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Interdisciplinary Workshop

Cross-Border Marriages: Intersecting Boundaries in Transnational Social Spaces

9 – 10 February 2017

University of Neuchatel, Switzerland



Interdisciplinary Workshop
**Cross-Border Marriages:
Intersecting Boundaries in
Transnational Social Spaces**

9–10 February 2017
University of Neuchâtel

Faculty of Arts and Social
Sciences, Espace Louis-Agassiz
1, Room R.E.46

Conveners

Janine Dahinden, Joëlle Moret
and Shpresa Jashari (all
Laboratory for Transnational
Studies and the Analysis of
Social Processes, University of
Neuchâtel)

<http://nccr-onthefmove.ch/events/cross-border-marriages/>

Marriage is one of those practices that increasingly occur in transnational spaces. For the past few years, there has been a growing interest among social scientists to analyze the motivations, practices and constraints inherent in this form of transnationalization. At the same time, cross-border marriage has become an important topic in immigration countries, particularly when it involves migrants from non-European countries. Overall, a politicization and ethnicization can be observed that trigger debates about "forced marriages", violence against migrant women, sham marriages or cross-border marriages as entry tickets for immigration. Many states have implemented new laws aiming at regulating those marriages, sometimes putting at stake liberal values of modern democracies.

This interdisciplinary workshop will focus on marriages binding one person living in a European country with someone coming from a country outside the EU/EFTA space and who encounters restrictive visa regulations to join his or her spouse in Europe. We would like to discuss these marriages in the light of the social and symbolic boundaries that are built upon, contested, produced or maintained. The following questions will be explored:

- First, which categories of difference are used / produced by the State and its actors when it comes to cross-border marriages? By establishing criteria about what morally acceptable migrants, marriages, or family life should look like, nation-states (re)produce boundaries differentiating those who belong from those who do not.
- Second, what strategies do social actors, in particular those who are at risk of being excluded from this "acceptable" version of the nation, develop in order to negotiate, contest, or reproduce these boundaries imposed from the outside?

Thursday, 9 February 2017

Workshop Venue: Faculty of Arts and Social Sciences, Espace Louis-Agassiz 1, Room R.E.46

09:30 – 10:00

Welcome and Introduction

Janine Dahinden, Joëlle Moret, and Shpresa Jashari, University of Neuchatel

10:00 – 10:45

Katharine Charsley, University of Bristol

Marrying 'in'/Marrying 'out': Borders, Kinship and British Pakistani Transnational Marriages

Discussant: Yvonne Riaño

10:45 – 11:15 Coffee Break

11:15 – 12:00

Yvonne Riaño, University of Neuchatel / nccr – on the move

How Do the Participants of a Foreign Spouse's "Immediate Environment" Conceptualise Her/Him in Terms of Categories of Difference and Similarity? An Exploratory Approach

Discussant: Apostolos Andrikopoulos

12:00 – 12:45

Helena Wray, University of Exeter

Family Life, Immigration and the ECHR: How Does the Strasbourg Court Hold the Ring?

Discussant: Sébastien Chauvin

12:45 – 13:45 Lunch

13:45 – 14:30

David de Groot, University of Bern / nccr – on the move

Family Reunification Scenarios

Discussant: Laura Block

14:30 – 15:15

Joëlle Moret, Janine Dahinden and Shpresa Jashari, University of Neuchatel / nccr – on the move

Migrants' Descendants Marrying across Borders: Social Class, Gender, and Ethnicity in Transnational Social Fields

Discussant: Manuela Salcedo

15:15 – 15:45 Coffee Break

15:45 – 16:30

Laura Block, European University Institute, Florence

Regulating Membership, Regulating the Family — Framing Spousal Migration Policies in Germany

Discussant: Anne Lavanchy

16:30 – 18:00

Martina Priessner, Mercator-IPC Fellow

Movie '650 Words'

Followed by a Discussion with the Documentary-Maker

Starting 18:00 Apéro and Dinner

Friday, 10 February 2017

Workshop Venue: Faculty of Arts and Social Sciences, Espace Louis-Agassiz 1, Room R.E.46

09:00 – 09:45

Sébastien Chauvin, University of Lausanne, and **Manuela Salcedo**, EHESS

Class, Migration and Sexuality: Law and Mobility in the Lives of Binational Same-Sex Couples

Discussant: Janine Dahinden

09:45 – 10:30

Shpresa Jashari, **Janine Dahinden** and **Joëlle Moret**, University of Neuchâtel / nccr – on the move

Discursive Strategies and Narrative Positionings of Future Cross-Border Spouses in Kosovo, Turkey and Sri Lanka

Discussant: Katharine Charsley

10:30 – 11:00 Coffee Break

11:00 – 11:45

Anne Lavanchy, University of Applied Sciences – Western Switzerland, Geneva

(Non)Mixities – the Fabric of Couples in Swiss Registry Offices

Discussant: Helena Wray

11:45 – 12:30

Saara Pellander, University of Helsinki

Postcolonial Ties of Pity and Control: The Moral Economy of Regulating Marriage Migration

Discussant: Joëlle Moret

12:30 – 13:30 Lunch

13:30 – 14:15

Carolin Leutloff-Grandits, University of Graz

Transborder Marriages between Rural Kosovo and Western Europe: Taking a Gendered and Locational Perspective

Discussant: Tania Zittoun, University of Neuchâtel / nccr – on the move,

14:15 – 15:00

Ceren Topgül, Istanbul

Transnational Marriages: What Do We Know about the Experiences of Spouses in Turkey?

Discussant: Saara Pellander

15:00 – 15:30 Coffee Break

15:30 – 16:15

Apostolos Andrikopoulos, University of Amsterdam

Love Is Cheap: Emotions, Sex and Interest in the Marriages of Africans with Peripheral Europeans in the Netherlands

Discussant: Carolin Leutloff-Grandits

16:15 – 17:00

Wrap-Up and Outlook

Starting 17:00 Apéro and Dinner

Katharine Charsley and Marta Bolognani

Marrying 'in'/Marrying 'out': Borders, Kinship and British Pakistani Transnational Marriages

Transnational marriage is a common practice among British Pakistanis - around half are thought to be married to someone from Pakistan, most commonly a cousin or other member of the extended kin group. Within a British Pakistani family, there may be a diversity of marriage types, with some siblings married within the UK and others married overseas. The available evidence suggests that transnational Pakistani marriages are more often consanguineous than those contracted with other UK nationals. In transnational marriages, moreover, the gender of the migrant spouse can have consequences for intra-familial dynamics of power. This paper, drawing on interview material from a recent ESRC funded project on 'Marriage Migration and Integration', seeks to explore the consequences of these differing marriage patterns for the trajectories of couples and the extended family more broadly. At stake here are not only the differences between marriage crossing international borders and those which do not, but also between marriages which cross the boundaries of the kin group, and those taking place between kin. The paper will explore the consequences of these interacting and gendered insider-outsider statuses. Earlier work has suggested that in rejecting a marriage with a cousin from Pakistan in favor of a local love marriage, those born in Europe may project a European (rather than Pakistani) identity and future, whilst marriage to a partner from Pakistan can create more active ties with Pakistan. In this paper, by focusing on the multiple boundaries involved in marriage choices, we reveal a more complex, less predictable picture of the consequences of transnational or intra-national partnering among British Pakistanis.

Yvonne Riaño

How Do the Participants of a Foreign Spouse's "Immediate Environment" Conceptualise Her/Him in Terms of Categories of Difference and Similarity? An Exploratory Approach

The possibility of starting and maintaining intimacy across great distances has significantly increased with the contemporary facility to travel and study abroad as well as to communicate across national borders (King 2002, Parreñas 2005, Baldassar/Gabaccia 2011). Love is today a central factor in the project and decision to move elsewhere (Riaño 2015). Love migration often implies a bi-national marriage. In countries like Switzerland, more than 36% of the marriages that were concluded in 2012 involved a Swiss-born person and a person born abroad. The numbers of women who immigrate to Switzerland for a bi-national marriage are much higher than the numbers of men who immigrate for the same reasons (FSO 2013). Crossing physical, cultural and national boundaries often implies for the foreign partner a complex process of reorientation and redefinition as they are confronted with the symbolic boundaries used by majority groups to construct notions of "us" and "them." (Riaño/Wastl-Walter 2006). Research has focused on the macro-level forces by which certain symbolic boundaries become more salient than others (e.g. Bail 2008). The symbolic boundaries created by policies of immigration and integration, and their impact on the labor market integration of foreign spouses, has also been addressed (e.g. Riaño, Y. 2011). It seems timely to raise the question of what kinds of symbolic boundaries do foreign spouses encounter when she/he moves around in her/his immediate environment, and how do they negotiate, contest or reproduce such categories of difference and similarity. The notion of boundary making is understood in this paper as the "conceptual divisions individuals make in the course of their everyday lives, and how these distinctions can -and do- influence more durable and institutionalized social differences" (Pachucki et al, 2007: 331). This paper uses the boundary-making approach in an exploratory way to examine how the participants of a foreign spouse's "immediate

environment", that is her/his partner, the families of her/his partner, and the institutions that she/he deals with on an everyday basis, conceptualize her/him in terms of categories of difference and similarity, thus creating symbolic boundaries that might have specific social implications. In examining the implications of boundary-making processes, I am particularly interested in understanding issues of power and inequality among partners in a bi-national relationship. The paper uses empirical material from biographical interviews carried out with foreign spouses from EU- and non-EU countries who have married a Swiss partner. In some cases, biographical interviews with the Swiss partner are also available, and will also be used. Overall, this paper expects to contribute to our understanding of boundary-making processes from a micro perspective that gives particular attention to how foreign spouses encounter boundaries on an everyday basis, and how boundaries of difference and similarity are created and recreated in a household environment among members of bi-national marriages.

Helena Wray

Family Life, Immigration and the ECHR: How Does the Strasbourg Court Hold the Ring?

For families, whose members reside in different states, immigration laws reduce sometimes drastically their autonomy in deciding the structure and nature of their family life. It is unsurprising that many of those affected have turned to article 8 of the European Convention on Human Rights, the right to respect for family and private life. This presents the European Court of Human Rights with a dilemma. It is undeniable that immigration controls interfere with family life in ways that would not be tolerated if immigration were not in issue. On the other hand, states regard control over borders as central to sovereignty. This paper will look at the techniques adopted by the European Court of Human Rights to resolve this tension. Some cases do succeed and there has been a move in recent years towards defining the types of factual scenario where this may happen but, in general, the paper will show that the tension is managed largely in states' favor through adopting immigration rather than family as the dominant prism, by the construction of a narrow version of family life and by the evolution of doctrines that reduce the strength of claims. In addition, the wide 'margin of appreciation' which states are said to enjoy in immigration matters gives states a wide choice in how they implement controls over family migration. The paper will argue that, of all these techniques, it is the margin of appreciation which is the most significant because it constrains the Court from examining the legitimacy of policy, confining itself to only finding that its implementation may occasionally be disproportionate due to the particular circumstances of the claimant. This means that violation findings do not have wider implications, diluting their impact and there is little incentive for states to make policies that are more sympathetic to family life. In this way, the underlying tensions are not resolved and are becoming more apparent as states impose ever more restrictive controls and as other international instruments, notably the Convention on the Rights of the Child, promote a bolder approach. It suggests that the outline of a more positive approach is already detectable in some dissenting judgments and that these provide a way towards resolving the tensions in a way that affords greater recognition to family life.

This paper is maybe less about cross-border marriages in a strict sense, than it is about how married couples can have a family life depending on their nationality and the choice they make where to live according to EU law. For depending on the nationality and the place they live, they may have a right to family reunification, or not. To move to another Member State can be a choice for the sole reason that the country of origin does not allow the real establishment of family life for a married couple. One should therefore, look at the different scenarios that exist for family reunification based upon the state the sponsor lives in and his or her nationality or nationalities. For regular migration, there are about nine different scenarios. Out of these five concern a third-country national who wants to be reunited with his/her third-country national spouse and four concerning EU citizens who want to be reunited with their third-country national spouse. Every scenario depends on the regulatory framework that is applicable to the sponsor, i.e. the person with whom the spouse is to be reunited. The differences between these frameworks can, however, be rather large and sometimes moving to another Member State might create the effect that family reunification is possible, while it was not in the first Member State due to the fact that another regulatory framework is applicable. This is most notable for EU citizens who live in their home state where the national rules on family reunification are applicable, which can be far more restrictive than for EU citizens from other Member States who live in that same Member State, because then the Citizens Rights Directive applies, which allows automatic family reunification. For such an EU citizen living in the home state, moving to another Member State for some time might be an option for the sole purpose to have family reunification with the spouse in order to move after some time back to the home state with the spouse based on the 'right to return'. The aim of the paper is to show the different scenarios and their regulatory framework and the unintended problems that might occur when the situation of a person changes, e.g. EU citizen naturalizes in the host Member State. Especially reverse discrimination will be put in a critical light.

Based on an on-going qualitative study, the presentation will discuss the conditions under which second-generation migrants in Switzerland engage in cross-border marriages. It focuses on migrants' descendants from a non-European country and whose partner was living in the parents' country of origin before the marriage. It analyses the transnational social fields in which these marriages take place, in particular the gendered, ethnicized and classed constructions about love, family, or a "good partner" that circulate in those fields. The paper engages with the literature on the transnationalization of social inequalities to tackle the dynamics of social class across national borders, in intersection with other markers of social differentiation. While the intersection of gender and ethnicity has been quite extensively discussed in the literature on transnational marriages, the issue of social class remains under-researched. I argue that one reason for this lack of interest is that social statuses are difficult to tackle in the transnational contexts, since migrants' positions in one place (for instance the country of residence) might not be consistent with their social positions in another place (for instance the country of origin). Diachronic analyses of the data will help uncover how gender, ethnicity and social class intersect in the lives of migrants' descendants whose social positions may differ depending on where they are evaluated.

Laura Block

Regulating Membership,
Regulating the Family –
Framing Spousal Migration
Policies in Germany

Migration policy-making in liberal democracies has long been explained by highlighting how “liberal constraints” compel governments to respect individual rights when devising migration policies. Family-related migration is based entirely on the individual right to protection of the family of members of society (citizens or long-term residents). However, family migration is increasingly the specific target of restrictive policy reforms across Europe. Thus, in a field where, theoretically, the liberal constraint could be assumed to be strongest, there is increasing restriction. How do liberal democratic states manage to restrict migration in spite of liberal constraints? In order to answer this, I will explore government strategies that restrict spousal migration while staying within the discursive realm of individual rights within the political debates surrounding spousal migration policies from 2005-2010 in Germany. An analysis of policy documents, parliament debates and in-depth interviews with policy-makers in the legislative and executive reveal the various discursive strategies employed to legitimize restrictive policies or attack them. By circumscribing and scrutinizing both the membership status necessary to access the fundamental right to family protection and the family ties in question, restricting spousal migration is legitimized.

Sébastien Chauvin and
Manuela Salcedo

Class, Migration and Sexuality:
Law and Mobility in the Lives of
Binational Same-Sex Couples

In a twofold context marked by the increasing recognition of same-sex families combined with heightened migration hurdles, our article examines how these contradictory trends translate into the experiences of binational same-sex couples. Based on interviews conducted in France, the Netherlands and the United States, we explore both the common issues that these couples share, which distinguish them from straight couples, and the differences between respondents especially based on class background. Same-sex couples are dependent on the geography of marriage legislation in their international location choices. Enforcement policies confront them not only with checks on the ‘authenticity’ of their relationships, but scrutiny of their sexual orientation, while class, age and cultural heterogamies tend to be culturalized as proper to (especially male) same-sex features and more easily considered legally acceptable. However, the place of citizenship and legality in the lives of these couples varies greatly. When the native spouse has few resources, as is especially common in lesbian couples, visas become near impossible to obtain, resulting in forced immobility and often relationship breakups. . When the destination-country spouse has more resources, mobility and regularization become easier. In heterogamous cases, the foreign spouse experiences legality as the main obstacle to overcome and citizenship as a single purpose. Conjugal becomes the main step in a linear pathway to legal status and citizenship – mechanically feeding suspicions of instrumentality from the other spouse, authorities, surroundings and their own introspection. Homogamous highly-skilled and other privileged couples experience law in a more distant way. Cultural capital, economic resources and flexible jobs result in mobility constraints being more easily turned into career opportunities. These couples more readily experience their conjugal project as distinct from legal status acquisition. Yet for them citizenship in a given country represents but one investment competing with other ones, as they are also committed to their (international) studies, career and professional mobility. Hence, living together creates different dilemmas for higher and lower-class couples. This paper thus looks at how sexuality and class intersect in producing contrasted experiences of citizenship and belonging for binational same-sex couples.

Shpresa Jashari, Janine Dahinden and Joëlle Moret
Discursive Strategies and Narrative Positionings of Future Cross-Border Spouses in Kosovo, Turkey and Sri Lanka

Even though the transnational approach is meanwhile widely adapted within migration studies, the critique remains, that research needs to be 'de-centered'. The conceptual point of departure as well as the thematic focus still primarily lay on the 'receiving' side of cross-border phenomena, while the contexts and conditions of the 'outgoing' side are often neglected. Consequently, in this paper we grasp different perspectives from three countries of origin by looking at narratives of men and women living in Sri Lanka, Kosovo or Turkey. We interviewed people who are involved in a cross-border relationship with a second-generation migrant from a European country, whom they intend to join eventually. By applying a qualitative-interpretative methodology, the paper focuses on their narrative strategies and positionings in the face of restrictive European border regimes. One part of these regimes is a highly politicized, gendered and culturalized (transnational) discourse, promoting a general suspicion of the 'abuse of the right for family reunification' and hierarchizing global imaginaries of 'the west' and 'the rest'. Thus, we are focusing on how the future cross-border spouses, situated differently in respect of place, class, gender etc., are confronted with such discursive preconceptions in different contexts such as family (their own and their spouses), peers, authorities or for instance language courses. We are particularly interested in the ways they reproduce or contest these preconceptions – and in the respective categories they mobilize in order to do so.

Anne Lavanchy
(Non)Mixities – the Fabric of Couples in Swiss Registry Offices

By focusing on what I call the Swiss structural "race-muteness", this paper examines the dialectics of national identity in civil unions. These dialectics are characterized by a dynamic production of sameness and difference, flow and closure where institutional practices normalize intimacies. I argue that the analysis of routine work in civil registry offices sheds light on the way new legislative and administrative tools lead state representatives to exercise an increased control on all claimants, might they be co-nationals or foreigners.

The everyday assessment of couples, more precisely of the legitimacy and authenticity of their relationship, mobilize powerful rhetoric of rescue and protection. This affects in particular certain categories of co-nationals, according to gender, socio-economic class and origin criteria. Rescue and protection are also meant to protect "the State" and what are thought as Swiss values and identity. I argue that the focus on state representatives' mission of safeguarding threatened persons and values is a process of boundary-making that situates Swissness as a space unbounded from transnational ties, and thus producing representations of Swissness as beyond racialization.

Saara Pellander
Postcolonial Ties of Pity and Control: The Moral Economy of Regulating Marriage Migration

The regulation of marriage migration can be conceived of as a process of moral gatekeeping. Moral gatekeeping works by representing certain migrant positionalities as in need of protection, thereby creating a moral imperative to react and protect these migrants. The victimization of certain groups in order to claim rights for them is a trend that has become common in rhetoric on issues related to migration. At the same time, certain marriages are deemed morally unacceptable, as they are declared to be prone to be harmful towards migrant women in particular. In the governmentality of migration, we find an oscillation between a politics of pity and a politics of control (Fassin 2005). This paper is concerned with this oscillation between pity and control in the case of Finnish migration officers and Finnish migration policies. Based on interviews with migration officers as well as data from parliament and administrative courts, this paper shows the implications of colonial

discourses of the “Other” and how they are present in the way immigration control evaluates transnational marriages. I explore the way in which the regulation of transnational intimate relations is embedded into post-colonial structures of intersectional boundary-making. I decolonize notions such as culture, which are closely associated with colonial understandings. The paper shows, furthermore, that victimizing discourses are embedded within relations of power, control and agency.

Carolin Leutloff-Grandits
**Transborder Marriages between
Rural Kosovo and Western
Europe: Taking a Gendered and
Locational Perspective**

A widespread popular notion on marriage migration considers that “non-western” migrant groups act according to certain ethnically defined patriarchal values that give fertile ground for forced marriages. Especially women are seen as pressured or even forced and exploited within such transborder marriages, no matter if she is the one migrating for marriage or if she is the one who enables someone to migrate for marriage. In this presentation, I move away from the focus on “forced marriages”. Focusing on trans-border marriages between people from rural Kosovo and migrants in Western Europe who originate from this region, I open my view to the large majority of migrants who entered a transborder marriage because they imagined a better life within such a partnership. I discuss in which way their imaginations of trans-border marriages could be fulfilled. For this, I want to take a gender-sensitive perspective with special regard to family and household arrangements, in which the newly married couples live. I want to ask in which way notions of family solidarity and duty as well as gender roles are re-produced or transformed in a transnational space. I will argue that such a trans-border marriage may function as a way of empowerment for both partners, or at least one of them, but may also end up in disempowerment for the one or other partner, not at least because of the different imaginations about the marriage partner on the different sides. The possibilities and obstacles they meet within their marriage however differ. Migrating men have it often easier to integrate into the receiving society due to widespread gender norms, in which men are much more regarded as actors than women and in which they take a privileged position as breadwinners within the family and in the labor market - within their own family, but also within the receiving society.

Ceren Topgül
**Transnational Marriages:
What Do We Know about the
Experiences of Spouses in
Turkey?**

Transnational marriages of (grand) children of Turkish immigrants have been on the focus of researchers and policy makers in Europe, as they involve international migration of a partner and as they appear to be relatively high in Turkish communities. In political and public debate, these marriages are often framed – especially for women – as forced, arranged or considered to be “of convenience”, definitely “traditional” and thus pictured as problematic. While there are a few studies revealing the complexity of the partner choice experiences of Turkish origin youth, research/knowledge about the experiences of people in Turkey who are about to join their spouses living in Europe is lacking. This paper aims at filling this gap in the literature. We know less about the other side of the story: spouses coming from Turkey. What are their opinions? What are their partner choice experiences? How are they experiencing married life apart from their spouses? How do they decide/negotiate their future life? What kind of difficulties they face? How do they cope with these difficulties? What are their concerns and dreams about living in another country? What are the factors that influence their choices? Does gender matter? Exploring the topic from the perspectives of the partners improves our understanding of how partner choices are made and what their associated consequences are, by shedding light on couple dynamics. Gaining a better insight into the life experiences of these people is only

possible by incorporating a qualitative approach to the methodology and through gender analysis. Thus, in order to answer these questions, this paper relies on a set of in-depth interviews with Turkish people in Istanbul who are waiting to join their spouses in Europe, particularly in Germany. This qualitative research was carried out as a part of the project of University of Neuchatel: 'Cross-border marriages under conditions of transnationalization and politicization. A case study in Switzerland.'

Apostolos Andrikopoulos
**Love Is Cheap: Emotions,
Sex and Interest in the
Marriages of Africans with
Peripheral Europeans in
the Netherlands**

In an era of restrictive immigration regimes, especially towards working-class labor migration, marriage remains one of the few channels to international mobility and migrant legality. Statistical data and ethnographic observations indicate a recent shift in the marital preferences of Nigerian and Ghanaian migrants in the Netherlands from Dutch citizens of African, Afro-Caribbean, and ethnic Dutch origin to non-Dutch EU citizens (e.g. Poland, Greece). This paper examines the marriages between legally precarious African migrants and citizens of the EU periphery that enabled the African spouses to lawfully reside in the Netherlands as family member of mobile Europeans. In a context of generous migration rights granted to spouses of EU citizens under the EU free movement provisions, the paper examines why African male migrants opt for peripheral European women rather than for other EU citizens, for example Germans, in the Netherlands. Studies of cross-border marriages have pointed out the power discrepancies within bi-national couples - usually between citizen men and migrant women. Based on ethnographic material collected in multi-sited fieldwork in the Netherlands, Ghana, and Greece, this paper looks closely how interest, emotions and sex are articulated in these marriages. It shows that African migrants in the Netherlands navigate the highly asymmetrical dynamic of mixed-status marriage by choosing, as partners, peripheral Europeans, who are EU citizens, but, as working class migrants, are in a similar structural position in Dutch society. Thus, the exchange of resources, money, emotions and sexual pleasure between spouses has a more reciprocal character and create less strong dependency relations.
