



## **Security, protection and family norms: Gendered and selective regulations of marriage and migration in Italy and Portugal**

## **Segurança, proteção e normas familiares: Configurações seletivas e de género na regulamentação de casamento e migração em Itália e Portugal**

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**Security, protection, and family norms: Gendered and selective regulations of marriage and migration in Italy and Portugal**

**Segurança, proteção e normas familiares: Configurações seletivas e de género na regulamentação de casamento e migração em Itália e Portugal**

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**Resumo:** Este trabalho propõe uma reflexão crítica sobre as políticas migratórias e de família em dois contextos europeus contemporâneos. A análise baseia-se no trabalho de campo realizado em Portugal e em Itália, que incidiu sobre os discursos e as práticas relativas ao casamento de imigrantes sem documentos de residência regulares, no contexto da construção de políticas de controle do "casamento de conveniência". A hipótese subjacente é a de que o policiamento da mobilidade e da vida íntima reproduz desigualdades, intervindo sobre as oportunidades e constrangimentos enfrentados por algumas categorias de migrantes. Fundamentada na literatura que explora esses mecanismos como parte de processos mais amplos de inclusão e exclusão dos migrantes no contexto das mobilidades humanas globais, a análise problematiza as perspectivas tanto de criminalização como de vitimização referentes à "migração ilegal". De um lado, o artigo vai questionar os pressupostos subjacentes às políticas migratórias restritivas, considerando os seus aspectos de género. Vai ser analisado como estes pressupostos, que incluem a invocação de fins de "segurança", a proteção dos grupos "vulneráveis", bem como a segurança de "normas familiares" nacionais, são invocados para fundamentar a restrição dos direitos dos migrantes. Por outro lado, o artigo vai dar uma visão geral das leis atuais, bem como das políticas e práticas institucionais nos estudos de caso, decorrente da análise qualitativa preliminar de materiais empíricos recolhidos para o projeto de doutoramento. Estes dados indicam que, em vez de chegar a seus supostos objetivos, tais mecanismos de controlo da imigração podem potencialmente produzir e reproduzir a estratificação social dos indivíduos segundo características que incluem o género, a origem socioeconómica e a nacionalidade.

**Abstract:** This paper engages in a critical reflection on specific normative policies concerning migration and family in two contemporary European contexts. The analysis is based on fieldwork carried out in Portugal and Italy<sup>1</sup>, exploring the discourses and practices concerning the marriage of undocumented migrants in the context of the construction of "marriage of convenience" control policies. The underlying hypothesis is that the policing of mobility and intimate lives reproduces inequalities by intervening on the opportunities and constraints faced by some categories of migrants. Grounded in the literature exploring these mechanisms as part of broader processes of migrant inclusion and exclusion in the context of global human mobilities, the analysis problematizes both the criminalizing and victimizing perspectives on "undocumented migration". On one side, the paper will discuss the problematic -and gendered- assumptions underpinning restrictive migratory policies. These include the invocation of "security" purposes, the protection of "vulnerable" groups, and the safeguard of national "family norms" in order to corroborate the restriction of migrant's rights. On the other side, the paper will give a brief overview of current laws, policies and institutional practices in the case studies, stemming from the preliminary qualitative analysis of empirical materials collected for the broader PhD project. These data indicate that rather than reaching their alleged goals, such restrictive migration control apparatuses potentially produce and reproduce the stratification of subjects along gender, socioeconomic and national origin lines.

**Palavras chave:** Casamento e migração; Género; Migrações irregulares; Conjugalidades; Construção da ilegalidade; Mobilidade

**Keywords:** Marriage migration; Gender; Undocumented migration; Conjugal ties; Construction of illegality; Mobility

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## 1. Introduction: Marriage and migration in the context of contemporary constructions of “illegality”

In the last few decades, discourses and practices regarding undocumented migration in Europe, and in particular family practices in a context of human mobility, have been increasingly politicized (Kofman 2014). This process is characterized by a complex interaction of migration discourse and practice with institutional understandings of citizenship, national sovereignty, and family norms, which underline the centrality of regulation and border protection as features of the contemporary state's intervention in society. The study of family and migration norms in this paper will build on a critical approach to the construction of illegality as a multidimensional process originated in part by the same state policies that claim to be “*protecting legality*” (De Genova 2002, Sciortino 2004, Grassi and Giuffré 2013). The underlying perspective considers legality and illegality as fluid nuances on a continuum rather than in a binary form (Machado 2011, Anderson 2008).

In this policy framework, a set of measures have been put in place in most European countries with the ostensible target of preventing what have been categorized as “*marriages of convenience*”, that is, marriages celebrated exclusively in order to gain a regular immigration status (De Hart 2006). Compared to the rest of the European Union, marriage in the context of human mobility is a recent field of regulation both in Italy and Portugal, where governments have progressively promoted a restrictive turn regarding family migration policies. As in other countries, measures have been progressively introduced to control what subjects are allowed to enter and reside on national soil, by restricting the access to residency papers through marriage with a citizen holding legal residency status or nationality.

Couples that intend to marry are increasingly submitted to investigation into the motives for their union, officially to rule out the possibility that the wedlock might be instrumental in obtaining the legal residence status for one of the spouses. As will be analysed in the following sections, the institutions in charge of marriage and migration control typically focus on investigating the “*genuineness*” of the marital relation, in order to determine whether the spouse should be granted the right to family life protected by national and international law (Charsley and Benson 2012, Eggebø 2013, Leilonen and Pellander 2013:2). The specific recent developments of the regulation of family and mobility in Italy and Portugal thus call for an analysis of the regulation of intimacies as part of broader social processes of state management of minorities.

Accordingly, the paper will proceed to a problematization of the concept of marriage of convenience and related control policies, in the context of a critical analysis of social constructions of illegality. Based on previous academic analysis of migrant inclusion and exclusion in the context of global human mobilities, the analysis will discuss the criminalizing and victimizing perspectives on “*undocumented migration*” through the case studies on Italy and Portugal. On one side, problematic -and gendered- assumptions underpinning restrictive migratory policies will be discussed. On the other side, the paper will provide a brief overview of current laws, policies and institutional practices in the case studies.

The selection of these specific case studies, focusing on couples in which one of the two partners experienced an irregular situation in terms of residence status, is based on the conception of the couple as a social space where the border has impact, is represented, negotiated or contested, and where gender plays a role in defining the modalities in which this happens. Such empirical basis enables the study of mainstream analytical and interpretative discourses on illegal migration and family norms, which are “*condensed*” in this context. These paradigms include the simplified dichotomy of the illegal migrant seen either as a victim to be protected or as an illegitimate abuser of rights (Anderson 2008), coupled with the use of simplified categorizations of “*illegal migrants*” as a uniform group, which both often constitute conceptual grounds for politics either of inclusion or of exclusion<sup>2</sup>. From this perspective, the categories used to classify and manage families that

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<sup>2</sup> Authors such as Anderson and Ruhs indicate the genesis of illegal migratory processes in the efforts of states to control human mobility and regulate citizenship (Anderson and Ruhs 2010a). Moreover, as underlined by Sciortino the adjective “*illegal*” should therefore not pertain to the description of migration flows, but to their interaction with political regulations (Sciortino 2004).

include migrant members may be discussed as potentially misleading and discriminatory, as they tend to use a normative definition of family to determine access to residence rights. In this context, the family models implicitly promoted in migration policies in Italy and Portugal and their application interact with the construction of illegality and produce gendered discourses and practices<sup>3</sup>.

Such notions are grounded in Ralph Grillo's perspective on the migratory context, seen as "a catalyst for the changing perceptions of self, forcing (re) interpretation of beliefs and practices", and the conceptualization of the family as "one 'site' where matters may come to a head" (Grillo 2010). The type of marriage chosen as a focus for the case study may be considered as such a catalyst, and constitutes a challenge to the rigid analytical tools and categorizations, which prevail in European policies in this regard. The project hence traces how discourse and practice regarding regulation of migration and the construction of illegality may constitute selective processes that operate inclusively along gender and nationality lines, as well as those of socioeconomic status.

As a growing body of literature attests, such mechanisms may be seen as an embodiment of global power imbalances, producing an articulation of hierarchies of power and opportunities. Namely, the construction and reproduction of migrant "illegality" has been interpreted by authors such as Nicholas De Genova and Igor Machado as an instrument of Foucaultian governmentality, allowing states to take advantage of a subordinate labour force without having to commit to obligations deriving from citizenship status (De Genova 2002, Machado 2011). In this framework, the regulation of intimate relations fits into the picture by restricting access to one of the forms of residency status regularization.

In fact, some literature already considers family life as a "battleground of immigration struggles", as it became a key mode of legal entry and stay in contemporary Europe (Bledsoe and Sow, 2008). As has been described regarding the United Kingdom, "transnational marriages have become an increasingly focal issue for immigration regimes, for whom these border-crossing family formations represent a significant challenge" (Charsley 2012). This recent restrictive turn in both countries' migration policies relating to family can be interpreted as an indirectly selective tool for the regulation of migration flows as a whole. Some authors observed similar dynamics in Portugal (Grassi and Giuffr  2013), and other countries such as the United States of America (Abrams 2007), United Kingdom (Wray 2006, Charsley 2012), or Denmark (Schmidt 2011). According to Helena Wray, the aim of these policies is not only to prevent convenience, but marriage migration in general, and its "exclusionary impact" should not be overlooked (Wray 2006:305). A growing body of literature has disclosed how the concept of marriage of convenience has been constructed by the state and supranational institutions such as the European Union (De Hart 2006), how it is being transposed to legislation and practice, as in the Finnish experience studied by Leilonen and Pellander (2013), and to what extent this appears to have different repercussions for men and women.

As will be analysed, the rhetoric underpinning restrictive policies evokes justifications mainly grounded in the security of the state, the safeguard of women and other "potentially vulnerable" subjects, as will be discussed in the following sections. The arguments that are called upon to justify restriction and control of certain types of human mobility may be deconstructed to expose on one side how the motives of such policies are related to a restriction and control of migration flows, and how on the contrary the "intended effects" of protection are not likely to be reached through the proposed policies, based on state priorities of securitization and policing<sup>4</sup>.

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<sup>3</sup> Notwithstanding the distinct migration regimes of the two countries, the fieldwork conducted between 2010 and 2013, as well as a previous research project based on interviews with undocumented migrants in Italy and Portugal (Grassi and Giuffr  2013, Bacci Tamburlini 2013), reveal similar mechanisms in the management of "illegality" in the two contexts.

<sup>4</sup> For an account of the situation in Portugal, see Grassi (2006), and the final report of the Heirat II project (Blaschke 2003:27).

## 2. Security, or the construction of illegality

As argued by Helena Wray, the practical effects of the laws and restrictions go well beyond the protection of some potential victims of abuse or organized crime prevention, and are designed to minimise non-western immigration and regularization through marriage (Wray 2006:308). Several authors underline the problematic assumptions of such bordering interventions, underlining to what extent the illegal aspects of migration flows are intimately connected to the creation of national frontiers and state attempts in excluding non-citizens (De Genova 2002, Sciortino 2004). The security perspective is reinforced at the European level, and is explicit in most European legislation on such matters (Kinney 2012).

In Italy and Portugal, one of the main motivations called upon by governments to promote laws - officially aiming at curbing irregular migration flows- refers in fact to an *"illegality prevention"* target. The underpinning justifications invoke the necessity of ensuring state sovereignty and control over the border, interwoven with the evocation of security and national defence purposes. In these two countries, the production of legislation is strictly linked to such rhetoric devices, evoking imaginaries related to international crime and trafficking, and, especially in the Italian case, the necessity of defending national borders from uncontrolled flows of migrants. Traces of such discourses are visible in the process of law formulation, as well as in the narratives of institutional actors, who constantly evoke the need to control the misuse of migration laws on behalf of migrants as a step for national security (Bacci Tamburlini 2013)<sup>5</sup>. Also the form in which data on migration is presented is an indicator of the predominance of a view of human mobility as a process associated with criminality and social risk. In Portugal, the specific data on undocumented migration and marriages of convenience are published on the national security annual report in the section *"crimes related to migration"*, inserted amongst all the rest of data on criminality, amidst indicators of murder and fraud (Governo de Portugal 2012).

The mainstream media consistently support this perspective by presenting news on marriages of convenience in alarmist terms, for instance inflating the number of cases at the national level and their links to international criminal networks. Conversely, as specified also in a recent European Migration Network report, *"whilst the perception amongst policymakers, and the media in particular, indicates that misuse of the right to family reunification through marriages of convenience or false declarations of parenthood may be a widespread phenomenon, the evidence presented in this study suggests that, while marriages of convenience do occur, it is not yet possible to fully quantify it across all (Member) States in a comparable manner"* (EMN 2012:1).

The amount of actual cases of marriage fraud that have been registered do not appear to constitute a solid basis for the restrictive policies approved in Italy and Portugal. In the former country, no specific figure on marriages of convenience is accessible, since there is no distinct crime or juridical category available to define it and distinguish it from other misuses of migration law. Therefore, for what concerns the estimates of *"marriages of convenience"*, only proxy measures -such as numbers of refusals of the citizenship applications based on marital status- are available. From 2003 through 2010, there have been less than 2,500 refusals of citizenship applications due to marriage, of which only a limited percentage could be attributed to a lack of requisites that could be classified as a marriage of convenience (EMN 2012, SEF 2012). In Portugal, notwithstanding the media attention and political will to restrict the phenomenon as an urgent and necessary measure, according to official data 52 marriages of convenience were reported in the whole country in 2012 (Governo de Portugal 2012:117). Arguably, these low and uncertain quantities in both countries may not constitute sufficient grounds for both media alarm and government anxieties regarding the matter of marriage fraud as a *"security issue"* due to its links to international crime, or as a consistent source of *"illegal"* practices. As said before, we might argue that a conspicuous source of illegality originates in state policies that are not

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<sup>5</sup> For instance, the last reform of immigration law in Italy, in 2009, was integrated in a legislative initiative dubbed *"security package"*, conveying an implicit securitarian connotation in its title as well as in the restrictive measures contained in it.



conducive to regularization, rather than from the unwillingness of single third country nationals<sup>6</sup> to legalize their residence status.

### 3. Protection: the construction and reproduction of vulnerabilities

Intimately related to such securitarian issues, the “*protection*” of vulnerable citizens is constantly called upon as a legitimizing argument, both in the public communication of legislative measures, and in the narratives of officers in charge of marriage and migration control. The markers for such vulnerability most often include being women, of older age, low socioeconomic status and socially problematized circumstances such as drug addiction or sex work. It can be argued that these perspectives denote a victimizing character of state discourse and practice, assuming the state should categorize some typologies of citizens as beneficiaries/objects of assistance, and not as subjects with the capacity to make reasonable life choices. Moreover, some authors underline how discourses of protection are often based on misleading assumptions regarding women’s needs (Kofman 2014). Restrictive policies, in their application, may conversely reinforce the vulnerabilities and issues of insecurity and illegality they claim to be addressing. A section of the dedicated European migration network report issued in 2012, based on media accounts, provides an example of how obliquely the “*protection issue*” arises in specific discourses regarding marriages of convenience:

*“On many occasions, the organization of one or more marriages of convenience was operated by criminal organizations involving Italian and foreign citizens, also with connivance of other organized crime sectors. Normally, the beneficiary foreign spouses (male or female) are obliged to pay a sum varying from 5,000 to 10,000 euros, of which a very small amount, 1,000 to 2,000 euros, goes to the false Italian spouse. The latter is almost always a victim of the criminal organization who has been obliged to marry through forms of blackmail or violence”* (EMN 2012:15, emphasis by the author).

Moreover, some standpoints on the issue of marriage and migration, including the contributions of some feminist groups, treat marriage migration as a manifestation of the global exploitation of women. As described by Elizabeth Beck-Gernsheim (Beck-Gernsheim 2011:60), in some cases this may imply oversimplifying the issue of marriage between two individuals with different legal status in the formula “*dominant western man versus helpless foreign woman*”, an ambivalent argument which might be easily manipulated in order to support restrictive migration policies as a tool to protect women. These policies appear to promote an infantilization of some sectors of society, denying some categories of citizens their agency regarding their own marital status, assuming the state representatives may choose on their behalf which option is better.

In fact, the policies being practiced may reinforce the vulnerabilities they claim to be addressing, since by restricting regularization options they may put migrants in subordinate positions, exposing some to abuse, dependency, and precarious living conditions<sup>7</sup>. For instance, the law and practice in Italy and Portugal may tie the foreign spouse to a marital relationship, even in abusive situations, during the period required to receive a residence permit or nationality through marriage. It should thus be noted how such exposure may often be the product of the same policies aimed at “*protecting*” sectors of society categorized as vulnerable.

### 4. Gendered representations of marriages of convenience: vulnerable versus abusive?

Mainstream representations of the marriage of convenience, in fact, tend to construct ideal types of “*victims and villains*”, similarly to what Edith Kinney comments regarding human trafficking in the United States (Kinney 2012). It has been underlined how recalling gender as a vulnerability divide in migration may contribute to the victimization of a whole category of migrants. Forced

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<sup>6</sup> For a discussion of the Portuguese case, see Bacci Tamburlini (2013) and Grassi e Giuffré (2013), Machado (2011), and for a broader analysis De Genova (2002) and Sciortino (2004).

<sup>7</sup> For an analysis of such subordination processes, see Grassi and Giuffré (2013).

marriage and trafficking discourses in particular are often gendered, and extensively used as justifications for restrictive legislation on family and immigration, as observed by Collet (Collet et al. 2008). More in general, as shown by empirical data collected in some European countries, women marrying undocumented migrants may be seen as naive, vulnerable, and potential victims of fraud (Wray 2006: 320). A similar “*protective*” process defines the representation of undocumented women as being by default “*easy prey*” of criminal networks, due to a supposed inherent weakness<sup>8</sup>.

The aforementioned representation issues are closely interrelated with the ambiguous nature of human rights and gender discourses, frequently used by governments to justify restrictive policies. Some authors argue that such discourses, when appropriated by states, may be double-edged, since they can justify restrictive policies and may reproduce what Bridget Anderson describes as a “*victims versus abusers*” dichotomy (Anderson 2008). Additionally, some literature points out the ambiguous process mixing “*compassion and stigmatization*” (Bennafla and Peraldi 2008), which affects migrants and interacts with processes of inclusion/exclusion (Meeteren 2012). Some authors underline how such processes of “*symbolic construction of “the other”*” fit into the construction of the nation state (Westwood and Phizacklea 2000:9), and add that in the context of the imposition of categories on migrants, the role of the woman is often used as a tool for othering (Kofman, 2014). Nevertheless, as noted by Helena Wray, “*gender disadvantage should not be taken as being synonymous with ‘female disadvantage’. Men, particularly non-white men, have frequently been the victims of gender-based beliefs about marriage migration*” (Wray 2011:16).

## 5. Regulating marriage and migration: current legislation

The above referred illegality and gender critical theoretical framework constitutes a valuable tool to scrutinize both the production of laws in the case studies, and its potential repercussions. In Italy, a 2009 law forbade the validation of marriage of undocumented migrants<sup>9</sup>, although this provision has been later abolished, due to a rationale based on fundamental rights<sup>10</sup>. Notwithstanding this, there still are some limitations in place for migrants, who have to undergo scrutiny when asking for residency papers after having married. In particular, the current law<sup>11</sup> establishes that the request for family reunification has to be rejected when it is established that the “*sole purpose*” of the marriage was to allow the person to enter and reside in the territory of the State (EMN 2012:6). Moreover, the 1998 law<sup>12</sup> provides for the immediate revocation of the residence permit when proven that the wedlock was not followed by “*actual cohabitation*”. In order to discourage such so-called “*marriages of convenience*” stricter requirements have been introduced for the acquisition of Italian citizenship by marriage with an Italian citizen, such as 2 years minimum duration of the formal union in order to obtain citizenship recognition<sup>13</sup>. In the meantime, the foreign citizen should receive the right of residency shortly after the marriage, although in practice institutions consistently issue the residency cards with delays.

<sup>8</sup> The exemplification of marriage of convenience in the media fits into the picture of victimization of women, epitomised by the choice to regularly report cases in which women are ascribed subordinate positions and men - often non-western men of specific national origins object of stereotyped visions - are attributed all the criminal responsibilities. The trend is to present the Portuguese/Italian spouse as a semi-conscious victim of transnational criminal networks, or of individual migrants aiming to regularize their papers.

<sup>9</sup> The 2009 law established that «a foreign national who wants to contract a marriage in Italy must show to the Registrar a valid Italian residence permit».

<sup>10</sup> The Italian Constitutional Court with Decision n. 245 of July 25<sup>th</sup>, 2011, established the opportunity to marry as an inviolable fundamental right, which cannot be restricted in a general, unreasonable and disproportionate way.

<sup>11</sup> Art. 29 par. 9 of the Consolidated Act on Immigration

<sup>12</sup> Par. 1-bis of art. 30 of Legislative Decree no. 286/1998

<sup>13</sup> With regard to marriages contracted in Italy, the Consolidated Act on Immigration grants the residence permit for family reasons to a third-country national only if he/she has held a valid residence permit for different purposes for at least one year. Additionally, Italian citizenship can be granted following marriage, after two years if the couple reside and cohabit in Italy. The same law specifies also that the above mentioned periods «are reduced by half if the spouses have natural or adopted children.» (European Migration Network 2012:6).

In Portugal, public and political attention regarding these policies started in the first decade of 2000, in the context of a more general process of securitization of migration and adaptation to European standards. Since 2007 enacting “*marriages of convenience*” has been introduced into the legislation as a distinct crime, under article 186 of the National Immigration Law. Namely, whoever marries with the sole purpose of earning a visa or a residence permit or defrauds the legislation on the subject of nationality acquisition is punishable with a prison penalty from 1 up to 4 years, and if it is done in a repeated or organized way up to 5 years (EMN 2011, 2012). In case of a suspected marriage of convenience, the registrar is under the legal obligation to communicate the suspicion to the Public Prosecution Service, as well as to the Immigration and Borders Service, which is requested to conduct an investigation. In this case, the marriage proceedings are suspended until the outcome of the investigation is released. In case the couple is not investigated, after formalizing the wedlock the foreign spouse gains the right to the same residency rights as his/her spouse and may gain nationality in case the partner is a Portuguese national after 3 years.

## 6. Institutional practices: determining “*genuine love*”?

As public norms, the aforementioned laws are not operating in a social vacuum and are thus challenged, reinterpreted and reproduced in a process involving state institutions, civil society and individuals with their families<sup>14</sup>. Understanding the standard procedures and individual cases enables us to determine what features are rewarded in the state control of marriage practices. In the framework of the PhD case studies, a set of interviews with institutional actors such as immigration police and civil society entities, aimed at understanding what kind of controls are in place, and what are the criteria of institutional selection determining “*suspect*” versus “*absolution*” on behalf of the authorities.

The views imposed by institutional actors regarding what is an acceptable form of marriage expose moral understandings of migrant family choices<sup>15</sup>, as well as normative attitudes on family<sup>16</sup> that are not equally applied to the general population, which contribute to creating a “*double standard*” regarding family opportunities<sup>17</sup>. Some of the indicators that are considered by state authorities as a reason for additional investigation -such as spouses that do not share a common language or have significant gaps in age- derive from European directives, while others vary depending on the single officer in charge and his/her perception of what a “*true marriage*” is. In both Italy and Portugal, the procedures include an analysis of the curriculum vitae of the spouses, considering the past legal status and professional and economic background. Subsequently, a selection of suspect cases that have to undergo further investigations is carried out: these investigations may include separate interviews, home visits, and in the Portuguese case, also further scrutiny, such as interrogations of neighbours on the couples’ relationship. As observed before, factors that may be considered indicators of a “*genuine marriage*”, apart from bureaucratic requirements, economic requirements and consistent answers in the interview, may be “*proofs of love*”. These include cohabitation, letters and pictures that show a romantic liaison of the couple, the existence of children, as well as the “*behaviour*” of the couple, which are all inevitably biased by assumptions on what may be established as “*formal evidence*” of a love relationship<sup>18</sup>.

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<sup>14</sup> For an analysis of the Portuguese context, see Bacci Tamburlini (2013), and for the Italian, Grassi and Giuffrè (2013).

<sup>15</sup> Several authors provided some insights into these themes from different national perspectives (Grillo 2010 and 2011, Schmidt 2011, Friedman 2010, Shah 2010, van Walsum 2011).

<sup>16</sup> For an analysis of the transformation of intimacy in modern societies, see Giddens 1993

<sup>17</sup> For a discussion of constructions regarding the migrant family, see Strasser et al. 2009

<sup>18</sup> In Italy, the investigation takes place only *a posteriori*, that is, when the marriage has already been celebrated and the spouse with a precarious legal status makes an application for regularization of his/her legal status as the Italian citizen’s spouse. In addition to the examination of the certificate of marriage, before issuing a residence permit for family reasons, the police office often carries out domiciliary investigations at the applicant’s home to verify the effective cohabitation and marriage relationship. The main officially recognized indicator of “*fraudulent marriage*” is that the spouse did not set up residence in



In Portugal, the SEF authorities –Foreigners and Border Police- indicated during the fieldwork interviews that they base their investigations also on “*statistics of abuse records*” discriminated by national origin. This leads, for example, to a closer scrutiny if at least one of the spouses is of “*Hindustanic*” (intending India and Pakistan) origin, or has an irregular legal status record. Such practices reveal a selection mechanism based on geographic origin, which needs to be further studied as an additional form of discrimination in the practice of migration law, intersecting with gender and social class. According to the preliminary data, both Italian and Portuguese authorities seem to be defining standardized risk profiles and at the same time producing subjective frameworks on which to base the definition of what is a “*genuine*” couple. In this context, individuals’ mobility rights are jeopardized because of the vision that officers have of their moral and family customs, as opposed to what they think is the local standard. Such selective scrutiny, linked to what may be called a presumption of inherent immorality of some groups of migrants, forces them to constantly produce justifications of their practices, as Abdelmalek Sayad observed effectively in “*La double absence*”, (Sayad, 1999).

The imagined “*genuine relationship*” is weighed against idealized family representations, with a marked gendered character, similarly to what Leilonen and Pellander observed (Leilonen and Pellander 2013). In this framework, highly traditional gendered patterns of relationship may be rewarded as signs of authenticity, as shown by Helena Wray for the United Kingdom (Wray 2006). Moreover, these mostly rigid, eurocentric and “*nostalgic*” archetypes of family that are being used as a model for transnational couples do not appear to correspond to the constantly changing contemporary family practices. Both in Italian and Portuguese societies, sociologists observed the emergence (and/or recognition) of a growing array of family models, such as “*living together apart*” arrangements (Levin 2004), and increasingly flexible family models (as show Wall and Amâncio 2007, for Portugal, and Barbagli et al. 2004, for Italy).

Conversely, specific family norms imposed on migrants and their partners may indeed be “*instrumental in including or excluding particular groups of residents*” (Schmidt 2011: 258), due to gender, nationality or socioeconomic situation, or to non-standard family practices. As enumerated by Wray in the case of the United Kingdom, factors for refusal of regularization through marriage in Italy and Portugal may include discrepancies in the answers given by the partners to questioning, or deviations from a stereotyped view of customary practices (Wray 2006:306). These normative practices make it hard for what are seen as “*unusual*” or “*inappropriate*” couple behaviours to be accepted by institutions as a basis of document regularization. For instance, in an interview conducted in Lisbon a man originally from Guiné Bissau, married to a Portuguese woman, reported having been refused residency papers because of an inaccurate answer in the interview with the immigration police. Amongst an extensive list of details concerning their relationship, the man at one point said that for their marriage he had offered his wife a necklace, while she answered that the present was a wedding ring. This discrepancy, together with a home visit, which occurred in a weekday during working hours, when the police didn’t find the husband at home, were adduced as sufficient reasons for refusal of residency on the basis that there was “*no proof of a genuine marriage*”.

## 7. Institutional selection processes: ideals of family and social expectations

Some authors additionally observe to what extent marriage migration control processes are gendered, and question what is the ideal of marriage and family against which applicants are “*measured*” (Wray 2006). The empirical data collected during the fieldwork show to what extent the officers’ social expectations influence their decision, although there are no official guidelines referring to the indicators that should be used. Decisions based on “*little more than personal impression*”, may thus lead to moral gate-keeping processes as by-process (Wray 2006:312)<sup>19</sup>.

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Italy, namely in the same residence of the spouse. The immigration police officers interviewed claimed they had no official guidelines to determine which couples had to be further investigated.

<sup>19</sup> In both countries, policemen stated they relied also on their “*instinct*” to distinguish suspect marriages, determining some degree of arbitrariness of the process and a reliance on personal judgement rather than

For instance, an Italian policeman interviewed for the Italian case study cited a marriage between a much older woman and a young African man as “*unlikely*”, whereas in Portugal, an NGO activist reported cases of Brazilian women being refused the celebration of marriage, or having it indefinitely delayed, because of the stereotypes about their nationality and “*moral customs*”, which has, once again, heavily gendered connotations<sup>20</sup>.

Adding to the moral expectations of officers, and the appreciation of the socioeconomic situation of the two partners, the physical appearance of the spouses, especially of women, seems to influence the judgement regarding the “*genuiness*” of their nuptial intentions. In fact, social class, according to the interviews with civil society observers in Portugal and Italy, seems to play an important role in the stratification of couples, which undergo less scrutiny if they find themselves in privileged social positions. In Italy, a policewoman reported such a case, describing her surprise and unease in entering the huge luxurious apartment where an investigated couple lived. The officer recalled feeling that the investigation was inappropriate, explaining inclusively in her account that before her stood “*a really beautiful young Russian woman*”. The physical aspect of the woman involved in the marriage, combined with the social class of the couple, appeared to make the policewoman believe in the truthful intentions of the marriage. Interestingly, these characteristics of the investigated subjects made her intrusion in their private life, and her position as representative of a disciplining body, apparently less acceptable and legitimate in her own eyes. Conversely, institutional actors report low socio-economic status of one of the spouses as a factor leading to suspicion, due to the supposed necessity of earning a living in less “*transparent*” and lawful ways.

The picture that emerges from the case studies corroborates, at least for the least privileged social class, Riano’s statement regarding the “*ethnically biased*” state discourse, which is by default “*interpreting marriage migrants as potential abusers, legitimating restriction of their civil rights and the policing of family relations*” (Riano, 2011). Riano argues that this process may be considered a form of structural violence in Galtung’s (1969) perspective, since it involves an institution or social structure systematically harming people by preventing them from fully satisfying their rights and needs. The higher social class couples interviewed in the fieldwork, conversely, tend to report less administrative and policing obstacles to their marriage procedures.

## 8. Studying “*marriage of convenience*” policies as a tool for selection and control

*“Either we can come to grips with the postmodern family condition by accepting the end of a singular ideal family and begin to promote better living and spiritual conditions for the diverse array of real families we actually inhabit and desire. Or we can continue to engage in denial, resistance, displacement, and bad faith, by cleaving to a moralistic ideology of the family at the same time that we fail to provide social and economic conditions that make life for the modern family or any other kind of family viable, let alone dignified and secure”* Judith Stacey (1996: 11)

Several authors examine government investigations on the “*nature*” of relationships, underlining how the control of what are considered “*deviant*” family norms may serve to legitimate the policing of family relations in general and be ultimately used to control immigration and settlement (Abrams 2007, van Walsum 2004, Schmidt 2011, Böcker et al. 2004). As stated by Sarah van Walsum (van Walsum 2008), while in family law the freedom to arrange family life according to individual preferences has become larger, in immigration law this freedom has remained much more limited,

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on objective indicators (see Wray 2006 and Eggebø 2012). In one occasion, in Italy, an officer stated that she and her colleague had already tried to persuade soon-to-be spouses to take care because they suspected the partners of intending to marry for the sake of documents. Although they presented this intervention as a form of protection of the “*unaware (Italian) citizen*”, by doing this they appointed themselves as unsolicited and illegitimate advisors, a function beyond their public mandate.

<sup>20</sup> As several authors observed, Brazilian women living in Portugal have to face consistent social stigma, as their nationality is associated in mainstream representations with prostitution or “*permissive moral customs*” regarding morality and sexuality. Apparently, Brazilian men face less prejudice in this respect (Machado 2007 in ACIDI, Gomes 2013).

and constitutes part of inclusion and exclusion processes. A sort of double standard is being introduced, which limits the freedom to choose family practices to a group of members of society exclusively because of the legal status that they are being attributed.

The way in which third country nationals are being represented by state regulations and institutions and in which this process may be gendered, influences the opportunities and constraints to which this part of the population is exposed. Indeed, as observed by Saskia Bonjour and Betty De Hart, "*migration policy is a product and producer of identities and values*" (Bonjour and De Hart 2013). Additionally, as underlined by Wray "*assumptions about marriage are closely linked to assumptions about gender*" (Wray 2011:9). As described by Anita Böcker in the Netherlands, the position of women in particular is central in the debate on immigration and national identity and values (Böcker et al. 2004). Scholars from different disciplines contributed to this perspective with an analysis of gendered norms related to the concepts of nation and culture. In this framework, some noted how gender relations often are considered the essence of cultures, and codes regarding marriage are crucial in defining who belongs and who does not (Bonjour and De Hart 2013). Bonjour and de Hart observe that intimate domains play a crucial role in the construction of ethnic and national identities and women carry the 'burden of the representation of the nation' (Bonjour and De Hart 2012:3)<sup>21</sup>, as the data collected in the PhD case studies appear to confirm. The opinions collected together with civil society members, namely NGO employees dealing with legal and social support to migrants, seem to indicate that women undergo a kind of "*moral evaluation*", whereas men's "*value*" as immigrants (and spouses) is appraised with an "*economistic*" perspective.

The observation of such processes exposes the functioning of the states' migration system in interaction with what Ralph Grillo calls "*moral order*" (Grillo 2010), and its consequent hierarchization of opportunities and costs of migration and family constitution (Riano 2011, Machado 2011), including its gendered aspects. Furthermore, the protection of family as a gendered structure reproduces gender imbalances or may be an incentive for the spouses to stress the "*hegemonic gender roles*" as a means to prove their relationship (Leilonen and Pellander 2013). Gender norms and perceptions in particular are an important factor in contemporary debates about migration in Europe, and in justifying restrictive measures (see van Walsum 2004 and Leilonen and Pellander 2013). As observed by Wray, these discourses may be deconstructed to expose how it must be acknowledged that concern over oppressive family relations may be manipulated (Wray 2006:13).

A related school of thought explores family norms and "*moral gate-keeping*" processes (Wray 2006), and how the marriage of undocumented migrants may be perceived by states as a risk for the "*European family model*", albeit an artificial or imaginary one in contemporary European societies (van Walsum 2004). The moral order imposed on the migrant family may thus constitute selective practices based on the construction of 'us' and 'them' in the public sphere (Fernandez and Jensen 2013). In fact, as underlined by Beck Gernsheim, marriage as a gate for immigration awakens indignation because its instrumentality breaches the cultural taboo of the "*western ideal of love*", which is described as "*our secular religion*" (Beck and Beck-Gernsheim 1995). In this context, the incentives that migrants, and especially women, receive to join a spouse in the terms established by law, which inevitably cause a form of dependency from the legal spouse, are contradicting the claims for protection of vulnerable subjects, as discussed above. As observed before, the idea of the marriage of convenience has served as a political argument for general restrictions on marriage migration, resulting in an infringement of rights of migrants and their partners, constituting inclusively an indirect source of illegality.

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<sup>21</sup> As determined in previous studies in Portugal and Italy, (Grassi 2013), often the level of illegality attributed to women is linked to perceptions of femininity. The illegality of women appears to be perceived as more invisible, less threatening and more tolerable than the men's association with illegality, which is conversely considered potentially dangerous in the public sphere.

## 9. Conclusions

The analysis proposed in this paper engages from a theoretical point of view with a problematization of the roots of contemporary issues regarding the “*undocumented condition*” and its repercussion on human rights. This perspective inserts itself in broader processes of securitization and criminalization of migration, which are, to various degrees, common to most European countries. The theoretical reflection proceeds against the backdrop of a critical reading of the processes of social and state construction of illegality. In such an approach, it considers the subordination of migrant rights as a form of structural violence, based on gendered processes of moral and social othering and economic exploitation (Dauvergne 2008, Machado 2011, Ambrosini 2013, Galliano 2008, Grassi and Giuffré 2013).

The choice of the specific case study regarding couples that underwent policing processes allows the close study of how the “*migrant family*” model is represented and imposed, and may thus expose social mechanisms leading to migrants’ social inclusion and exclusion. In light of the current European academic debate regarding marriage and migration, the comparative case studies of Italian and Portuguese institutional approaches expose similar efforts of state control of the conjugality of undocumented migrants, notwithstanding the different migration regimes and socioeconomic contexts. The analysis of the modalities with which state control is taking place, provides a picture of the actual mandate and intention of local authorities in the control of marriage practices of migrants and how they put it into place, investigating whether implicit or explicit selective mechanisms are in place.

The paper exposed first of all the problematic assumptions regarding security and protection, on which institutions base the discourses and policies regarding family regulation in a migratory context. It has been suggested how such policies, in their application, may reinforce the same vulnerabilities and issues of insecurity and illegality they claim to be addressing. In this context, the gender lens enables a deeper analysis, by exposing the mechanisms by which such discourses may be instrumental to the state’s objectives regarding policing and disciplining migrants. This mechanism should be seen in broader contexts of subordination, which need to be further explored in future research, including the gendered processes of inclusion/exclusion visible in specific sectors of the analysed societies, such as the sexual (and racialized) division of labour markets.

Regarding the contemporary institutional practices underpinned by the above mentioned conceptions of security and control, the case studies in Italy and Portugal underlined similar regimes of control over couples in which one of the two partners had a precarious residence status before marriage. The preliminary analysis of the data collected in the context of the PhD project indicates that restrictive apparatuses potentially produce and reproduce the stratification of subjects along socioeconomic and ethnic or national origin lines, and do not efficiently serve their stated objectives. Goals of security protection and family values, so often recalled as main drivers for the policing of couples, do not emerge as actual outcomes of current policies. Rather, the policing of mobility and intimate lives may be seen as a reproducer of inequalities, by intervening in the opportunities and constraints faced by some specific categories of the population, stratified along lines of gender, socio-economic status and national origin.

Moreover, the imaginary of the “*genuine relationship*” adopted by state institutions appears to be constantly marked by an association with western normative conceptions of family, as is visible in the way that officers value the truthfulness of the “*visible*” markers of the spouse’s attachment. The set of factors that hinder the recognition of couples appear to be related to factors linked to geographic origin, gender and social class, causing a selective effect on migrants that may be granted regularization opportunities. In this regard, the paper was based on the critical position of a growing number of scholars, who warn that relying on restrictive standards to define “*genuine marriage*” is a way to exclude unwanted migrants, risking also the exclusion of marriages that “*do not conform to majority norms*” (Wray 2006: 311).



In particular, normative family constructions as a base for marriage approval emerges as a gendered standard against which, more or less explicitly, the couples are being judged and selected. It may thus be argued that the family model imposed on migrants and their partners potentially intervenes in gendered and selective inclusion and exclusion processes, fitting into broader stratification of individuals and migrants on a “*desirability scale*”. In this perspective, the implementation of selective evaluations as requisites for “*legally*” belonging to the nation introduce a “*double standard*”, hindering the regularization and belonging opportunities of specific categories of third country nationals. Consequently, it could be argued that such mechanisms contribute to the symbolic and concrete exclusion of “*outsiders*” and to indirect forms of control over minorities. This process may in fact constitute a tool for keeping whole sectors of society in subordinated positions granting, amongst other benefits for the receiving society, a source of a cheaper and subordinate workforce in the national context.

## 10. References

- Abrams, K. (2007). Immigration Law and the Regulation of Marriage. *Minnesota Law Review*, 91, 1624–1709.
- Ambrosini, M. (2013). *Irregular Migration and Invisible Welfare*. Palgrave Macmillan.
- Anderson, B. (2008). “*Illegal immigrant*”: *Victim or Villain?* (Working paper No. WP 64) (p. 14). Oxford: Compas, ESRC Centre on Migration Policy and Society.
- Anderson, B., & Ruhs, M. (2010). *Who needs migrant workers? Labour shortages, immigration and public policy*. Oxford University Press.
- Bacci Tamburlini, M. (2013). Paradossi dell’illegalità: migranti e leggi migratorie in Portogallo. In *Vite (il)legali. Migranti africani in Italia e Portogallo* (pp. 133-164). SEID.
- Barbagli, M., Castiglioni, M., & Dalla Zuanna, G. (2004). *Fare famiglia in Italia. Un secolo di cambiamenti*. Il Mulino.
- Beck-Gernsheim, E. (2011). The Marriage Route to Migration: of border artistes, transnational matchmaking and imported spouses. *Nordic Journal of Migration Research*, 1(2), 60–68.
- Beck, U., & Beck-Gernsheim, E. (1995). *The normal chaos of love*. Wiley.
- Bennafla, K., & Peraldi, M. (2008). Introduction. Frontières et logiques de passage : l’ordinaire des transgressions. *Cultures & Conflits*, 72, 7–12.
- Bledsoe, Caroline H.; Sow, Papa. (2008). Family reunification ideals and the practice of transnational Reproductive Life among africans in europe. *Working Papers of the Max Planck Institute for Demographic Reserach, Rostock, Germany*. Retrieved from <http://www.demogr.mpg.de/papers/working/wp-2008-001.pdf>
- Böcker, A., de Hart, B., & Michalowski, I. (2004). *Migration and the regulation of social integration* (Institut für Migrationsforschung und Interkulturelle Studien (IMIS)).
- Bonjour, S., & de Hart, B. (2013). A proper wife, a proper marriage: Constructions of “us” and “them” in Dutch family migration policy. *European Journal of Women’s Studies*, 20(1), 61–76.
- Charsley, K. (Ed.). (2012). *Transnational Marriage. New Perspectives from Europe and Beyond*. Routledge.
- Charsley, K., & Benson, M. (2012). Marriages of Convenience, and Inconvenient Marriages: regulating spousal migration to Britain. *Journal of Immigration, Asylum and Nationality Law*, 26(1), 10–26.
- Collet, B., Philippe, C., & Santelli, E. (2008). Emergence de la question du “mariage forcé” dans l’espace public en France. *Revue Asylon(s)*, 5.
- Dauvergne, C. (2008). *Making People Illegal: What Globalization Means for Migration and Law*. Cambridge: Cambridge University Press.
- De Genova, N. (2002). Migrant “illegality” and deportability in everyday life. *Annual Review of Anthropology*, 31, 419–447.
- De Hart, B. (2006). The marriage of convenience in European immigration law. *European Journal of Migration and Law*, 8, 251–262.
- Enggebø, H. (2012). “With a Heavy Heart”: Ethics, Emotions and Rationality in Norwegian Immigration Administration. *Sociology*.
- European Migration Network. (2011). *Ad-Hoc Query on Marriage of Convenience*. European Migration Network. Retrieved from <http://ec.europa.eu/dgs/home-affairs/what-we->

- [do/networks/european\\_migration\\_network/reports/docs/ad-hoc-queries/family-reunification/328\\_emn\\_ad-hoc\\_query\\_marriage\\_of\\_convenience\\_9jun2011\\_wider\\_dissemination\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/family-reunification/328_emn_ad-hoc_query_marriage_of_convenience_9jun2011_wider_dissemination_en.pdf)
- European Migration Network. (2012). *Misuse of the Right to Family Reunification: marriages of convenience and false declarations of parenthood National Contribution from Italy* (EMN FOCUSSED STUDY 2012). European Migration Network. Retrieved from [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/family-reunification/it\\_20120312\\_familyreunificationstudy\\_en\\_version\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/family-reunification/it_20120312_familyreunificationstudy_en_version_en.pdf)
- European Migration Network. (2012). *Misuse of the Right to Family Reunification* (Synthesis Report). Retrieved from [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/family-reunification/0a\\_emn\\_misuse\\_family\\_reunification\\_study\\_final\\_june\\_2012\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/family-reunification/0a_emn_misuse_family_reunification_study_final_june_2012_en.pdf)
- Fernández, N., & Gudrun-Jensen, T. (2013). Intimate Contradictions: Comparing the Impact of Danish Family Unification Laws on Pakistani and Cuban Marriage Migrants. *Journal of Ethnic and Migration Studies*.
- Friedman, S. (2010). Determining “truth” at the border: immigration interviews, Chinese marital migrants, and Taiwan’s sovereignty dilemmas. *Citizenship Studies*, 14(2), 167–183.
- Galliano, L. (2008). La situation juridique de l'étranger en France ou l'insécurité juridique comme moyen de régulation de l'immigration. *REVUE Asylon(s)*, 4. Retrieved from <http://www.reseau-terra.eu/article761.html>
- Galtung, J. (1969). Violence, Peace, and Peace Research. *Journal of Peace Research*, 6(3), 167–191.
- Giddens, A. (1993). *The Transformation of Intimacy: Sexuality, Love and Eroticism in Modern Societies*. Wiley.
- Gomes, M. S. (2013). *O imaginário social <Mulher Brasileira> em Portugal: uma análise da construção de saberes, das relações de poder e dos modos de subjetivação* (PhD Thesis). ISCTE-IUL, Lisboa.
- Governo de Portugal. (2012). *Relatorio anual de segurança interna* (p. 384). Government of Portugal.
- Grassi, M., & Giuffré, M. (2013). *Vite (il)legali. Migranti africani in Italia e Portogallo*. Introduzione (pp. 9-20), Conclusioni (205-216). SEID.
- Grillo, R. (2010). *Contesting Diversity in Europe: Alternative Regimes and Moral Orders* (Working Paper No. 10-2002) (p. 39). Göttingen: MMG Max Planck Institute for the Study of Religious and Ethnic Diversity.
- Grillo, R. (2011). Marriages, arranged and forced: the UK debate. In *Gender, Generations and the Family in International Migration* (E. Kofman, M. Kohli, A. Kraler & C. Scholl., pp. 77–97). Amsterdam: Amsterdam University Press.
- Kinney. (2012, October 11). *Victims, Villains and Valiant Rescuers: Unpacking Socio-Legal Constructions of Human Trafficking and Crimmigration in Popular Culture*. Oral presentation presented at the “Social Control and Justice: Crimmigration in an Age of Fear,” CINETS, Coimbra University, Coimbra University.
- Kofman, E. (2014, February 17). *Regulating Family Migrations and Transnational Family Strategies*. Oral presentation, Université Catholique de Louvain. Retrieved from <https://www.uclouvain.be/460649.html>
- Leilonen, J., & Pellander, S. (2013). Court decisions over marriage migration in Finland: a problem with transnational family ties. *Journal of Ethnic and Migration Studies*.
- Levin, I. (2004). Living Apart Together: A New Family Form. *Current Sociology*, 52(2), 223–240.
- Machado, I. J. (2011). A condição obscura: Reflexões sobre as políticas de imigração e controle de estrangeiros em Portugal. *Revista Crítica de Ciências Sociais*, 92, 125–145.
- Machado, I. J. (2007). Reflexões sobre as identidades brasileiras em Portugal. In *A imigração brasileira em Portugal* (Malheiros J., Org.) (pp. 171–190). ACIDI. Retrieved from <http://www.oi.acidi.gov.pt/modules.php?name=News&file=article&sid=1511>
- Meeteren van, M. (2012). Transnational activities and aspirations of irregular migrants in Belgium and the Netherlands. *Global Networks*, 12(3), 314–332.
- Riano, Y. (2011). ‘He’s the Swiss citizen, I’m the foreign spouse’: Binational marriages and the impact of family-related migration policies on gender relations. In *Gender, Generations and the Family in International Migration* (pp. 265–283). Amsterdam University Press.

- Sayad, A. (1999). *La double absence. Des illusions de l'émigré aux souffrances de l'immigré*. Paris: Le Seuil.
- Schmidt, G. (2011). Law and identity: transnational arranged marriages and the boundaries of danishness. *Journal of Ethnic and Migration Studies*, 37(2), 257–275.
- Sciortino, G. (2004). Between phantoms and necessary evils. Some critical points in the study of irregular migrations to Western Europe. *IMIS-Beiträge Institute for Migration Research and Intercultural Studies (IMIS), Osnabrück*, 24 (Special Issue "Migration and the regulation of social integration"), 17–44.
- SEF, Serviço de Estrangeiros e Fronteiras, Ponto de Contacto da Rede Europeia das Migrações. (2012). *Utilização Indevida do Direito ao Reagrupamento Familiar: Casamentos de conveniência e falsas declarações parentesco. Portugal*. (p. 22). European Migration Network. Retrieved from [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/family-reunification/pt\\_20120517\\_familyreunification\\_pt\\_version\\_pt.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/family-reunification/pt_20120517_familyreunification_pt_version_pt.pdf)
- Shah, P. (2010). Inconvenient marriages, or what happens when ethnic minorities marry trans-jurisdictionally according to their self-chosen norms. *Utrecht Law Review*, 6(2).
- Stacey, J. (1996). *In the Name of the Family: Rethinking Family Values in the Postmodern Age*. Beacon press.
- Strasser, E., Kraler, A., Bonjour, S., & Bilger, V. (2009). Doing family: Responses to the constructions of "the migrant family" across Europe. *The History of the Family*, 14(2), 165–176.
- Wall, K., & Amâncio, L. (Eds.). (2007). *Família e Género em Portugal e na Europa*. Imprensa de Ciências Sociais.
- Walsum, S. van. (2004). The Dynamics of Emancipation and Exclusion. Changing Family Norms and Dutch Family Migration Policies. *IMIS-Beiträge Institute for Migration Research and Intercultural Studies (IMIS), Osnabrück*, 24(Special Issue- Migration and the regulation of social integration), 119–128.
- Walsum, S. van. (2008). *The Family and the Nation. Dutch Family Migration Policies in the Context of Changing Family Norms*. Cambridge: Cambridge Scholars Publishing.
- Walsum, S. van. (2011). Sex and the Regulation of Belonging. Dutch family migration policies in the context of changing family norms. In *Gender, Generations and the Family in International Migration* (pp. 57–86). Amsterdam: Amsterdam University Press.
- Westwood, S., & Phizacklea, A. (2000). *Trans-Nationalism and the Politics of Belonging*. Routledge.
- Wray, H. (2006). An Ideal Husband? Marriages of Convenience, Moral gatekeeping and Immigration to the UK. *European Journal of Migration and Law*, 8, 303–320.
- Wray, H. (2011). *Regulating Marriage Migration into the UK: A Stranger in the Home*. Ashgate. Retrieved from <http://www.ashgate.com/isbn/9781409403388>