self-medication. Other refugees display resistance or persistence, but critical intervention from female refugees delivered hardly any effect. The same is true for substance-using refugees. To overcome certain limitations, allies from within the community of value—not help from other migrants—appeared helpful.

In summing up, bureaucrats in the two policy fields adopt differential rationales of belonging. These rationales consist of a connection of political discourses and (in)formal access to social rights. Putting differential rationales into practice means institutionalizing processes of positioning and selecting between refugees and national Germans as well as among different groups of refugees, which are racialized, gendered, and classed. Refugees experience parallel processes of in- and exclusion in their everyday lives, which they do respond to somehow. However, the differentiation between strategies for belonging and the ascribed form of belonging is important, as Yuval-Davis already mentioned (Yuval-Davis, 2011, p. 25). This is also the case for the struggle and resistance of newly-arrived refugees in Germany.

7. Conclusion

There is an increasing interest in the complex, dynamic processes of stratification within migration studies that concepts of belonging attempt to portray (Anderson, 2013; Yuval-Davis, 2011). We labeled three different dimensions within these concepts: a person’s emotional attachment, national entanglements of social rights, and societal discourses. While our empirical research is based on these concepts of belonging, we connect our findings of certain rationales of belonging with an active social citizenship as a recent context (not only) in the German welfare state. Although recent political discourses and institutional organization of social entitlements are moving towards activation, self-responsibility, and social investment, within the two policy fields (the labor market and health policy), they produce inclusion and exclusion for national citizens—and newly arrived refugees face additional challenges. Active social citizenship promotes belonging by being an active member of society and a good citizen, that is, one who participates in the labor force, has a family, and watches out for his or her own health. Refugees can hardly fulfill these formal and informal obligations and conditions, so employability for (Muslim) female refugees and health for substance-using refugees is achievable only on a basic level. The refugees themselves showed different ways of dealing with this, ranging from a search for normality, persistence, or retracting and resigning. Within the active German welfare state, refugees are made responsible for their own

progress. The case of Germany typifies the self-reliance type with a minor role of the state that forces active social citizenship on people, rather than generously supporting it, at least in the labor market and health policies. Refugees—like other welfare dependants—are forced to be active by being confronted with obligations and minor funding, but at the same time, it is harder for them to comply with the normative standards of the “community of value” (Anderson, 2013). Other European welfare states such as Denmark differ in how they realize an active social citizenship; they refer to self-determination, alongside choice and autonomy, and the state has a major role and provides generous funding (Eggers et al., 2019, p. 43). However, further research on the effectiveness of this approach is needed.

Additionally, our empirical findings reveal that bureaucrats in welfare institutions have a major impact on refugees’ options for belonging. They set up boundaries concerning who belongs, how much they belong, and under which conditions. Besides the formal level of status positions, normative concepts of belonging and normative concepts of a good citizen become relevant and produce certain rationales of belonging. Our material also shows how bureaucrats shape or even counteract the paradigm of active social citizenship according to their ethnographic-cultural stereotypes and gendered assumptions around paid work and welfare. Thus, our material also points to the necessity of reflecting on processes of Othering and the meaning of institutional racism (Graevskaia et al., in press). Since our study is limited to two specific subgroups of refugees, it would be important to learn more about other migrant groups besides asylum contexts and to compare refugees with other groups of the wider German society, e.g., single mothers. This could reveal further commonalities and differences between subgroups at the edge of citizenship. Future research should further investigate the meaning of discourses within bureaucracies and administrations.

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Conflict of Interests

The authors declare no conflict of interest.

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Article

“No German, No Service”: EU Migrants’ Unequal Access to Welfare Entitlements in Germany

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Abstract

While existing research has analysed the intersecting migration and social security law, which stratifies migrants’ formal social entitlements, less work has been done on the informal stratifications beyond the law that determine substantive social rights. This article illustrates the informal barriers to de facto benefit receipt that intra-EU migrant citizens may experience when claiming social assistance in local German job centres, regardless of their manifest legal entitlements. Focussing on informal, yet commonly institutionalised practices of language discrimination, analysis of 103 qualitative, in-depth interviews reveal recurring patterns of administrative exclusion beyond individual instances of discriminatory behaviour. The unwritten rules and everyday practices shaping administrators’ claims-processing routines often go against what the law or administrative procedures proscribe, and could be considered as forms of discrimination. The former may be explained by institutional constraints, such as a performance-oriented management culture, legalistic claims-processing, or superficial diversity policies. By shedding light on how inequalities in access are constructed in daily administrative practice, this article adds to existing empirical knowledge on how informal inequalities in access emerge at different stages of the benefit claiming process, in contrast to formal social rights on paper, as well as social administrations’ handling of diversity in a context of transnational social protection.

Keywords

discrimination; intra-EU migration; social administration; transnational social protection

Issue

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1. Introduction

Interactions with the state bureaucracy may be an unfamiliar, unsettling experience for those not accustomed to the local language and the intricate functioning of the host country’s bureaucratic system. Being tasked with securing subsistence for the neediest population groups, German job centres are a good example of what clients may describe as a “faceless” bureaucracy. Benefit applicants and recipients often report feeling misunderstood. This includes migrant residents who can face experiences of discrimination when interacting with German employment administration, including job centres (Brussig et al.,

2017; Dittmar, 2016). However, I discovered through qualitative fieldwork that rather than being unwilling to support those in need, administrative staff commonly feel constrained by the institutional setting itself. Many appear to be dedicated caseworkers, wanting to improve the economic situation of some of the most vulnerable strata of society.

Shedding light onto the puzzle of perceived discrimination of claimants versus street-level bureaucrats’ often benevolent attitude towards them, this article unravels some of the mechanisms by which administrative exclusion can occur. The analysis focuses on the diffuse and unwritten yet systematic rules, or in other

words, everyday routines and practices of benefit claims-processing, rather than formally codified stratified social entitlements in law. The latter, legal exclusions from benefit receipt for different groups of European Union citizens, have been extensively covered elsewhere, for instance in the UK (Shutes, 2016; Shutes & Walker, 2017). While not necessarily discriminatory in intent (Gomolla, 2010), such diffuse forms of discrimination through state agents foster practices of exclusion and systematic unequal treatment, and differential *de facto* (practical) access, between groups of social benefit claimants with equal legal entitlements. To uncover the institutional structures contributing to inequalities of opportunity in claims-processing, I analyse the barriers to *de facto* access, focusing on the angle of language discrimination that intra-EU migrant citizens may experience when engaging in local claims-making in German job centres—a group whose experiences tend to remain overlooked while now constituting one of the largest immigrant groups in Germany.

Broadly, this research finds that administrative processes of deciding on a social benefit claim are characterised by intricate patterns of *de facto* inclusion and exclusion at street-level, which can emerge through administrators handling of discretion. Many of these informally institutionalised, or unwritten, yet systematic practices of unequal treatment can be related either to the erroneous application of the law or the formal, legalistic application of the same rules to every benefit applicant and recipient. Administrative routines along with the institutional and political environment, which may carry a signalling effect into the policy implementation (Wright, 2011), can reinforce individual decisions around administrative inclusion or exclusion. My analysis specifically shows how instances of language discrimination against those claimants who are not fluent in German can translate into denial of their benefits claims at street-level. The findings contribute to the field by unravelling how street-level bureaucrats deal with claimant diversity when translating administrative guidelines into action, for instance justifying practices of *de facto* exclusion through meritocratic principles of procedural equal treatment.

1.1. Methodological Note

The findings presented here stem from a larger PhD research project on how administrative practices in local job centres construct inequalities in access to basic subsistence benefits (Ratzmann, 2019). The study builds on 103 in-depth, qualitative interviews lasting between 15 and 180 minutes each with (a) key informants, including policy-makers, specialised service providers performing social, and labour market integration services for the job centre, legal experts, migrant advisory and advocacy agencies (such as welfare organisations), totalling 32 interviews; (b) intra-EU migrant claimants (16 interviews); and (c) job centre staff (55 interviews;

for a detailed breakdown of interviews see Ratzmann, 2019, appendix 3). The aim was to maximize variation in perspectives and voices to better understand the complex mechanisms of discrimination, including insights of those subjected to practices of administrative exclusion, of those shaping such practices, and of outsiders observing such daily implementation dynamics (for details see Ratzmann, 2019, pp. 85–88). The interviews were conducted in German and English, with a few exceptions of French-speaking respondents. The findings emerged from two main methods of qualitative data analysis, namely a closer interpretive reading of the interview scripts, and a relatively rigorous coding exercise. Transcripts were coded inductively after each round of fieldwork, using emergent themes instead of relying on *a priori* developed categories.

As regards feasibility, the study examined the implementation processes in a select number of cases in Berlin, choosing depth over breadth. Most interviews were carried out between June 2016 and July 2017 in Berlin, which is an interesting case as the biggest agglomeration with 3.6 million inhabitants. Berlin represents Germany's main migration hub, hosting three times more foreign nationals on its territory than the German average, who account for 19 percent of its population. Three Berlin-based job centres were selected as sub-cases to compare and contrast between institutionally similar locations (as all are administered jointly between the Federal Employment Agency and local government). I selected three institutions on the basis of their geographical location (taking into account the former East-West divide), their economic characteristics and their (migrant) claimant profiles. The aim was to achieve purposeful variance, inspired by Mill's (1843/2002) most different systems design. Considering the context of a qualitative study employing an interpretivist methodology, Mill's comparative case study method was loosely applied instead of starting out with a formal hypothesis. Potential hunches developed from the literature review served as a starting point, while I remained open to any analytical ideas emerging from the data in a grounded approach.

The study overall relied on the idea of context-dependent transferability across job centres of similar embeddedness (see Crotty, 1998). For that purpose, I triangulated emerging findings from the Berlin-based interviews with observational material from expert discussion fora and practitioners' meetings that bring together job centre representatives from various German regions (including expert meetings organised by the German Federal Ministry of Labour and Social Affairs, the German Chancellery, or round tables by civil society, such as the German welfare organisations; for details see Ratzmann, 2019, appendix 3). The analysis suggested that local variation in job centres, whether concerning their geographical location or their (migrant) claimant profiles, did not seem to materially affect street-level bureaucrats' conduct and attitudes. Even though some variation in terms

of magnitude may arise, the overall trend of seeking to complicate access for EU migrant groups appeared to persist across locations of similar embeddedness (i.e., in those local job centres jointly run by local governments and the Federal Employment Agency). As such, the findings presented here illustrate the informal processes that may lead to recurring instances of discrimination, but whether such practices are applied by the caseworker within a local job centre depends on the individual case.

2. Conceptual Backdrop: Between Law and Implementation

The EU upholds the principle of freedom of movement, thereby entitling its citizens to move to, reside mostly without restrictions, and work without a work permit or visa in another EU country. EU worker citizens involved in employment in a member state other than their own enjoy equal treatment with nationals in accessing employment and associated social advantages. With this may come a common pretence among EU and national policy-makers that EU migrant citizens living in another member state are treated as non-discriminated co-nationals. However, to what degree are these legal principles upheld in practice? To provide a backdrop, the first section sketches out the legal framework on intra-EU migrant citizens' social rights. Then I discuss potential sources of discrimination that may arise during policy implementation from a conceptual point of view, taking into account the links to administrative discretion at street-level.

2.1. Social Security: Entitlements and Regulations in Germany and the European Union

In brief, the German social security system provides three forms of income support, namely a statutory, contribution-based unemployment benefit (UB I), a means-tested, tax-financed unemployment benefit (UB II) for jobseekers without sufficient contributions, and a social assistance benefit for citizens unable to work. As a legal baseline, EU citizens who are exercising rights of free movement are entitled to social benefits in Germany under the Freedom of Movement Law (FreizuegG/EU), which translated relevant European directives into German national law. During the initial three-month period, incoming EU citizens generally cannot claim any German social security benefits. After three months, social entitlements diverge: Economically inactive EU citizens are not eligible for any type of German social security benefit during their first five years of residence. In contrast, economically active EU citizens can receive German subsistence-securing benefits as income supplements to reach the social minimum (which is defined by the current UB II benefit level) if their income falls below that threshold and if they have contributed to German social security for at least six months prior to their spell of unemployment. On an operational

level, EU Regulation 883/2004 on the EU social security coordination dictates that local welfare administrations should formally request social security contributions in a claimant's previous country of residence in order to establish eligibility.

Administrative guidelines specify how to process claims in practice. For instance, to initiate a benefit claim, the official procedures set out by the Federal Employment Agency envision a written response to any application independent of its prospects. Further provisions to get access to social benefits include a list of mandatory documents to provide for claims-processing, or when to apply sanctions (i.e., benefit cuts when claimants do not fulfil their duties). As for intra-EU migrant citizens, their entitlements include being provided with an interpreter at no cost by the respective job centre if they are unable to communicate in German—based on EU-Regulation 883/2004, which stipulates EU citizens' right to be served in their home country's language. The Federal Employment Agency Directive on Interpreting and Translating Services furthermore specifies that:

As part of the freedom of movement within the European Union, EU workers...without sufficient levels of German can avail themselves of services provided by the Federal Employment Agency. For this target group, access...should not be impeded by language barriers. All necessary interpreting and translating services should be provided. (Bundesagentur für Arbeit, 2011, p. 1, translation by the author)

Still, legal entitlements do not necessarily translate into the practice of de facto access to social benefits. Going beyond the legal stratifications of social entitlements, this article centres on the forms of discrimination that may arise when local administrators exercise discretion during local claims-processing, as discussed in the following section.

2.2. Formal and Informal Expressions of Discrimination

Discrimination commonly is defined as policies and actions that disadvantage some persons or social groups based on their membership in that group (Beigang et al., 2016). While the literature distinguishes between interpersonal, structural, discursive and institutional discrimination (Gomolla, 2010), this article focuses on the links between interpersonal and institutional discrimination. In this research, institutional discrimination can be understood as legal entitlements and institutional structures and procedures that may create inequalities in treatment. Such inequalities may lead to de facto unequal access to state-provided benefits and services. Considering the complexity of discrimination on legal, managerial and institutional levels, my analysis operationalises the concept through a focus on barriers to de facto benefit receipt and their underlying mechanisms.

I analyse the actions and decisions of individuals as institutional representatives, which are shaped by the larger institutional framework and its functioning logics (Scharpf, 2000). The focus remains on the practices themselves, so the implementation dimension rather than the legal framework, which can closely relate to questions of fairness and social equality in a given society. Societal consensus of what is considered legitimate is commonly expressed in legal categories (Yanow & van der Haar, 2013). Hence, the legal framework, and its operationalisation through administrative guidelines, serves as the yardstick against which I compare inequalities in treatment.

I found that discriminatory practices can emerge at different stages of claims-processing without discriminatory intent, for instance through legalistic equal treatment that disregards the diverse needs and circumstances of claimants. To systematise the characteristics of discriminatory treatment in local job centres, i.e., interpersonal, yet institutionally embedded discriminatory acts, I developed a matrix through inductive data analysis of my interviews and field notes (Figure 1).

The taxonomy of forms of discrimination is based on definitions from existing literature on discrimination (e.g., Gomolla, 2010), and these are elaborated through my qualitative data analysis to inductively develop their specific content as shaped through the workings of social administrations. As illustrated in Figure 1, the multi-level setting of EU and national law on the one hand, and rules of the institutions regarding principles of implementation on the other, creates room for administrative discretion. This discretion can then translate into inequalities in de facto benefit receipt or, in other words, different forms of discrimination for certain claimant groups. Generally, we can distinguish between direct and indirect, or hidden forms of discrimination (i.e., their degree of formalisation or institutionalisation on the horizontal axis).

Indirect discrimination happens when the same institutional rules and practices are applied to every benefit claimant, which might disadvantage some of them because of their characteristics. For instance, the Race Equality Directive (Council Directive of 29 June 2000, 2000) of the EU defines indirect discrimination as instances “where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons” (even though, based on the legitimate aim exception clause, there may be grounds to discriminate for objectively justifiable, proportionate reasons). Principles of formulaic equality fall in the realm of indirect discrimination, as equal treatment may lead to unequal outcomes. Moreover, a distinction between interpersonal and institutional discrimination is to be made (on the vertical axis). Interpersonal discrimination is related to discriminatory treatment of an individual based on his or her attitudes and subsequent behaviour, while institutional discrimination sheds light onto the institutional environment and its rules and procedures, in which the discriminatory strategies of action emerge as part of administrators’ professional role (Gomolla & Radtke, 2009).

2.3. Characterising Street-level Implementation: Between Discretion and Informal Practices

In the context of this research, discrimination often plays out in the form of informally institutionalised, patterned administrative practices of inclusion and exclusion from *de facto* access to social benefits and services. Such administrative practices may have an unequal impact on benefit applicants and recipients with equal legal entitlements. The informal side of discriminatory exclusion from, or unequal inclusion into, benefit receipt has been articulated in the street-level bureaucracy literature when studying administrative discretion but has received less attention in conceptual writings on discrimination.

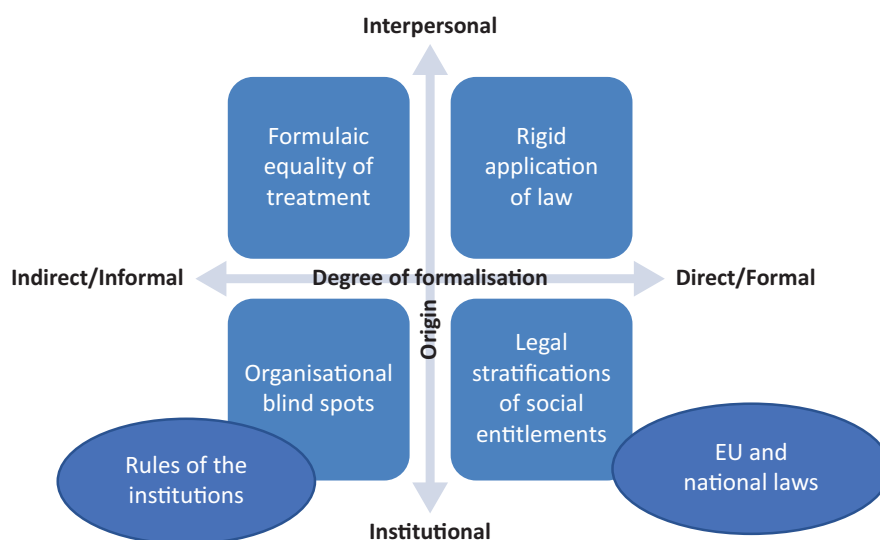


Figure 1. Characterising multi-level institutional discrimination in local job centres.

In a nutshell, the respective literature describes street-level bureaucrats as those public service workers who interact directly with individual citizens in the course of their jobs, supplying claimants with often essential services that cannot be obtained elsewhere (Brodkin, 2013). Provision of subsistence-type benefits in German job centres constitutes a typical case of street-level work. Lipsky (1980), pioneering this body of scholarship, described the simplifying routines street-level bureaucrats rely on to deal with the pressure of policy implementation. Such coping strategies include people-processing techniques to manipulate caseloads, such as rationing and parking through use of waiting lists, rule adaptation, withholding of information, or creative rule interpretation for circumstances that had not been foreseen in the policy. Administrative burden commonly occurs as a side effect of such administrative coping strategies, but can also be deliberately imposed by social administrators to limit benefit and service receipt (Dubois, 2010). For instance, informal gate-keeping can emerge by imposing disproportionate and burdensome, hidden administrative costs that are not required by law, such as asking for additional documentation to process a case, or sharing information with some applicants but not others (Brodkin, 2013).

Related research further explored how local bureaucrats are far more than mere technocratic implementers of law and policy. Maynard-Moody and Musheno (2003), in an in-depth study of US police, teaching, and social administration, argued that bureaucrats use administrative discretion around following or bending rules based on the claimants' apparent deservingness to state support or lack thereof, rather than due to work pressure and routines shaping individual decisions. This body of research (e.g., Perna, 2018; Schweitzer, 2019), which stresses the politicised nature of discretionary claims processing, thereby focusing on administrators' value judgements regarding the claimants' circumstances. Here, administrators are understood as co-producers of normative value systems on the legitimacy of a claim made. For instance, Alpes and Spire (2014) in France, or Triandafyllidou (2003) in Italy, explained inconsistent decision-making by local migration authorities, in the form of case prioritisation, by administrators' ambition to protect cultural homogeneity. Therefore, it creates hidden borders to territorial access based on who administrators consider as belonging in the country. Analysing processes of inclusion and exclusion of EU migrant citizens in local job centres in the UK, Dwyer et al. (2019) alluded to issues of institutionalised welfare chauvinism, following a similar logic of excluding those not considered to belong.

The study of discretion is of interest once such informal strategies of inclusion and exclusion by local administrators develop into systematic routines (Brodkin, 2013). Differences in treatment can emerge because there is ample room for discretion built into the legal framework on social benefit receipt, to allow for the tailoring of measures specific to claimants' individual needs. While decisions on benefits access as such are not dis-

cretionary, different ways of thinking about the benefit eligibility in German job centres indirectly open space for significant informal discretion (Heidenreich & Rice, 2016). As a characteristic feature of service provision, discretion enables administrators to make a trade-off between efficiency, managerial pressure, and responsiveness to claimant needs. Moreover, procedural discretion can be exercised at several stages of the job-seeker's basic allowance claim, such as decisions about documentation required for processing a claim, the waiting times for processing a claim, or the application of sanctions once the benefit has been granted. As such, discretion refers to the flexible exercises of judgement and decision-making practised by public administrators, creating leeway for interpreting formal rules that affect the costs of claiming (Brodkin & Majmundar, 2010).

Yet whether street-level bureaucrats exercise differential, and often discriminatory treatment, depends not solely on their attitude and willingness, but equally is shaped by institutional opportunities and constraints. For instance, some claimants are viewed as having, on average, some characteristics that might render their case challenging or costly to process—and hence incentivises parking techniques, which could be considered a form of unequal, and hence discriminatory treatment. Discrimination can also arise from a systematic lack of awareness for certain claimants' needs, or so-called organisational blind spots (Bach & Wegrich, 2018). In other words, (in)formal discretion can open space for unequal treatment when processing benefit claims, which goes beyond erroneous interpretation of the legal and administrative framework. Primarily agency-based, such interpersonal forms of discrimination can be conditioned by institutional constraints, such as having little time to process legally complex and ambiguous cases like those of EU citizens, which could be interpreted as expressions of institutional discrimination.

The recurring practise of imposing German as the only language of communication in the claiming processes is the focus of this article. Such an administrative practice may turn intra-EU migrant citizens' social entitlements into a subject of discretionary deliberation instead of a pre-determined set of legal rights. In the context of benefit claims-processing, knowledge of the German language appears to serve as an informal vehicle to define the boundaries of membership in a community of solidarity, symbolically demarcating insiders and outsiders. As scholars (including Lamont & Molnár, 2002) have demonstrated, such symbolic boundaries, functioning as social distinctions, could manifest themselves materially in the unequal distribution of resources. Local decisions on benefits access can translate into what qualifies as a case of boundary practice.

3. EU Migrants' Unequal Claiming Experiences

The interview sample reveals informal processes of excluding some intra-EU migrant applicants from access

to benefits and associated labour market integration services but not others. Such inequalities in treatment may emerge during different stages of the claiming process, creating a series of hurdles (detailed in Ratzmann, 2019, pp. 100–114). Enforcing German as a language of communication appeared as a persistent practice across all stages, namely when initiating the claiming process, processing the application, and during the phase of benefit receipt.

In the following, I disentangle some of the informal expressions of agency-based discrimination, approaching it through the angle of language discrimination. The practices described here have been developed inductively from the interview data, following an interpretivist research approach (Soss, 2006), while triangulating them with findings of related research in Germany (Brussig et al., 2017; Dittmar, 2016), but also other EU countries, such as Austria (Holzinger, 2019; Scheibelhofer et al., 2021).

3.1. Informal Expressions of Language Discrimination

Overall, intra-EU migrant citizens in this study identified the insistence on German as the only language of communication with job centre staff as one of the key barriers to benefit and service receipt. As the data collected for this research indicate, EU foreign language claimants often felt discriminated against based on their inability to speak German, as this English-speaking interviewee studying for a PhD in Germany highlighted:

Sometimes I can speak English and they can understand. But from my experience, going through this process, more often than not, they will stop you and say: “No”....I just remember the language being a huge problem. (claimant interview 2)

Several migrant interviewees perceived job centres’ staff as unwilling to accommodate their limited language abilities in all phases of claim-processing (e.g., claimant interviews 5–7, 9, 10, 17), being told to converse in the “official language, German” (*Amtssprache Deutsch*). In other words, if foreign-language applicants were not fluent in German when submitting their application or when attending appointments with their respective labour market advisors, they would not always be served in the same ways as those comfortable speaking the German language, as in the experience of the intra-EU citizens I interviewed (claimant interviews 1–6, 8–12, 18). Such a practice of denying claims on the basis of “no German, no service” (from my field notes, job centre Berlin) not only contradicts the EU Regulation 883/2004, which stipulates EU citizens’ right to be served in their home country’s language, but also the 2016 Federal Employment Agency Directive on interpreting and translating services. According to administrative protocol, intra-EU citizen claimants whose German skills are insufficiently developed to claim in German are entitled to an interpreter.

The field research further shows that not observing administrative protocol on language diversity could entail significant compounding effects. For instance, several key informant interviewees (2, 5, 9, 17, 19, 27), mostly from welfare organisations, revealed how job centre representatives may informally intercept claims without written justification as an informal gate-keeping technique. Effectively, several applicants in my study were denied the opportunity, and legal right, to submit a written benefit form to formally start the claiming process (claimant interviews 4, 6, 9, 10). Instead, their claim was rejected without the formal screening of their application, which could be qualified as interpersonal discrimination. I found that those applicants who could not fluently converse in German, appeared to be at risk of being turned away at job centres’ entrance zone (e.g., claimant interview 6). As a French interviewee recalled, when she conveyed her difficulties of conversing in German to the receptionist at the local job centre she attended by saying: “Hello, I am non-German, but I can’t speak German well, so I am speaking slowly.” The response at reception simply was: “What a pity for you!” Such an answer led her to feel unwanted, of being perceived to be a “parasite,” as she stated (claimant interview 10). Yet, as such practices tended to appear across job centres of different characteristics and locations, they could be seen as informally institutionalised. They did not appear to occur as isolated individual instances. Furthermore, a job centre in South-Western Germany even put up a sign at the reception, stating: “No service without an interpreter” (from field notes at practitioners’ meetings), turning individual administrators’ lack of responsiveness to foreign claimants’ entitlements of and needs for translation into a formal practice of exclusion. My key informants consequently qualified language as an indirect instrument to regulate access to benefits and services in practice, burdening those claimants who were less equipped to fulfil these informal language requirements (e.g., key informant interview 9).

I found that similar dynamics of informal gate-keeping, especially when intra-EU migrants’ felt unprepared, also characterised subsequent phases of claims-processing. Fieldwork showed that once intra-EU migrant citizens handed in their benefit application, many of them encountered less tangible barriers to accessing transnational social protection, including unnecessary administrative burdens that arose during the processing of their benefit application (claimant interviews 2, 4–7, 10–13, 18). For instance, the burden of proof for detailing previous social security provisions tended to be shifted to the claimants themselves, instead of local job centres relying on inter-agency cooperation and requesting this from the claimant’s previous country of residency (e.g., key informant interview 2; field notes from civil society roundtables). Despite being envisioned through the European legal framework, transnational social security data exchange appeared to rarely happen in practice (also Scheibelhofer & Holzinger, 2018).

My EU migrant interviewees recounted how being tasked to provide such documentation themselves could discourage them to pursue a claim (claimant interviews 10, 13, 18), as foreign national bureaucracies tended to only issue such documents when requested in person. The procedure obliged intra-EU migrant applicants to travel home, engendering financial losses and significant time delays in processing the claim. EU applicants commonly also had to cover travel expenses and translation costs because local job centres may only accept such documentation when translated into German, even though costs ought to be covered by German job centres themselves (key informant interview 2; field notes from civil society roundtables).

Another local-level practice that produced intangible costs to claiming was the request of additional documents not essential to claims-processing (key informant interviews 1, 9, 17, 26, 27): These had either ceased to exist (such as a registration certificate for EU citizens issued by the German Foreign Office) or were commonly difficult to obtain (e.g., deregistration certificates from their last country of residence; all notices of termination of employment within the last 15 years; vaccination certificates of their children, mirroring findings of a non-representative survey; also see BAGFW, 2021). In short, proof of eligibility, including the provision of documents translated into German, tended to be outsourced to the claimants rather than handled at the inter-agency level as foreseen by the administrative framework.

The described cumulative disadvantage could carry into the next phase of benefit receipt. The case of a Polish claimant I met during my shadowing activities exemplifies this process. When I observed the meeting at the local job centre, the first question asked of the claimant was whether she was able to speak German. When she answered “not very well,” the immediate reaction of her labour market advisor was irritation about why she did not bring an interpreter. Subsequently, when they tried to fill in the application together, inconsistencies in the claimant’s work history arose. The inconsistencies appeared to result from the claimant’s inability to express herself in German. These inconsistencies nevertheless fuelled the suspicion and anger of the local administrator, who ended up concluding: “This all seems a bit strange, a bit dubious to me. I have a hard time believing you, I have to admit. I have to investigate.” After the meeting, the administrator turned towards me, stating that “towards those who try to advance a pregnancy to circumvent the work requirement, [I am] always suspicious....As for Eastern Europeans, one has to investigate very carefully” (from field notes at a local job centre). In her manner of reasoning, the social administrator implicitly relied on the discriminatory trope of social tourism, whereby an intrinsic link between perceived illegitimate behaviour of welfare abuse and national belonging appears to be drawn (for details see Ratzmann, 2021).

During my fieldwork, I could observe other episodes of restrictive scrutiny of EU national claimants who were not very well-versed in German, for instance when a labour market advisor sanctioned another Polish claimant for not attending a job search coaching to which he had assigned him. He qualified his clients’ behaviour as intentional non-compliance while the written correspondence with the benefit recipient I reviewed revealed very poor German language skills, suggesting that the recipient might not have understood the purpose of the training (from field notes at a local job centre). The latter consideration may have called for some leniency in the use of administrative discretion, considering the lack of German knowledge, particularly when it comes to complex administrative language. This could have included spending more time on the claimant case, making sure the procedures have been correctly understood instead of rigidly and immediately sanctioning the benefit recipient.

The described instances illustrate how language remains not only a functional element of communication but can act as a signifier of legitimate belonging to the respective community of solidarity. As I explore elsewhere (Ratzmann, 2021), job centre staff often consider those deserving who can converse in German, and appear “German enough,” hence who assimilated into the German host society. Social administrators’ ideas of deservingness, of who they consider to be legitimate receivers of state-financed social support, tend to be conditioned by claimants’ knowledge of the German language. The latter is taken as means to draw the (symbolic and material) boundaries between insiders and outsiders of de facto benefit recipients. In other words, street-level access to benefits can become linked to a “cultural conditionality” logic, whereby EU citizens are expected to demonstrate belonging through cultural markers such as language as proof of interest to integrate. Those with limited German knowledge remain barred from de facto access through the informal and formal strategies of exclusion from benefit receipt described above (for a similar argument based on the Austrian case see Holzinger, 2019).

Nevertheless, while patterns of informal exclusion through administrators’ claims-processing can be discerned from the qualitative interview material, street-level bureaucrats should not be regarded as a homogeneous group. Considering social administrators’ scope for informal discretion during policy implementation, some sought to relax the imposition of the language-related administrative burden (from field notes at a local job centre). They demonstrate adaptation to EU citizens’ language abilities whenever possible, as this labour market administrator (bureaucrat interview 21) explained:

I try really hard. I repeat. I try to simplify sentences or sometimes I write things down, on a piece of paper: Please go to local authority. Get document. So that the message passes. I also rely on gestures and mimics.

Strategies included resorting to written notes that applicants could take with them to have translated elsewhere, and to English or using simplified German words and sentences (bureaucrat interviews 7, 8, 10, 26, 35). Such strategies could help to break down the complexity of administrative procedures, as, for example, official letters and documents could be up to 160 pages long and written in complex legal language. The awareness of immigrants' needs as newcomers described here, and willingness to accommodate them, often related to social bureaucrats' personal intercultural experiences or their own family history if characterised by immigration (Ratzmann, 2019, pp. 190–192).

The next section explores how various patterns of informal administrative inclusion into, or exclusion from, *de facto* benefit receipt may occur during discretionary claims-processing. It uncovers some of the underlying mechanisms, including the unawareness of EU migrants' complex legal entitlements or their needs as newcomers to German society and bureaucracy, that serve as organisational blind spots and thereby engender (institutional) discrimination.

3.2. Explaining Intra-EU Migrants' Local Claiming Experiences

As postulated above, ideas about belonging and deservingness may shape *de facto* access to benefits and services, based on "appearing German enough," or in other words, cultural assimilation. My findings suggest that discriminatory attitudes towards claimants with limited German language ability can be present among job centre representatives (e.g., bureaucrat interviews 10, 32, 41, 46, 51). When advancing their individual reasoning, some interviewees would draw a link between claimants' German language skills and their perceptions of what constitutes legitimate access to state-financed social benefits and services. As both a labour market advisor and a benefits clerk exemplarily suggested (field notes at a local job centre; bureaucrat interview 41), they considered language skills as a prerequisite to legitimate benefit receipt:

Often they don't speak the language, but they tend to know how to get access. I find that bit annoying.

Problematic are foreigners who don't speak German....They are too lazy to understand the official letters.

Such a finding typifies the dominating paradigm of German migrant integration policy, which builds on the implicit assumption that immigrants are transient guests that remain "othered outsiders" until they culturally assimilate (Triandafyllidou, 2001).

Several interviewees further indicated an institutional unresponsiveness to immigrants' needs beyond the individual case, which they related to structurally

induced constraints, such as weakly institutionalised diversity policies within employment administrations (e.g., bureaucrat interviews 2, 11, 28, 35). In that regard, job centre representatives talked about not having the means to overcome language barriers. They reported feeling ill-equipped to address the challenges that could arise from migration-related diversity. Some job centre respondents equally highlighted their discomfort in conveying legally sensitive matters in a foreign language within which they may not be very well-versed (field notes at a local job centre). Furthermore, interviewees from both inside and outside the job centre noted that, on an informal level, the institutional commitment to diversity lacked behind (bureaucrat interviews 11, 28, 35; key informant interview 11). Although local institutions had started implementing the Federal Employment Agency's diversity strategy of 2007, which marked a formal commitment to diversity, respondents considered related changes in administrative procedures in practice to have remained incidental and superficial thus far (Ratzmann, 2018). An illustrative example is the translation hotline that individual social administrators could call when interacting with claimants unable to converse in German. Observations from the field showed that its existence remained largely unknown at street-level, and if known, not taken up (from field notes at job centres in Berlin, civil society roundtables, and practitioners' meetings).

In short, administrative claims-processing that encompassed some form of language discrimination may be related to two commonly interrelated factors: individual attitudes on a claimant's deservingness, which could motivate social administrators to disregard legal and administrative provisions, and a structurally-induced lack of intercultural awareness, which could reinforce the former trend. Informal practices of discrimination could arise from the interplay between unawareness of how to accommodate intra-EU migrant claimants' needs on an individual level, as well as a perceived lack of means to adequately address language diversity through the institutional means provided. Yet some differences prevailed depending on the job centre studied, with some local institutions appearing more attuned to language needs than others, offering translations of some key documents for claiming in select European languages (Ratzmann, 2019, pp. 164–165).

Additionally, fieldwork revealed the role of erroneous application of administrative guidelines and the legal framework on intra-EU citizens' entitlements. As one administrator stated (field notes from a local job centre), "it is insane how many exceptions there are in the legal framework. It is very ambiguous." A feeling of loss about the myriad of legal rules, administrative guidelines, and court rulings, which all had to be considered when assessing an intra-EU citizen's claim appeared to prevail in several job centres. In the words of a benefits clerk (field notes from a local job centre), "EU citizens are among the most difficult claimant groups, because their

cases are very complicated to process.” The legal complexity of assessing an intra-EU migrant citizen’s claim could result in an inadequate application of discretion, or superficial treatment of cases. As a further compounding effect, I noted that barriers to access could be impacted by informal practices of formulaic equality and standardised equal treatment, in other words, of applying the same rules and treatment to every benefit applicant or recipient independent of the diverging needs and circumstances (bureaucrat interviews 3, 23, 24). As this social administrator’s argument exemplifies, such a practice appears to be tied to ideas of individual fairness and a structural unawareness of migrants’ diverse challenges as newcomers to a society which has perennially declared itself a non-immigration country:

I treat every client the same, I take it fairly literally. Thus, I don’t experience any moral conflicts. I treat all my clients the same, independent of how I perceive them, nice or not nice, whether I understand them or not. (bureaucrat interview 30)

Serving each claimant in a similar manner may engender equity in treatment but not in outcome, as diverse claimant groups have differential needs to be served, including their different capabilities to communicate in German.

The qualitative interviews also revealed how claims-processing could transpire into rationing access, parking, and rule adaption, which are typical coping strategies of local bureaucracies to resist work and managerial pressures (see Brodtkin, 2013). Interviews showed how parking techniques appeared to be related to case complexity. Intra-EU citizens’ case files were often subject to parking because their cases were complex to process, often due to ambivalent legal entitlements and potential communicative difficulties with claimants to clarify circumstances (bureaucrat interviews 5, 30; key informant interview 23). Administrators sometimes turned away benefits claimants in need simply to protect themselves from additional or unpleasant work (e.g., bureaucrat interview 13). As local bureaucrats described themselves, pushing hard-to-serve claimants out of sight helped them to cope with what they described as unmanageable workloads of 600 to 900 cases per administrator, referencing 250 to 300 cases as a manageable yardstick (bureaucrat interviews 5, 14, 15, 20, 47). Job centre respondents alluded to how performance measurement principles of efficiency and quantity could counteract individualised processing of claims, not taking differential needs and circumstances into account (bureaucrat interviews 3, 5, 29, 31). Performance control could instead produce adverse displacement effects, i.e., the rejection or delay of time-consuming cases (bureaucrat interviews 7, 13, 12, 21).

Finally, the findings point to compounding effects between the interpersonal and the institutional, as individual discriminatory attitudes could become reinforced

through mistranslations (e.g., bureaucrat interviews 3, 23, 28). Instances of miscommunication, when claimants’ insufficient German language skills prevent both parties from clarifying potential misunderstandings, could activate stereotyped representations, such as the trope of social tourism (field notes from local job centres; also Ratzmann, 2019, pp. 157–158). An episode reported by a social lawyer I interviewed is illustrative in this regard (key informant interview 26). He explained how implicit cultural expectations about language proficiency in German can become intertwined with stereotyped representations of some EU national groups:

When people hear Bulgarian, they often think: “Ah, Bulgarian.” And only when he or she speaks in fluent German...[do] they rethink and reorient their perceptions.

Put differently, administrative exclusion could arise from a communication gap between job centre staff and EU migrant claimants, as decisions may be based on incomplete information or false premises. Such a gap could be widened by the often complicated and complex linguistic terms public administrators tend to rely on. In the words of one of my foreign language respondents:

It is somewhat about how things are communicated to you. There is always a kind of a mismatch, or a misunderstanding, or a miscommunication. That tension, or frustration, that happens because you can’t speak the same language. (claimant interview 2)

Communicative problems could be exacerbated by an implicit and insufficient appreciation of EU migrant claimants’ needs as newcomers to German society. Even though an administrative framework on language policy regarding intra-EU citizens exists, it seems to remain largely unapplied in local claims-processing. Such implementation lags and erroneous application of administrative frameworks and institutional strategies on language diversity influence the ways in which street-level bureaucrats exercise their informal discretion around accommodating language needs or not. In other words, discretion enables some of the discriminatory treatment identified in this article. As a result, claimants’ ability to converse in German becomes an instrument of strategic exclusion from *de facto* benefit receipt, whether intended or not.

4. Discussion

The findings presented here highlight the relationship between individual strategies of claims-processing and their institutional embeddedness, i.e., the meso-level institutional forces that impact administrative routines in a systematic manner and may lead to administrative exclusion of some intra-EU migrant claimant groups. Compared to literature on discrimination focusing on the interpersonal interaction dynamics that create unequal

opportunities structures (Beigang et al., 2016), part of the original contribution of this article is this exploration of the entanglements between legal entitlements as rights on paper, and de facto access structured by the institutional setting within which local social bureaucrats implement policies. Hence, while the practices described in part one of the analysis remain agency-based, the second part illustrates how the institutional environment shapes individual decisions, tied to processing routines and organisational blind spots, which reinforce or mediate individual attitudes.

In sum, German job centres, like their Austrian equivalents (Scheibelhofer et al., 2021), continuously present themselves as mostly monolingual organisations in practice, resulting in intra-EU migrants' de facto access to social benefits and services being impacted by claimants' knowledge of the German language. Both administrators and claimants tended to portray German non-proficiency as an individual deficiency of the respective foreign claimant, rather than as a structural issue of the institution. Such a lens evokes ideas of cultural assimilation, of how cultural exclusion or "insiderness" is produced. As such, foreign claimant interviewees' accounts suggested that they internalised the implicit demand for German knowledge as a prerequisite to claim, interpreting potential instances of language discrimination as their fault and "not as a problem of the system" (claimant interview 2). In the words of one of the interviewed EU claimants, language remains "the means through which you get integrated" (claimant interviews 5, 7). Consequently, language is not simply a functional element of communication, but it also turned into a signifier of willingness to integrate. In this way, job centre staff often made those not able to converse in German feel they were "not belonging." In more theoretical writings (e.g., Fanon & Philcox, 2004), it has been argued that such (internalised) demands for language acquisition could be interpreted as a form of racism.

Interestingly, the case of intra-EU migrants' potential experiences of language discrimination could be contrasted with those of refugee claimants. Some job centre respondents alluded to a stronger willingness to accommodate linguistic deficiencies if claimants "fled from a country at war," compared to EU citizens whom they would categorise as voluntary migrants (e.g., bureaucrat interview 45). Here, ideas of deservingness became conditioned by migrants' control over their situation (see van Oorschot, 2008). Such logic could equally be observed at an institutional level: the job centres studied for this research appeared to implement a multilingual service culture more systematically for refugee claimants. This could involve funding made available to hire interpreters for the languages spoken in refugees' countries of origin, but not for other migrant claimants.

Overall, the findings presented here allow for conclusions to be drawn on how informally institutionalised practices of handling linguistic diversity at street-level may contribute to defining the boundaries of de facto

social citizenship in practice, and who can access entitlements to social benefits and services. Resonating with Lamont and Molnár's (2002) work, the symbolic boundaries drawn between linguistic insiders and outsiders could materially manifest themselves as unequal access to welfare resources. Put differently, the observed selective and incidental implementation of language policies could produce inconsistencies in social administrators' application of administrative and legal guidelines during claims-processing, which could translate into denial of benefit receipt in practice. As a side effect, such inconsistencies led intra-EU claimants to grapple with ambiguous rules and regulations, potentially causing them to abandon their claim.

5. Conclusion

This article explored how institutionalised practices of claims-processing at street-level can lead to barriers in access to and de facto exclusions of some EU migrant citizens with legal entitlements to social benefits. To that end, the article first explored local administrative practices of inclusion and exclusion based on claimants' ability to converse in German. The research then explained the occurrence of such practices through the interplay between individual claims-processing routines and implementation constraints, showing how individual attitudes can become reinforced through the institutional environment. As such, the findings illustrate how practices of individual discrimination can emerge through institutional constraints of street-level work, which may force administrators to exclude applicants from benefit receipt for reasons other than their individual attitudes. Due to the described pressures of administrative work, the current claiming system creates added costs for street-level bureaucrats to act on preferences of inclusion.

Overall, the analysis highlights the discrepancy between EU migrants' formal entitlements in principle, and their substantive rights in practice. The findings provide suggestive evidence to explain German social bureaucracy's incapacity to handle linguistically-diverse groups of claimants. While local social bureaucrats may not discriminate intentionally, their day-to-day practices can bring about adverse effects for intra-EU migrant claimants. Knowledge of local language not only facilitates their manoeuvring within German society and bureaucracy in practice but also symbolically allows them "to belong." Hence, while certain inequalities in treatment may be justifiable from an administrator's point of view as coping strategies, such de facto displacement effects raise the moral question of what sorts of disadvantage state administrations should pro-actively counterbalance. Should granting social rights to foreign claimants go hand-in-hand with securing equal access to claiming rights in practice? Hence, should it be a government responsibility to offset the diverse needs and circumstances of claimants?

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Conflict of Interests

The author declares no conflict of interests.

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Article

Welfare Deservingness for Migrants: Does the Welfare State Model Matter?

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Abstract

This article draws on the idea that welfare systems and institutions are based on normative assumptions about justice, solidarity, and responsibility. Even though the literature on welfare deservingness has highlighted the connection between ideas of solidarity and the support to, for instance, people with different ethnic backgrounds, there is very little research on the interconnections of different welfare state models and ideas on how migration should be governed. This article suggests that there is a link between the welfare state models suggested by Esping-Anderssen and different discourses on migrant welfare deservingness. The article explores the interlinkages of three welfare state models—liberal, social-democratic, and continental-corporative—and four discourses on welfare deservingness of migrants in respect to social welfare—labourist, ethno-cultural, residential, and welfarist (see Carmel & Sojka, 2020). It is suggested that the normative foundations embedded in different welfare systems lead to dissimilar ways of approaching migrants and migration.

Keywords

European Union; migrants; welfare chauvinism; welfare deservingness; welfare state models

Issue

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1. Introduction

Several authors have remarked on the fact that different types of welfare states are loaded with different normative ideas on justice and fairness, and ultimately also on who is considered to be “deserving” of welfare. Literature on “deservingness” (Jeene et al., 2014; Jørgensen & Thomsen, 2016; Schneider & Ingram, 2005) have been considering ideological assumptions about who does (and does not) deserve access to welfare. However, authors have not been focused on the interconnections of welfare state models and the idea of deservingness. There has been some research on the differences between the US and Europe in terms of who is considered to be deserving of welfare, but few stud-

ies have explored how different welfare state models in Europe might influence ideas on migrants’ “deservingness” (see Eggebø, 2010; Jeene et al., 2014). Our article fills this existing gap by exploring how different welfare state models might impact the arguments used to either advocate for or appeal to migrants’ deservingness of welfare. We also explore the reasons as to why such arguments might have come about.

This article draws on an earlier one by Carmel and Sojka (2020) where the authors distinguished four different models of “belonging” for migrants. Our research was motivated by a lack of complexity in our current understanding of (migrant) welfare deservingness and its focus on conditions for accessing social welfare that are applied to various migrant categories in

different European countries. For instance, migrants can be denied welfare benefits based on their ethnicity or their lack of contributions to the welfare system. There are, however, important questions to be explored in connection to the complexity of migrant inclusion and its connection to welfare provision, one of them being: Can welfare state models affect which arguments are used to support or deny a migrant's access to welfare?

Our article draws on empirical data gathered in the UK, Sweden, Poland, Germany, Austria, Hungary, Bulgaria, and Estonia in 2015 and 2016 as part of the NORFACE-funded TRANSWEL project. The data used in this article is mainly based on 50 expert interviews. The article will explore the relationship between four various types of discourses on welfare deservingness for migrants in three different types of welfare states: social democratic (Sweden), liberal (UK, Estonia, Bulgaria, Hungary), and conservative-corporatist (Austria, Germany, Poland).

2. Welfare State Models, Rationales of Belonging, and Deservingness

The article draws on the idea that welfare state models contain ideological premises but also, over time, begin to reproduce them. A simple example is whether individual effort is seen to determine income: If so, low redistribution and low taxes are preferred; but if income is seen as more dependent on luck, birth, connection and corruption, higher taxes and potentially progressive, income tax is to be preferred (Alesina et al., 2001). This article suggests that the same kind of normative and ideological assumptions embedded in welfare state models can influence whether migrants are seen to be deserving of benefits or not. Unlike the connection between, for instance, whether unemployed people are seen as deserving of welfare access in different welfare regimes, exploring the interconnections between welfare state models and migration is, however, slightly more complex. Several articles have focused on the topic of moral assumptions behind migrant welfare deservingness (see Greve, 2019, Kootstra, 2016), but the connection between welfare state models and how different ways to define migrant welfare deservingness are connected is not well explored. Instead of seeing deservingness as a binary concept, distinguishing between deserving and undeserving, we intend to explore the versatility of discourses on migrant welfare deservingness and its relation to welfare states. The current literature has not suggested a way to operationalize different discourses on migrant welfare deservingness; rather it is pointed out that there exist multiple exclusionary practices (see Sales, 2002). Thus, we offer an exploratory framework for the connection between these different discourses on deservingness and welfare state models.

Welfare regimes are typically categorised by their key characteristics, such as percentage rate of taxation, degree of income redistribution, and level of

expenditure on social protection. The academic policy focuses on access to social security that creates inclusion/exclusion. Traditionally the welfare regimes across various states were classified into three main categories: liberal (e.g., USA), conservative-corporatist (e.g., Germany), and social democratic (e.g., Sweden; Esping-Andersen, 1990). This model has, however, received significant critique over the last decades (see Aidukaite, 2004; Cerami & Vanhuysse, 2009).

Existing criticism of the Esping-Andersen (1990) model resulted in various innovations and more nuanced classification of welfare regimes, some of which focused on welfare states and migrant welfare deservingness for welfare. For example, de Koster et al. (2013) pointed out that exclusionary attitudes towards migrants differ depending on the type of welfare state and can be explained through income inequality in these countries. Others (Keskinen, 2016) suggested that "welfare chauvinism" might be an umbrella term, describing different kinds of exclusionary attitudes directed towards migrants. Carmel and Sojka (2020) distinguished between four different discourses on welfare deservingness for migrants: ethno-cultural, labourist, welfarist, and temporal-territorial ideas of belonging. The central premise of this distinction is that ideas on welfare deservingness for migrants take different forms and should not be unified under a singular term (like welfare chauvinism). Additionally, as concepts, both "welfare chauvinism" and "deservingness" lack in theoretical basis and are often used as an umbrella term to present populist ideas surrounding social welfare (Greve, 2019) such as migrants' access to social security rights (Carmel & Sojka, 2020). As a result, we know little about, for instance, how deservingness is earned and lost, what kind of (emotional) arguments result in different ideas on deservingness, and how these arguments are applied on a policy level.

The studies that explore the interconnections between migrant welfare deservingness and welfare state models are still in their infancy. Although migrant welfare deservingness has been discussed from a multitude of angles, disciplines, and contexts for decades, and there is a vast body of literature on the topic, including extensive conceptual and empirical works on exclusionary practices, we claim that there is no operationalization as to how welfare state models might influence the versatile practices of exclusion, seeing as deservingness has been seen from a rather narrow angle so far. Most literature focusing on migrant welfare deservingness has not deeply engaged with the issue. Furthermore, as migrant welfare deservingness has been seen from a rather limited angle (see Carmel & Sojka, 2020; Keskinen, 2016), the studies which do touch upon this interconnection are potentially excluding the versatility of exclusive practices directed towards migrants (see van Oorschot, 2006). What we mean by the previous statement is that, whereas various articles describe the ways migrants are being included in welfare systems, there lacks a

coherent system to describe all these practices under one umbrella. Our article departs from such categorization, as presented by Carmel and Sojka (2020), and is, therefore, able to explore the interlinkages of exclusionary discourses towards migrants and welfare state models in a systematic manner. Moreover, most studies that have looked at welfare deservingness to this degree have focused on public opinion; few have touched upon the political sphere and how policy discourses on migrant welfare deservingness are created (for exceptions see Kallio & Kouvo, 2015). As such, this article has the benefit of including a large number of expert interviews. This makes it possible to probe deeper into how policy discourses on migrants' access to welfare are created and if and how these might be inspired by general ideas of fairness, redistribution, etc., in their respective societies. In the following sections we will offer a short introduction to the three welfare state models presented by Esping-Andersen (1990) as well as to the rationales of belonging used by Carmel and Sojka (2020).

3. Welfare State Models by Esping-Andersen

In this section we will pick up the three welfare state models presented by Esping-Andersen (1990) and their particularities. The central idea presented by Esping-Andersen is that welfare states can be clustered based on the institutional arrangements, rules, and understandings that guide social policy decisions. Present social policy decisions are hence seen as taking place within frameworks of historical institutionalization. Of central importance in Esping-Andersen's division is the degree of decommodification and the kind of stratification it produces in society.

Esping-Andersen distinguishes between three different welfare state models: liberal, conservative-corporatist, and social-democratic. A Liberal welfare state is characterized by means-tested assistance, modest universal transfers, or social insurance plans. There is little redistribution of incomes in this type. The conservative-corporatist welfare state is characterized by a moderate level of decommodification. Furthermore, there is a heavy emphasis on encouraging full-time motherhood and participation of women with children in the labour market is discouraged. Finally, a social democratic welfare state is highly decommodified. This state is characterised by generous universal and redistributive benefits which do not depend on individual contributions. The classic distinction between these various welfare state regimes is often reflected in how they organise, condition, and set limits to the acquisition of social security benefits by migrants. The rights of migrants and their access to social security are shaped by the politics and governance of migration on the one hand, and the politics and governance of welfare on the other. At the same time, governing migration practices depend on (and are reproduced by) political discourse. Therefore, in exploring the conditionalities that govern

migrants' access to social benefits, and associated political discourses, we can throw light on existing typologies of welfare regimes.

Esping-Andersen did not include Central and Eastern European countries in his research and thus their classification within his categorization of welfare states is problematic. McMenemy (2003), for example, classifies welfare systems in Central and Eastern European countries as the East-Central European welfare state model in addition to Esping-Andersen's social-democratic, liberal, and conservative models. Aidukaite (2009, p. 39) argues that "post-communist" welfare system typology shares commonality even though Central and Eastern European countries demonstrate diversity regarding how they solve social policy issues, e.g., "supremacy of the social insurance system, high coverage, but relatively low benefit levels and the identification of the social security systems with the experience of the Soviet past, can be attributed to the post-communist welfare regime." Others however pointed out that all of the Central and Eastern European welfare states vary, and classification of them within one model is incorrect (Becerra-Alonso et al., 2016; Fenger, 2007), as post-communist counters are marked by various patterns of welfare policies. Therefore, categorising welfare states as "post-communist" is limited and based mostly on the historical past of those countries rather than on the construction of their current welfare states. All types of categorization of welfare states have their limitations. There is a lack of coherent categorization which would allow making sense of migrant exclusionary practices instead of describing them in a rather separated manner in particular. Consequently, regardless of the problems which Esping-Andersen's categorization produces, we have decided to follow his classical model as a base for our analysis.

4. Discourses of Migrant Welfare Deservingness

Carmel and Sojka (2020) have suggested that the current way of describing ideas which govern migrants' social rights are insufficient. They distinguish between two paradigms—the literature on welfare chauvinism and research on migrant welfare deservingness—and propose "four distinct 'rationales of belonging' that mark out the terms and practices of social membership, as well as relative positions of privilege and subordination" (Carmel & Sojka, 2020, p. 645). These rationales of belonging are temporal-territorial, ethno-cultural, labourist, and welfarist. Ethno-cultural belonging describes a discourse present in most welfare chauvinist arguments where access to social rights is seen to be connected to ethnic belonging. Migrants in this discourse are presented as "others" and ineligible for social benefits because of their ethnic background. Labourist belonging has certain similarities with *jus domicilis*, which refers to gaining citizenship by stating that one has set up a permanent home and taken up work in

the country. The relevance of having employment is at the centre of this idea as people unable to engage in active labour are seen as undeserving of welfare. Temporal-territorial belonging centres around equalising nation and nation-state by assuming a sedentary presence from one that is eligible for welfare benefits. The relevance of certain time criteria which people must spend in the country is at the centre for defining their deservingness of social welfare in this rationale. Welfarist belonging centres around participating in the welfare state. Welfare and national identity become intertwined as good “nationals” are expected to contribute to sustaining the welfare state. Therefore, one is seen as undeserving if one does not contribute to the welfare state. Carmel and Sojka (2020, p. 1) suggest that these rationales of belonging do not exist in isolation but qualify each other in ways that imply different politics and governance of migrants’ rights. Governing migration practices depend on (and are reproduced by) political discourse. Therefore, exploring political discourse on migrants’ access to social welfare assists in the classification of welfare regimes. Furthermore, the authors add that each country can have multiple competing rationales of belonging, but also clarify that there is usually one that is dominant. Therefore we have in this article departed only from the notion of the dominant rationale of belonging.

5. Research Context, Design, and Methodology

This material is drawn from data collected during the research project TRANSWEL (Mobile Welfare in a Transnational Europe: An Analysis of Portability Regimes of Social Security Rights), which examines mobile EU citizens’ access to social security rights in the EU. Our analysis rests on 50 in-depth interviews with experts in eight countries (Austria, Bulgaria, Estonia, Germany, Hungary, UK, Poland, and Sweden). The research teams interviewed 50 policy experts, officials from ministries, policy advisors, and senior legal experts to gain insight into their interpretations, experiences, and understandings of the EU regulation of social security rights of mobile EU citizens and its intersection with their national context. The selection criteria for participants was policy relevance, seniority and, of course, availability. It was decided to maintain the anonymity of all participants to encourage openness and a higher degree of trust between the participant and interviewer in each case. We asked experts to reflect upon the relationship between mobility and the regulation of social rights in their country, as well as their interpretation of the nature of the wider institutional, political, and social context within which the relationship between mobility and the portability of social rights is framed. Participants were also asked about the characteristics and purposes of any reforms, recent or proposed.

Given the specificity of our policy domain, with its small number of specialist experts across the EU, and

with regard to the contentious and, in some cases, politicised nature of the subject matter of the interviews, our participants’ potential reputational vulnerability seemed both particularly important and, in some cases, possibly difficult to protect. Therefore, to avoid inadvertently revealing participants’ identities through descriptions of their institutional role we asked them to offer descriptions of their role in this policy field.

All interviews were performed in the native languages of the experts. The recordings were transcribed in native languages as well, respectively, with transcription being a first step in the qualitative data analysis, as it involves ad hoc judgements and reflections on what has been transcribed. In other words, the transcribing process involved the close observation of data through repeated careful listening. The expert interviews were analysed using small-scale interpretive analysis (Clark et al., 2021). We have chosen small-scale interpretive analysis to support and achieve the depth of case-oriented welfare states classification. As argued elsewhere, “in the EU itself, social security co-ordination is considered a highly specialist “technical” field, and this constitutes a small, expert and elite population with very limited heterogeneity” (Carmel & Sojka, 2020, p. 653). Hence, the relatively small overall number of interviewees per country. Within this frame of reference, our sample holds, what Malterud et al. (2016, p. 1760) refer to as “information power” when “sample adequacy, data quality, and variability of relevant events are often more important than the number of participants.” This article is based on the authors’ own analysis of interviews with the policy experts. The next section presents our small-scale interpretive analysis of expert interviews.

6. The Connection Between Welfare State Models and Discourses on Migrant Welfare Deservingness

Our analysis of discourses on the governance of migrants, which are presented in subsequent sections, allowed us to observe the interrelations between welfare state models and the discourses on deservingness (Table 1).

What we can see from the table above is that there are certain patterns to be observed in terms of the relationship between welfare state model and the model of migrant welfare deservingness based on our limited data. Firstly, countries with liberal welfare state models tend to either follow the labourist or welfarist model of migrant governance. Secondly, countries with conservative-corporatist welfare state models tend to resort to the ethno-cultural model of deservingness and governance. Finally, since this data only contains one state with the social-democratic model, it is difficult to reach a conclusion; however, the temporal-territorial model was preferred in the Swedish case. Going back to our initial idea, namely the argument that welfare state models contain hidden normative assumptions on justice and deservingness which influence if and which kinds of migrants are seen to be deserving, we will now

Table 1. Interrelations between welfare state models and the discourses on deservingness (based on expert interviews).

	Welfare state model	Discursive model of migrant governance/deservingness
Estonia	Liberal	Labourist
Bulgaria	Liberal	Labourist
UK	Liberal	Welfarist
Hungary	Liberal	Welfarist
Poland	Conservative-corporatist	Ethno-cultural
Germany	Conservative-corporatist	Ethno-cultural
Austria	Conservative-corporatist	Ethno-cultural
Sweden	Social-democratic	Temporal-territorial

explore how or why there might be such connection observed between the two. In the following section we will go into how we have categorized the countries and what the potential reasons behind these connections could be. Initially, we will provide some quotes from expert interviews and thereafter an analysis as to why these countries might have adopted the particular discourse on deservingness.

7. Liberal Welfare State and Labourist Discourse of Deservingness

Two countries that were liberal and seemed to tend towards the labourist discourse on deservingness are Estonia and Bulgaria. As mentioned, labourist discourse on deservingness could be related to the prevalent emphasis on working. One of the examples of such discourse is the following quote from an Estonian expert:

Our workforce is going away. We are schooling workforce and it is going away, and then we are not even getting family benefits. We have to educate these children; schools and everything have to be provided by us and we are not getting the taxes from this one person. On one hand, yes, these are our children so why should someone else pay, but then again the mother of a child is not working and the father is getting his salary in another state, but we have contributed so that he could earn [entitlement] there. I think that UK's economy has won a lot from having all the Polish people there.

The focus of this interviewee is clearly on seeing citizens as workers and the problems of the potential workforce leaving Estonia while not contributing to the local taxes. This is a rather intrinsic view on the population of the country, mostly seeing them as taxpayers without emotional arguments, as opposed to an ethno-cultural view as we see later.

Estonia has been following quite liberal policy ever since the collapse of the Soviet Union (Bohle & Greskovits, 2007). Most of the focus has been on reviving the economy and there is a strong normative idea that,

once a country's economy is doing well, other problems will naturally resolve. Even though the welfare system of the country is a mix of social-democratic ideas from Nordic countries, the general value-laden drive seems to be towards neoliberal ideas (Fröhlig et al., 2016). For instance, even though they have long parental leave, sick insurance is tightly connected with whether one is working or not. Furthermore, during the economic crisis, Estonia was lifted up by IMF as a prime example of austerity policy, where social benefits were cut and the labour market was further liberalized for the sake of remaining debt-free. Nevertheless, it should be noted that Estonian political ideology has, during recent years, shifted slightly from extreme neoliberalism to a more mixed model.

In terms of migration governance, this attitude translates itself to the labourist ideals, following a rather utilitarian view of migrants as expressed by experts, both international and Estonian. Namely, migrants are viewed as a resource as long as they benefit the country's workforce. To this day the social welfare in the country is rather meagre, but the rather low costs of living compared to high salaries for highly skilled professionals are making it an increasingly attractive country for migrants. Especially highly skilled migrants are seen as a resource, providing for the country's economy. As such these migrants are perceived as less dependent on social welfare.

Bulgaria could also be considered to be a liberal welfare state which has adapted labourist discourse on deservingness. It is characterised by "post-communist" welfare (Cerami & Vanhuyse, 2009), dominated by contributory social insurance with wide coverage but low levels of benefits, including health and family benefits, and with a three-pillar pension system. In terms of deservingness, Bulgaria could be classified as an ethno-cultural country, as Bulgarian experts repeatedly emphasized "problematic" Roma Bulgarians in Germany putting all Bulgarians under an unfavorable light, namely as being "lazy," welfare-dependent, and not willing to work. The work ethic, therefore, was deeply ingrained in the ways Bulgarian experts perceived deservingness to welfare. Similarly, Bulgarian migrants who had moved abroad and been successful were highly

esteemed. This sentiment very much echoes the attitude of Estonian experts who also talked highly of Estonian migrants abroad.

In general, both countries put a high significance on appearing as hard-working people to the rest of Europe and criticized groups in their society that were unemployed. These groups were seen as violating the rules of fairness. Interestingly, the focus was, however, not on these groups' failure to contribute to the welfare state, but rather on their strong work ethic, which was perceived as virtue in itself.

8. Liberal Welfare State and Welfarist Discourse of Deservingness

Similarly, two liberal welfare states could be categorised as having opted for a welfarist discourse of deservingness: UK and Hungary. Welfarist discourse brings attention to the contributions for welfare as a basis of deservingness. The welfarist discourse could be exemplified with the UK case, where references to "benefit tourism" were taken up by experts:

This issue of...paying child benefit...is kind of, I think...is in the Treasury report....My take is [that] this was talked between the member states and the Commission for, like, quite a few years, I guess since all of the A8 migration in 2004, so I guess lots of Polish plumbers [migrants]—to be stereotypical—[are] getting child benefit for their children back in Poland....And then suddenly [this] becomes part of the...conservative party manifesto [to refuse welfare security benefits to migrants].

The issue of porting social benefits is taken up by this expert as they are speaking of "Polish plumbers" exporting their child benefits to Poland. This phenomenon was spoken about by several British experts and seen as problematic for sustaining fairness. While working and contributing to the UK system, the families of Polish plumbers were seen as "unworthy" of the benefit because they were not part of the UK's welfare system. EU regulations that allowed for such a settlement were presented by experts as being seen as problematic by the wider public in the UK.

The British welfare state is characterised as liberal with means-tested benefits, low levels of contributory benefits, universal services and oriented to safety net provision. Migrants' access to social security is surrounded by political questions and debates around welfare chauvinism and the assumption that the British welfare system needs to be protected against migrants who come to claim benefits (Carmel & Sojka, 2018). Consequently, the assumption of benefit truism exposed the welfarist nature of the British welfare state. In the case of Poland, residential conditions were more important, but there were also high levels of conditionality concerning work, which includes income and type of con-

tract, both of which act as informal barriers. The impact of the 2004 enlargement on migration to the UK, particularly concerning welfare, has featured heavily in public and political discourse in the UK. Since 2013, the UK Government and its predecessor have introduced seven significant regulatory changes under the broad heading of "restricting access to benefits" for EU migrants. The political context for these developments is the UK's referendum on EU membership and the relatively high conditions for eligibility, which are typically associated with social security in the UK. Interviewed British experts spoke of reform as being one of "fairness" between EU member states and between long and short-term UK residents. Carmel and Sojka (2019) found that the dominant rationale of belonging found in British experts' discourse was welfarist, with emphasis put on ethicised protection of welfare and public service resources.

Similarly, the idea of having to contribute to the system runs deep in discourses presented by Hungarian experts. On one hand, there was a strong reactionist attitude towards Western countries' allegations of Hungarian migrants "taking advantage of their system." On the other hand, interestingly, there was also a strong dislike towards Hungarian migrants that lived in Hungary but worked in Austria. These migrants were seen as taking advantage of both systems and, to a degree, being disloyal to the Hungarian welfare system by paying their taxes in Austria. Whereas there have been many discussions on the ethno-centrist sentiments in Hungary, there are some other illustrations of the same kind of welfarist attitude as Hungary held for quite a long time a program called Hungarian Residency Bond, whereby it was possible to obtain Hungarian citizenship by investment. This also shows a very calculated approach to migration, mostly seeing potential migrants as beneficiaries of the state. There are however ongoing changes happening in Hungarian society and as the study was made in 2015–2016, one might suggest that the model of deservingness could have shifted through that time towards a more ethno-cultural approach.

Both Hungary and the UK emphasised the relevance of their residents contributing to the existing welfare system. Both exporting benefits, as well as working and residing in different countries, were deemed as unfair. The welfarist attitude, in this case, does have a connection with the dominant ideology in liberal welfare state thinking, where citizens are seen as individually responsible for their wellbeing and also considered by the state, not as potentially in need of help, but rather as potentially abusing the system for their own benefit.

9. Conservative-Corporatist Welfare State and Ethno-Cultural Discourse of Deservingness

All conservative-corporatist countries could be classed as having adopted ethno-cultural discourse of deservingness. Ethno-cultural discourses stress the importance of ethnicity for "deservingness." As an example of

ethno-cultural discourse on deservingness, we refer to the interview with a Polish expert, who stated:

The good characteristic of immigration is that Ukrainians are relatively close to us in terms of—and here I will use all politically incorrect words—race, faith, religion....Let's say that they will be brother Ukrainians, we will not have racial issues, most probably we will not have religious problems, as they are Christian.

This quote illustrates how Ukrainian workers in Poland were seen as less problematic than groups such as refugees because they were perceived ethnically closer to the “native” population. The ideal solution presented by experts, however, was the Polish population not migrating but accepting Ukrainians as part of the workforce as “the next best” option.

Countries that could be defined as both conservative-corporatist and having adopted ethno-cultural discourse on deservingness are Austria, Germany and Poland. The Polish social security system is characterised by “post-communist” welfare (Cerami & Vanhuysse, 2009) dominated by contribution-based benefits, with wide coverage but low levels of benefit, a universal health system, and a three-pillar pension system. In the 1990s Polish welfare state shifted from a communist welfare state to a post-communist welfare state (Cerami, 2006), and today the Polish welfare system remains under the influence of political and economic transition to capitalism (Inglot, 2008) and pos-EU-accession changes (Rae, 2015). The Polish social security system covers all people in active employment and their family members, as well as those who are registered as unemployed. All individuals in active employment, such as employees, the self-employed and farmers, are covered by mandatory insurance which would suggest that the discursive emphasis should be put on work (similarly to the Estonian and Swedish cases) but it is not. Discourses on who deserves access to social security rights presented in this article are what Carmel and Sojka (2019) referred to as ethno-cultural rationale, which focuses on gendered expectations of ethnonational loyalty, identity, and culture. In other words, formal and informal conditions, barriers to accessing social security rights (Carmel et al., 2020) for migrants and residential conditions are more important. There are high levels of conditionality in relation to work, including income and type of work contract, that act as informal barriers; in discourse, however, emphasis is placed on ethno-cultural arguments for/against deservingness.

Germany is a federal state and its social security system was historically dominated by contributory social insurance, supplemented by means-tested social support with an insurance-based health system involving multiple healthcare providers. Reforms have introduced market mechanisms in health and pensions, increased conditions and discretion in unemployment benefits,

and increased focus on mothers' employment in family benefits. The German welfare state is often classified as conservative-corporatist (Carmel & Papadopoulos, 2016) with contributory-based benefits and services dependant on employment and occupations, and a strong emphasis on maintaining income at vulnerable times, such as unemployment. The focus of German experts regarding EU free mobility was emphasising the importance of “no borders,” but there were also strong ideas of EU migrants eventually returning to their home countries. As such, this attitude does not much differ from the policy towards “guest workers” in the 1960s, where these migrants were also seen as residing in Germany temporarily. There were no strong fears expressed by German experts about EU free movers abusing the system; the main idea was rather that these migrants do not belong to their society because “they will eventually go back.” As such, this attitude can be largely seen as an ethno-cultural way of belonging where migrants, even if they are working and contributing to the welfare system and have resided in the country for some time, are still considered temporary.

Finally, Carmel and Papadopoulos (2016) classify the Austrian welfare state as conservative-corporatist, featuring contributory-based benefits and services, being dependant on employment and occupations, and maintaining income at vulnerable times with the emphasis on supporting families with children. In terms of the discourses of “deservingness” towards migrants, Austria could be considered as a mix between ethno-cultural belonging and welfarist belonging. Discursively, Austrian experts' focus on the protection of the Austrian welfare state that should prioritise Austrian citizens (Runfors et al., 2021) as it can be potentially abused by EU mobile citizens from less wealthy countries, such as Hungary. Furthermore, there was a high consciousness among Austrian experts regarding prevalent national policies above EU policies, as the latter focuses on mobile EU citizens; this led us to classify the Austrian discursive model of migrant governance/deservingness as ethno-cultural in nature.

All three different conservative-corporatist states showed their inclination towards the ethno-cultural model of deserving in dissimilar ways. For instance, German experts were treating EU free movers as temporary and there was an implicit assumption that these migrants would eventually return home. Austrian experts, on the other hand, did not directly speak of migrants as problematic but they referred to “EU free movers” during political debates. Thus, an indirect connection between increasing conservatism and nationalism and migration was made; which to a degree legitimated the reactions of the conservative wing. Finally, there was a strong narrative of needing to defend the Polish nation against extinction in the interviews with Polish experts. This shows how ethno-cultural discourse on deservingness can take various shapes. The strong emphasis on family, and seeing the nation as a family,

is prevalent in the conservative-corporatist welfare state model. It might not be that surprising, therefore, that all these states had adopted an ethno-cultural way of defining deservingness.

10. The Social-Democratic Welfare State and Temporal-Territorial Discourse of Deservingness

Finally, only one state in our sample presents both the social-democratic welfare state model and temporal-territorial discourse on deservingness. Temporal-territorial discourse refers to the idea that all people residing in the country should be seen as deserving of welfare. The focus in the interviews with Swedish experts concerning the social protection of EU migrants was on the personal identification number (PIN) system. A PIN limits access to social protection to a certain period spent in the country, for instance through the condition of EU migrants having to have at least a one-year working contract. The power of the PIN being connected to a certain amount of time is described by one expert as follows:

[You] get a personal identity number...you are part of the social security agency...you are...register[ed] at the Taxes Board Agency [and] can open a bank account...rent a video...buy a gym membership...You can get to the county council and get health care....Everything just functions....You just say the magic number and all doors open up.

The expert is describing the importance of the PIN, not only for accessing social protection in Sweden but to earn a right to all kinds of different services that indirectly become connected to residency. Swedish experts in general were assuming the irreplaceability of PIN even if they were critical of the number. However, arguments such as “residency requirement” were also expressed by the interviewees as a means to defend the generous Swedish welfare state from abuse. Much of the experts’ discourse also focused on treating people as equals, which was seen as achievable only through residency. Furthermore, strong state interests emerged in experts’ presentation of outmigration as a problem—because “Swedish people should apply for jobs in the Swedish labour market.”

The connection between social-democratic welfare state models and temporal territorial discourse of belonging could be explained by the strong emphasis on universal welfare which was the basis of social-democratic countries. This universal welfare was, however, grounded on the idea of a sedentary population (see Schierup & Ålund, 2011). These connotations could be observed in the Swedish case, for instance from the campaign “Folkhemmet” (People’s Home) driven by a social-democratic party in the 1960s. Whereas this program made a point about redistribution and grounded the idea of fairness to “everyone” being equal, it also treated population as homogenous and hardly had any room for acknowledging the presence of migrants, even though

work migration was high already in the 1960s (Keskinen et al., 2016). As mentioned, the current policy in Sweden relies highly on people being sedentary despite some new developments. Rules such as the one-year work contract requirement to obtain a PIN make it clear that Sweden follows the model of deservingness where, to be eligible for welfare, one needs to first prove oneself as a steady member of society (Fröhlig et al., 2016). The system, therefore, is protective in different ways to most other countries in our data, presenting a high threshold for entering the country. The idea of fairness, therefore, relies heavily on the notion of being part of the society and more subtly also having adopted certain norms on what it means to be part of Swedish society.

It is difficult to make broader conclusions on the connection between social-democratic welfare state models and temporal-territorial discourse on deservingness since the data consists of only one country. It could be suggested that social-democratic countries might either opt for temporal-territorial discourse on deservingness or welfarist discourse. The latter has been observed as playing a key role in Finland, also a social-democratic welfare state, as observed by Keskinen (2016). In general, social-democratic states have built up a rather generous welfare system that puts high emphasis on needs-based benefits but requires a way to monitor who is eligible for these kinds of general benefits and on what grounds. Ideas of fairness, in this case, are connected to making sure that those receiving help are indeed eligible via monitoring. In the Swedish case, eligibility is earned by proving a certain connection to the country, i.e., by having spent enough time there (Runfors et al., 2016). In the case of EU free movers, that however meant that many of them were considered as undeserving because of their high mobility. Furthermore, there was also an emphasis on providing firsthand jobs for the Swedish population, and only thereafter to “foreigners.”

11. Conclusion

Not much has been written on the topic of how and if welfare state models might influence how migrants’ welfare deservingness is being perceived in different European countries. Thus, this article is exploratory in nature and it does show, based on the sampled countries, that there are certain connections, namely: that liberal welfare states opt for either welfarist or labourist models, that conservative-corporatist states chose ethno-cultural models, and that only the social-democratic country preferred temporal-territorial model. The question is, however, how can that connection be explained.

Liberal states put high importance on individual achievement and, as mentioned, consider it to be the result of personal effort. Migrants in that context are to be seen in a similar vein, as people who need to prove their deservingness through either having work (labourist model of deservingness) or through contributing to the system (welfarist model of deservingness).

In this respect, migrants are treated the way the majority population is seen, so false ideas of their contributions or employment might prevail (see Ehata & Seeleib-Kaiser, 2017; Kremer, 2016). Nevertheless, the derogatory attitudes towards migrants are mostly explained through their assumed unwillingness to either work or contribute to the welfare system.

Secondly, conservative-corporatist countries in our sample all preferred the ethno-cultural model of inclusion. This in itself is not a surprising result, as the core idea in conservative-corporatist welfare state relies on the notion of “state as a family.” Ideas of family as a social security net, instead of state, remain prevalent in these countries; however, how a family is defined can be quite ethnically loaded. Strong family values supported in these states seem to also coincide with the idea of an “alien population” that is not part of the family. This idea is very well illustrated by the Aussiedler policy in Germany in the 1990s: Migrants from Russia who could successfully prove their German origin were granted access to Germany, whereas many Turkish migrants who had been in the country longer still struggled. The arguments which are used to support strong family values in this case often coincide with primordialist arguments based on ancestry.

There was only one social-democratic country in the sample so more studies need to be made to explore if there is a connection between social-democratic regime and temporal-territorial idea of belongingness. Nevertheless, in the Swedish case, there was a strong connection between the established welfare state and the idea of a sedentary population. Their idea of fairness mostly included all the permanent residents of Sweden excluding Swedish citizens that had moved away. One potential explanation could be that social-democratic models often use residency to define who is deserving and undeserving instead of, for example, employment or contributions. This idea however can both rest on certain ideological assumptions on the relevance of time spent in the country, giving those that have been born in the country a clear advantage, but also reproduce the sentiments against temporary migrants, who are seen as undeserving.

The premise that deservingness or, if you will, welfare chauvinism, can be multi-faceted and does not rely on one criterion is rather new. Therefore, literature on deservingness has not really taken advantage of the studies on the normative ideas that support welfare state models in each country. We suggest that studies on deservingness need to pay closer attention to welfare state ideologies but also uropeze that there are deeply ingrained ideologies in each welfare state that influence which migrant is deserving and which is not.

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Conflict of Interests

The authors declare no conflict of interests.

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