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To cite this article: Sébastien Chauvin , Manuela Salcedo Robledo , Timo Koren & Joël Illidge (2021) Class, mobility and inequality in the lives of same-sex couples with mixed legal statuses, Journal of Ethnic and Migration Studies, 47:2, 430-446, DOI: [10.1080/1369183X.2019.1625137](https://doi.org/10.1080/1369183X.2019.1625137)

To link to this article: <https://doi.org/10.1080/1369183X.2019.1625137>



Published online: 17 Jul 2019.



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Class, mobility and inequality in the lives of same-sex couples with mixed legal statuses

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ABSTRACT

Seeking to overcome the heterosexual bias in marriage-migration scholarship and move beyond individualistic approaches to queer mobility, this article focuses on the lives of same-sex couples that hold unequal residence statuses. In a twofold context marked by the increasing legal recognition of same-sex families combined with heightened hurdles facing certain categories of immigrants, we examine what those simultaneous trends mean for these couples. Based on 42 interviews conducted in France, the Netherlands and the United States with people from a variety of class backgrounds, we show how higher resource levels moderate the impact of constraining legal frameworks without suppressing them. We distinguish between low-resource homogamous, heterogamous, and high-resource homogamous couples. The first configuration often results in forced immobility and separation. In heterogamous couples, conjugality becomes a major pathway to legal status for the migrant spouse – potentially feeding suspicions of instrumentality. In contrast, privileged migrants in a homogamous couple tend to relate to law in less of a binary way and experience regulations as more easily surmountable. Yet, for them, securing permanent residence represents but one objective among several (including their careers and studies), an investment often disconnected from their matrimonial relationship and at times in competition with it.

KEYWORDS

Marriage; migration; heterogamy; homogamy; same-sex couples; social class

Introduction

Family migration is not always heterosexual and queer mobility is not always individual. In a twofold context marked by the increasing legal recognition of same-sex families combined with heightened hurdles facing certain categories of international migrants, this article examines how these simultaneous trends translate into the experiences of same-sex couples that hold unequal residence statuses (undocumented, temporary, permanent or citizenship). Such focus requires simultaneously overcoming the straight bias in marriage migration scholarship and going beyond the individual approach in the queer migration literature. Based on qualitative interviews conducted in France, the Netherlands and the United States, we analyse both the common issues that distinguish these couples

from straight ones, and those that differentiate same-sex couples from each other. Centring the place and meaning of legal status and residence in the lives of same-sex couples, we observe that their experiences differ markedly based on their resource levels. Reflecting the renewed interest for social class in migration studies, the article's insistence on the relevance of resource profiles in differentiating between couples' experiences of law allows us to examine how state categories regulating marriage migration apply to non-heterosexual couples while avoiding dichotomising matrimonial realities along a mere gay-straight axis. Our aim is not to isolate the effect of class from other sources of inequality between and within couples; on the contrary, our material will illustrate that class never acts by itself and is often closely intertwined with nationality or race, especially in public perceptions and bureaucratic expectations where the terms tend to function as signifiers of each other (Fassin 2015).

With recent exceptions (Dominguez, Solórzano, and Peña 2012; McDevitt-Pugh 2011; Salcedo 2013; Ahlstedt 2016; Awondo 2016; Noor and Besnier 2016), the literature on 'cross-border marriages' (Moret, Andrikopoulos, and Dahinden 2021) has mostly focused on heterosexual couples, reflecting the imprint of state policies on the scholarly agenda. Indeed, straight couples have been much more numerous and more likely to benefit from marriage as an avenue of migration or legalisation. From the perspective of the critical study of the family as a realised state category (Bourdieu 1996), gay and lesbian migrants' lack of access to same-sex marriage as a legal migration route has therefore been worth studying as such (Luibhéid 2008b; Sußner 2013). This exclusion gave rise to inventive 'heterosexual' kinship strategies aiming to circumvent legal obstacles to mobility: a woman could marry her lesbian lover's son to secure residency and safeguard her same-sex household (Borneman 1997); a foreign lesbian lover could marry her citizen lover's divorced father so as to be able to remain in the country they lived in. Understandably, the rise of marriage equality in a host of countries over the past 20 years has made same-sex couples an even more relevant object for marriage migration scholarship, as it opened up the possibility for noncitizen 'unrelated individuals' in same-sex relationships with a citizen to eventually 'become citizens by becoming kin' (Moret, Andrikopoulos, and Dahinden 2021). Indeed, the family and love migration literature began incorporating homosexual couples into its field of study as their family ties were gradually recognised and as it became possible for them to obtain migration rights and legal status through those ties (Salcedo 2015; Ahlstedt 2016).

Simultaneously, increased migratory restrictions in most Western-European countries have fed a climate of suspicion about the authenticity of cross-border marriages, as the special issue introduction points out (Moret, Andrikopoulos, and Dahinden 2021; See also Wray 2006; Maskens 2013; Alpes and Spire 2014; Lavanchy 2015; Salcedo 2015). In the early post-colonial period, these marriages – particularly when between a white European husband and a non-European bride – used to be considered powerful signs and vectors of assimilation. Today, by contrast, binational couples, especially when co-ethnic or socially heterogamous, are presented as threats to migration controls. Ironically, state suspicion has risen together with state restrictions: as the state closed other routes to migration, especially for lower-skilled migrants, they made cross-border marriages more and more comparatively 'convenient' as a source of legal status – only to then propel fears about 'marriages of convenience'. Shifting the focus to same-sex couples raises the question of whether suspicion functions the same way in their cases.

Until recently, the migration of lesbians and gays had mostly been studied under the rubric of queer asylum, which was the main legal route through which they could access international mobility as sexual minorities. The queer asylum literature has grown in the past two decades as many Western states dramatically shifted from homophobic policies to ones casting queer migrants as victims exceptionally deserving of access (Luibhéid 2008a; Millbank 2009; Spijkerboer 2013; Giametta 2014, 2017; Lewis 2014; Mai 2014; Shakhsari 2014; Shuman and Hesford 2014; Vogler 2016; Hertoghs and Schinkel 2018). This literature can thus inform our critical assessment of the construction of queer mobility and migratory deservingness in the case of queer marriage migration. Yet the queer asylum literature has mostly developed separately from family migration (for exceptions, see Lewis 2014; Fassin and Salcedo 2015; Giametta 2017). Although lesbian and gay refugees did previously attempt to migrate as couples (Dauvergne and Millbank 2003) or to sponsor their left-behind partners after they had obtained refugee status, their pre-existing relationships had remained unregistered (and often were the very cause of their persecution), making same-sex family unification unavailable *de facto* even in countries that formally offered that possibility (Sußner 2013). Here too, refugee scholarship has tended to replicate limitative legal constraints by framing queer asylum mostly as an individual issue.

Last but not least, after an eclipse spanning nearly a quarter century, social class has again become a salient theme of migration research (Van Hear 2004; Bonjour and Chauvin 2018; see also articles by Pellander [2019]; Wray, Kofman, and Simic [2021] and Charsley and Bolognani [2021] in this issue). While the ‘global mobility divide’ makes nationality a key determinant of people’s ability to effectuate international moves (Mau et al. 2015), economic, cultural and social capital defining individual and family class positions can significantly qualify this hierarchy (Carling 2002; Van Hear 2014). Class is also increasingly embedded in family migration policy through economic and cultural requirements (Staver 2015; Kofman 2018). Although class proxies such as income or diploma seem, at first sight, to refer to ostensibly neoliberal criteria such as individual self-sufficiency and integration prospects, they also inevitably function as indicators and selectors of privileged group belonging (Bonjour and Chauvin 2018).

The multidimensionality of class (Bourdieu 1986) means cultural and social capital may compensate for low economic capital, as Wray, Kofman, and Simic (2021) show in the case of young, temporarily precarious, middle-class British citizens with a third-country spouse. Moving to another European country, for example as students, allows these couples to circumvent UK income requirements for marriage migration by making use of less stringent EU free-movement spousal residency regulations. Class rifts also divide marriage migrants, as Horst, Pereira, and Sheringham (2016) note in their study of Brazilian marriage migration to Portugal, the UK and Norway. For example, middle-class Brazilian women who already had careers when they married oil-industry Norwegian expatriates and who moved to Norway only years later insist on distinguishing themselves from poorer marriage migrants (who they imagine simply had sex with a tourist). Thus, there are classed ‘styles’ of marriage migration even within a single national-origin community.

Our research points to the challenges of defining class and class differences in a multi-dimensional and transnational context (Weiss 2005; Nowicka 2013; Rutten and Verstappen 2014; Moret 2017). Although the article focuses on class as a key source of

differentiation within and between couples, its premise is not that class is in general more relevant than gender, sexuality or race. Following intersectional insights, on the contrary, we will show that class itself is embedded in other relations of power both at the global and local levels. For example, class homogamy and heterogamy are variously mitigated by nationality (Awondo 2016), given that a high-status nationality can diminish the relevance of class-based hurdles, especially in terms of accessing mobility, obtaining entry or securing legal residency. As we will see, very high economic or cultural resources can even allow for forms of mobility and multi-positionality that challenge the very notion of a national legal context (Cousin and Chauvin 2014).

In this article, we call ‘mixed status couples’ those couples whose members hold unequal residence statuses in the receiving country. The term is more precise and more relevant to our study than ‘binational’, as some binational couples share the same status, for example, when two foreign nationals live in a third country with the status of permanent residents, or when both partners hold receiving-country citizenship but one member was naturalised or enjoys multiple nationalities. By contrast, mixed-status couples can include couples of co-national migrants that nevertheless do not share the same legal status in their country of residence at the time of encounter. Indeed, our intention is to focus on the effects of rights inequality rather than merely on national difference.

The next section of the article presents an overview of our methods and data and briefly describes the national settings in which we conducted interviews. Then, the two empirical sections successively review issues met by mixed-status same-sex couples in contrast to similar straight couples, and dynamics of differentiation between several types of same-sex couples based on class profiles as they deal with legal hurdles relative to residency and access to citizenship. In the spirit of the special issue, showing that state categories and constraints are not equally salient for everyone depending on class and resource levels will contribute to de-centring state categories in the study of marriage migration.

Methods and national contexts

This article is based on 42 qualitative interviews from two separate projects. Interviews were conducted in English, French, Dutch and Spanish. In the Netherlands and the United States, Sébastien Chauvin, Yannick Coenders, Joël Illidge and Timo Koren interviewed men and women who were currently or formerly in a mixed-status couple. Interview questions pertained to migration, legal trajectories, relationship with surroundings (friendship and family networks, ethnic-minority and LGBT communities), and domestic life. A total of 20 interviews were conducted from 2014 to 2018, with single individuals or with couples together. Interviews lasted between one and three hours. Manuela Salcedo’s project on France (2009–2014) is based on interviews and ethnographic observation at organisations assisting bi-national couples (Ardhis for same-sex couples and Amoureux au ban public for different-sex couples), complemented by document and data analyses. Her dissertation draws on the experiences of both straight and gay couples. She became an activist and a volunteer for Ardhis and Amoureux au ban public, two organisations assisting foreign partners in gaining residency in France (Ardhis also works with individual queer asylum seekers). Salcedo accompanied the couples to migration offices, city councils and courts and conducted qualitative interviews with couples and activists. She conducted 22 interviews specifically with same-sex couples or respondents in a same-

sex couple. Finally, Salcedo compiled quantitative data on couples (age, citizenship, sex, and socioeconomic status) based on organisation membership applications.

While the Netherlands, France and the United States all have opened marriage to same-sex couples (In 2001, 2013 and 2015 respectively), the three countries offer different contexts relative to cross-border marriages, both in terms of policy regulation and dominant public discourse. For example, cross-border marriages have not been politicised in the US in the same way as they have been in Western Europe. Even as President Trump began fuming about ‘chain migration’, his complaint mostly pertained to siblings, parents and adult children and carefully avoided marriage (the president himself having formed a binational heterogamous union). The Trump administration did nevertheless make the life of these couples significantly more precarious by lifting a waiver put in place under Barack Obama that, since 2013, had allowed migrants married to citizens to remain in the country while awaiting their legal status (Yee 2018). So far, however, there has been no major discursive focus on marriage as a route to migration or especially as a cultural threat to the society of reception in the United States. In contrast, the Netherlands has now set cultural conditions such as pre-entry language and integration-abroad tests for foreign marriage partners coming from so-called ‘non-Western’ countries. Not just the intensity, but also the nature of public discourse about cross-border unions carries consequences in the realm of policy regulations. For example, while both France and the Netherlands have seen a rise in governmental discourse around the ‘genuineness’ of marriages, France has specifically been enthralled in a moral panic about ‘grey marriages’, cross-border marriages in which the foreign partner is thought to be duping their well-intended citizen spouse – and the state (Fassin 2010). By launching a campaign against such presumed marriages in 2009, Immigration Minister Eric Besson sought to distinguish them from ‘white’ marriages, in which both spouses are thought to be complicit in a sham union, although either form of marriage is punishable by up to seven years in prison. The place of same-sex marriage in the national narratives of the three countries is also worth noting. In particular, the Netherlands prides itself on being the first country in the world to legalise same-sex marriage and has been a hotbed of homonationalism (Mepschen, Duyvendak, and Tonkens 2010; see also Puar 2007 for a broader discussion of homonationalism). Indeed, Dutch political space has seen a proliferation of discourses articulating the defence of gay rights with xenophobic calls for limiting migration. By contrast, France and the United States have been marked by much weaker consensus on homosexuality and a similar association between domestic gay rights and migratory restrictions has been comparatively less salient, although by no means absent.

While there are obvious differences between the countries where interview material was collected, this article does not attempt to systematically contrast the US, the Netherlands and France. It eventually questions whether national contexts matter at all in shaping resource-related inequalities between couples. Instead, our relatively heterogeneous data across three spaces of markedly disparate sizes points to cross-case similarity and convergence. While we did pay attention to national idiosyncrasies and, secondarily, gendered and ethno-racial differences, class discrepancy between respondents’ experiences of legal constraints was what struck us the most. Despite contrasts in Dutch, French and American family migration policies, which are themselves changing across time, the dominant categories of mobility are increasingly similar in these three countries and across the board more easily accessible by the middle and upper classes. In particular, privileged class

features such as higher income or professional prestige function as assets, including in countries like France that do not have formal income requirements for marriage migration but do make it relevant in practice. Moreover, family migration does not always happen through ‘family’ routes – spouses may migrate not as spouses but through other administrative categories that more explicitly favour the privileged, such as highly skilled labour migration (Luibhéid 2008b).

Are binational same-sex couples different from straight ones?

Drawing from both primary data and the marriage migration literature, this section provides a sketch of the collective specificities of same-sex binational couples compared with straight ones regarding cross-border marriages. As we will see, although there are *generic* differences linked to sexual orientation between these couples’ access to mobility, especially due to differential treatment by authorities, many of those differences remain modulated by class inequality.

Contrary to straight couples, same-sex couples are dependent on the uneven geography of same-sex marriage legislation for their international location choices. Yet, they may demonstrate agency in circumventing these legislations based on the economic and cultural resources they possess. This possibility is well illustrated by the story of Luciano (32) and Angel (28):

Luciano, who is Italian, and Angel, who migrated from Cuba to Europe, met in the late 2000s in Italy, where same-sex marriage did not exist, when they were both students. In order to secure permanent residency for Angel, the couple decided to officially settle in Spain in the early 2010s, where they could marry and Angel could eventually obtain European citizenship. Angel formally affiliated with a Spanish university, although the couple spent most of the year in Italy, where Luciano finished his studies in the humanities.

Jorge (38) is a Brazilian man who lived in New York when he met his Dutch partner (48). He explained their own decision to relocate to the Netherlands:

We met in New York. And that was while I was living in New York, hence long-distance relationship and two-and-a-half years later we were still doing the traveling back and forth. And then one of us needed to decide like ok the relationship is going really serious, what are we going to do? And then he said: ‘you know what [I could live] in New York for a year’, but at that time there was no gay marriage in the United States, there was no way he could have a legal status there. [...] So, I said ok I can move, because I had already lived there for so long and I was ready to try something new so I started to move here [to the Netherlands].

Overall, gay-straight disparities do not only concern location choices but also interactions with immigration authorities. Just as with straight couples (Wray 2006; Maskens 2013; Lavanchy 2015), destination country officials assessing same-sex spouses for immigration purposes scrutinise the authenticity of their relationship. But unlike for heterosexual couples, they also typically probe the genuineness of each member’s sexual orientation (Fassin and Salcedo 2015). While for heterosexual couples, having children is the ultimate attester of a true relationship, genuine gayness becomes a proxy for the authenticity of a same-sex relation. For authorities, a true homosexual couple is first a couple of true homosexuals. The reverse is also true, as Rachel Lewis showed in the case of the UK (Lewis 2014), where queer asylum seekers partnered with British citizens are invited to prove

their queerness by demonstrating the genuineness of their same-sex relationship. Furthermore, whereas straight couples are mostly scrutinised for *love*, gay couples may have to showcase *sex* itself as a proof of authenticity (Lewis 2014). At the policy level, a narrative of matrimonial authenticity is thus intertwined with a narrative of sexual identity.

Identity issues are central to the state management of queer migration. Asking for 'outer signs' of gayness is an inherently contentious request, which has been amply criticised by queer asylum scholarship (Giametta 2017). Operative state categories for homosexuality have been infused with Western clichés relative to gay culture and have tended to reduce true homosexuality to one that ties acts to identity (Fassin and Salcedo 2015). Fassin and Salcedo show how these 'identity checks' retroact on the sense of identity of migrant partners who did not necessarily identify as gay or lesbian even though they were in a same-sex couple, and who were suddenly prompted to embrace Western sexual categories.

How immigration bureaucrats interact with same-sex couples results from the interaction between state stereotypes and the features displayed by these couples. In the Netherlands, for example, the Fraudulent Marriage Act (1994) introduced 'objective indicators' for the detection of 'sham marriages'. One of them was a large age discrepancy (Bonjour and De Hart 2013, 69). Age and class heterogamy tend to be higher in general for gay male couples than for lesbian and straight couples (Heaphy, Smart, and Einarsdóttir 2013). Interracial unions are also more frequent among same-sex couples than among straight ones (Jepsen and Jepsen 2002; Rosenfeld and Kim 2005, cited in Moore and Stambolis-Ruhstorfer 2013, 494). This multi-level heterogamy is accentuated in binational couples. Salcedo found the average age gap in same-sex – mainly male – binational couples in her French sample to be 13 years, almost double the average gap in same-sex couples in general and four times the gap in straight couples according to general population statistics (Prioux, Mazuy, and Barbieri 2011). The older partner is almost always the French citizen, frequently with a gap of 20 years or more (25 per cent in the sample). Furthermore, the discrepancy is higher when the foreign partner comes from one of the poorest countries globally, reflecting obvious international power dynamics and raising issues of economic dominance and negotiation.

However, there are indications that immigration agents have been judging these cultural, social and economic patterns with less suspicion than for straight couples, following a logic of benevolent sexual culturalism. The latter involves the belief that gay couples are different anyways and that an age or class discrepancy that would be suspect for heterosexuals is simply 'normal' for gays. It is also tied to the imagined unlikelihood that same-sex unions would result from forced marriage or be 'arranged' by origin families. More generally, same-sex unions are less prone to evoke traditional patriarchal stereotypes that immigration agents associate with cultural and national outsidership. As we will see in the next sections, being in a same-sex couple in no way provides a consistent secure protection from state suspicion against relationships perceived as unbalanced. Yet, George (55), a British private consultant for an international company in Paris, in a civil union with Paolo, a much younger Brazilian hairdresser, reported that his highly asymmetrical relationship raised no major obstacle with French immigration authorities:

'We had no problem obtaining the papers for him', he explained. After 4 years of relationship, during which George used every holiday to go see Paolo in Brazil, they decided to live together

in Paris. [Authorities] didn't care that Paolo did not have a professional project. [The police officer at the prefecture] asked, but we said he will find something in Paris, as Paris is the fashion capital... but we worked hard, very hard to have all the papers because we were afraid of not obtaining them as Paolo was undocumented.

Has marriage equality endangered the informal benevolence of authorities towards atypical arrangements, as the scholarship on homonormativity may anticipate? The available evidence is equivocal. In none of the countries considered is marriage an equally constraining norm for all sexual orientations. For example, when same-sex marriage is available, deciding to marry is more likely to be perceived as an extra gesture – and thus a proof of sincerity – for gay couples than for straight couples. However, there are signs pointing in the other direction. In the Netherlands, for example, the possibility of getting legal status simply through registered cohabitation (*samenleving*) with a native lover was suppressed for three months in 2011, confirming the predictions of homonormativity theory. Couples were initially instructed to get married within 6 months or the foreign partner would face deportation, before the policy was reinstated after protests. In France, effects of marriage equality have been complex, as an Ardhis activist explained, comparing the current period with that when same-sex couples only had access to domestic partnership:

We should not forget that civil partnership allows a foreign partner to be regularized however they entered France. This was a technical creation, an administrative directive which did not stem from the law but from the practices of various ministries, a result of [our] contacts with them. This is something we won 20 years ago, after the civil partnership law [PACS]. This allows foreign partners to be regularized whether they have arrived in France with a visa or as an undocumented migrant. Whereas for married people, you must follow other rules. The law says that an undocumented migrant who entered in France without a visa cannot be regularized without first going back to their country, even if he or she is married to a French citizen. This is a huge difference between being in a civil partnership and being married for same-sex binational couples.

Same sex, different classes

Overall, the advent of marriage equality nevertheless had overwhelmingly positive effects on the capacity of cross-border couples to settle in the country of their choice. Yet, the meaning of citizenship or legal status in the lives of these couples varies greatly depending on resource levels, as we will now show by successively considering low-resource homogamous couples (in which partners share comparable social and economic positions), heterosexual couples (in which they present resource discrepancies) and high-resource homogamous couples.

Low-resource homogamous couples

Low-resource homogamous couples are the ones most at a disadvantage in the context of migratory restrictions. When the native spouse has few resources, visas become near impossible to obtain, resulting in involuntary immobility (Carling 2002) and relationship breakups, which makes poor transnational homogamous couples rare and ephemeral. Often due to their typically more precarious economic conditions as female-only households (Kofman 2018), lesbian couples have more problems obtaining papers than gay male

couples. Clarissa (38), a French citizen, working in a research institution in Paris as a secretary and Betty (26), a student from Armenia, working 20 h per month in an advertising company, went through administrative hurdles due to a combination of their unstable resources and relationship choices, as Clarissa explained:

Betty only works 20 h because she is a student. We want to change her status so she can work normally. We have been together for 3 years and want to get a registered partnership (PACS). But we don't fit well in some cases. We don't have an electricity bill on our name, because I have been subletting the apartment where we have lived for 10 years, and the owner doesn't know we are here, we don't have a bank account because we want money stuff to be apart from our relationship ... so we don't have some papers that show the administration we live together.

Another example of precarity is the case of Amalia (37) and Sonia (34), living in France since 2007. Both are from Brazil, but Amalia also holds Spanish citizenship. Amalia is a taxi driver in Paris while Sonia does not work. They got married in Spain in 2007 and then decided to live in Paris. When they started building an application for the Paris prefecture, they realised Sonia didn't appear in any of the official documents: electricity bills, loans, etc. Indeed, Sonia was undocumented and the couple had feared that too much visibility would make her vulnerable to police arrest. Residence status and resource levels may thus converge to reinforce precarity.

Given that transnational social spaces are marked by strong inequality between national levels of wealth and highly imperfect portability of human capital, privileged class background in origin countries will most often not translate into equivalent positions in receiving countries. This gap is especially true during vulnerable life-course stages such as student years. Although moneylessness should not be equated with being working-class, many international students are indeed 'poor' in receiving countries even though their families are considered middle-class in their home countries. This situation is illustrated by the mixed-status couple formed by Belinda (31) and Ines (33):

Both are from Brazil but Belinda obtained European citizenship thanks to her Dutch grandmother. Belinda met Ines in Brazil a few months before moving to the Netherlands to begin her PhD studies. Although Belinda came from a middle-class family in Brazil, her position as an unfunded student has made her financially precarious. She worked front desk at 'the worst hotel in Amsterdam' for little money, then as an assistant at a university on a 3-month contract. At the time of the interview, neither position met the financial conditions for her to qualify as a sponsor for Ines.

However, the case of Belinda and Ines suggests that even though resources associated with class status are downgraded in migrating to a much richer country, home-country belonging to the professional class can offer resources of its own, either by offering flexible jobs or by being associated with skills that might allow for mobility through legal labour migration:

Ines has a good job as a health inspector for pharmacies in Brazil. Although having a career would normally discourage her from considering moving abroad, she works for a public employer that offers some flexibility: if Belinda and Ines get married, Ines would be able to get two years of unpaid leave. Through her connections, Belinda is also trying to find her job opportunities in the pharmaceutical industry, some of which they hope may allow Ines to come to the Netherlands on a work visa (and thus be dispensed from pre-integration requirements).

Heterogamous partners

When the sponsoring spouse has more resources, international mobility or on-site regularisation become easier for the migrating partner. For migrant partners in heterogamous relationships, the failure to obtain legal status can mean either immobility or deportation, generating a dichotomous relation to legality. Conjugalities are then the main step of a unidirectional pathway to legal residency and citizenship, which in turn structures perceptions of matrimonial power relations, as immigration status in this case depends exclusively on the citizen spouse. Obtaining residency is the master biographical investment and conjuality the main pathway to it. Jeroen, a white Dutch man, met Rodrigo in Bahia, Brazil when he was in his 40s and Rodrigo was in his early 20s:

Rodrigo is by now a Dutchman [...] and quite adamant in wanting to hand in his passport. And I was saying, 'we should invent a way to ... so that you would be able to keep your Brazilian passport'. But he was very much like 'I don't want a Brazilian passport. I don't like Brazil, Brazil never did anything for me, so I'm more than happy to relinquish my Brazilian nationality'. He gets very irritated with people who get all starry-eyed when the word 'Brazil' is mentioned. Because he's from a very poor family. And he knows that Brazil can be the shittiest place on Earth. And he feels this aspect is covered by Samba and Carnival and so on. So he relinquished his nationality. When he did so at the consulate in Rotterdam, the woman working there ... incredible, she said, 'hum hum, so you are spitting on the plate that fed you' ... the consular woman! And Rodrigo said, 'well, this plate never fed me in the first place! So maybe I am spitting on it!' And then she was taken aback and tried to laugh it off.

At the association studied by Manuela Salcedo, heterogamous gay male couples included the cases of French expatriates who came back to France together with their younger partners after long periods abroad, sometimes as they were nearing retirement. Highly heterogamous arrangements fed suspicions of instrumentality, not just from authorities but also from friends and social surroundings, with effects on the couples' own introspection.

Ludovic (54) worked abroad for many years at a large French company. After 25 years living in three African countries, he decided he wanted to go back to Paris. He was then living in Abidjan with his partner Felix, a student 17 years younger who worked as a waiter in the summer. Ludovic came from a French middle-class family, not the case of Felix, who had to work to help his sister and niece. It took them two years to successfully move to France together. Although Ludovic knew key persons at the French consulate, it was a long path for them to obtain a visa. They were denied twice: 'The consulate told us that Felix was not sincere. That he wants to go with me because he wants to get out of Africa. But that he is not in love with me, because I am much older. What do they care? It is our life!'

Perceptions that the couple forms an asymmetrical relationship are strengthened when class, race and age differences converge. Here too, suspicion is by no means limited to state institutions. Jan, a white Dutch man born in 1952 and Andre, his South African partner born in 1969 and identifying as 'coloured', have been living together in Amsterdam after meeting in South Africa decades ago. Andre talked about being in an interracial gay couple with an age gap in South Africa:

Andre: And then it was the first time since I met Jan that I was made aware that he was older than I am, and white, and because of the Apartheid era, there were coloured people looking at me, like I was, like he was my sugar daddy and I was his toyboy. And I never felt, this was the first time that I felt like that. Where – it was a feeling, it wasn't even what they said, I felt put into a box kind of thing, or I felt like I was being judged, yeah, by them and yeah. That was basically it, that was the first time – we were actually thinking of buying that guest house

and I said no, there is no way we can live here. I would never want to live in a place where I feel I'm your ...

Jan: Toyboy. Well, I don't mind a toyboy! But [laughs] I'm joking.

Legal constraints may also impact matrimonial chronology. In situations where marriage is the single path towards legal status, formally concluding such union may have to be done earlier than would normally be the case, if at all, were the relationship not constrained by residency matters. The performance of 'normalcy' in front of authorities may require exaggerating how old a relationship is. Bart, a Dutch man, married Caetano, a Brazilian man living in Amsterdam on a visa approaching expiration, very shortly after meeting. Bart and Caetano's prepared narrative illustrates that the targets of such 'performance' are not just authorities but may also include families:

- And was it already clear at the municipality that you guys just got to know each other?

Bart: No, no. Because we had the same story for everyone. And that was that we already knew each other for 10 years, from parties etc. and we always had contact with each other, and that only in that past year we started developing feelings for each other.

- OK

Bart: It was also the same story I told my parents by the way. Because everyone was like ...

- ... like how can this be ...

Bart: Like you're not right in your head. You have met this guy twice and you will give him your name and all that, you know? You're not right in your head. So that story is also easy.

Doubts about the speed of marriage vis-à-vis the seriousness of the relationship also create conundrums for partners themselves. Michael, a British citizen in his twenties, met Eduardo, a Brazilian man of the same age, in 2012 when they were both in Paris. They married after three years of living together because Eduardo lost his student visa (he had only registered at the university in order to get a visa so he could study at a drama school). Michael was hesitant because:

I was only 21 years old. Like what the fuck am I doing getting married? Number one. And number two because I wasn't ... I wanted to get married because I wanted to spend the rest of my life with someone. This wasn't. I was having doubts whether this was the guy I wanted to spend the rest of my whole life with. But at the same time, you know, it was, If we don't get married, then it's goodbye.

They eventually broke up, but since Eduardo still needed to renew his visa, Michael agreed to continue being married and pretend to live together. Eduardo went to spend time with his family in Rio, while Michael left for Amsterdam to continue his studies. At the time of the interview, Michael wanted to help Eduardo but effectively ending his residency in France would threaten Eduardo's visa renewal (only after three years of being married could Eduardo apply for permanent residency).

Privileged homogamous couples and citizenship as investment

Professional and highly skilled migrants, often also privileged by the high power of their passports and typically living in more homogamous couples, experience law in a more

distant way. Partners are more likely to both have legal status at the time of encounter, and to be able to maintain it independently. Yet, as this section will show, even those privileged homogenous couples encounter problems related to their family mobility, including in contexts where same-sex marriage is recognised. Indeed, legal issues can still channel their mobility by inviting strategic relocation. As it happens, the concept of same-sex 'love exiles' was first developed to capture the case of these professional expatriate same-sex couples that chose the Netherlands as the country in which they could stay more easily as a couple thanks to the early recognition of same-sex unions there (McDevitt-Pugh 2011).

Furthermore, high cultural capital and economic resources, especially when combined with I.T.-related flexible jobs, result in mobility constraints being more easily experienced as opportunities, especially for cultural enrichment.

The case of Roger and Gérard, respectively an American man and a French man in their early fifties, encompasses all these dimensions. Gérard moved to Los Angeles in the mid-1990s to work for an accounting company that arranged his visa. He met Roger at a bar in LA and their relationship started. Gérard shifted to another company that began the procedure for his green card, which would take several years. Meanwhile, he was sent to France as a replacement at the Paris branch of the company. Lawyers for the company realized his shift in position meant the whole green card process had to be started again from scratch. Gérard was thus forced to stay in Europe, first in Paris, then in Amsterdam for a year and a half. The company then moved him to the Mexico branch, until his green card was delivered. When Gérard was in Europe, Roger was able to come see him for long periods of time thanks to his American passport. As Roger was in the high-tech sector, he could in part work remotely. He settled in Mexico City with Gérard. However, once he lost his high-tech position, he became a jobless trailing spouse without a work authorization in Mexico. This tested their relationship and Roger came back to L.A., followed by Gérard one year later.

One partner being able to work as a 'digital nomad' from any place in the world through new communication technologies is thus key to ensuring the durability of dual-career professional couples, especially when the other partner's mobility is contingent upon employer decisions partially beyond their control. Anmol, who was born in India, lived in New York City for 11 years, where he met his partner, a white European diplomat three years prior to his interview in 2015. They lived together in the same apartment for two years. During the interview, he announced:

Now, in about three months we are actually moving to Belgium. So his tenure here ends, because, you know after four years they have to go back to their own country. So I'm going with him. I've always liked living abroad and for me, with the kind of job I have, it allows me to do that. So we decided, let's just move to Europe. That's happening in September, we'll move to Brussels and live there.

- So what is the job that allows you to do this?

So, I'm a partner in an analytics company, so a big data firm. And you know, I've sort of been here for 11 years and I have negotiated a situation for myself now where, you know, I told them that I work from whatever location I find suitable. That's what I do. Cause I'm also a writer on the side, and I'm finishing a book right now. I care for the flexibility that my job allows me, you know, it gives me time to write and read and so on. So as part of that I was able to negotiate ... officially I'll work for the London office but I'll live in Brussels and when I need it I'll commute between London and Brussels and then meet. [...] After that, I mean I don't know but we

want to live in Berlin a little bit, so maybe we move to Berlin, or come back to New York. Who knows, I mean that is kind of long term.

However, if the mobility of these couples encounters far fewer legal restrictions, for them getting citizenship or even permanent residence in a given country is also often less urgent and represents but one objective competing with others. Indeed, these privileged migrants may also be committed to their (international) studies, careers and professional mobility. On one hand, they more easily experience their conjugal project as disinterested and disconnected from legal status acquisition. Yet, on the other hand, living together – especially following one's partner – can mean sacrificing other investments, including citizenship acquisition or career advancement, creating different dilemmas than for lower-class couples. Even when partners are able to settle in the receiving country temporarily through travel visas or high-skill permits, restrictive conditions generally still apply for them to obtain permanent residence and eventually citizenship, such as for Luciano and Angel, introduced earlier:

Luciano and Angel met in Italy and married in Spain where same-sex marriage is legal. Angel, a Cuban doctoral student, could wait a few more years in Spain to gain Spanish citizenship through his Spanish marriage with Luciano. However, at the time of the interview, he explained he was considering moving to Israel for a postdoc in his field 'because they have one of the best programs in the world'. Doing so would advance his career but set the clock back to zero in terms of EU citizenship.

As we suggested, the possession of high economic, cultural and national resources cannot trump all legal limitations on mobility. This limit is illustrated by the case of Justin, an upper-middle-class Canadian citizen on a temporary stay in the Netherlands, and Jorge, a middle-class Brazilian who moved from New York to the Netherlands with his former Dutch boyfriend.

At the time of the interview in 2017, Jorge was about to gain permanent Dutch residency independently from his union, which had ended two years before. Jorge met Justin in Amsterdam. Jorge wished he could marry Justin and thereby sponsor his EU residency. However, Justin was married to a woman in Canada, and had only come out as gay in the past few years. Jorge was Justin's first serious same-sex relationship. Justin had begun a divorce procedure but things were not going well and his wife dragged it on for what he considered financial reasons. As a result, Justin and Jorge could not marry and Justin could not get stable residency as a marriage migrant.

Even though Justin had economic means, in this case money could not resolve everything. A previous marriage can become a hindrance to mobility including between two upper middle-class residents in a country where same-sex marriage is legal and qualifies spouses for migration rights. Thus, multidimensional portfolios of biographical investments may include past marriage investments which, like career and educational ones, can become liabilities.

Conclusion

Seeking to overcome the heterosexual bias in marriage-migration scholarship and move beyond individualistic approaches to queer mobility, this article focuses on the varied experiences of legal constraints in the lives of same-sex couples that hold unequal residency statuses. In a twofold context marked by the increasing legal recognition of same-sex families combined with heightened hurdles facing certain categories of

immigrants, we examined what those simultaneous trends mean for these couples. Based on semi-structured interviews conducted in France, the Netherlands and the United States with people from a variety of class backgrounds, we showed how higher resource levels moderate the impact of constraining legal frameworks, without ever suppressing them.

We distinguished between low-resource homogamous couples, heterogamous couples, and high-resource homogamous couples. The first configuration often results in forced immobility and separation due to lack of financial means. In heterogamous couples, citizenship presents itself in dichotomous terms (unauthorized/authorized, immobility/mobility) and conjugality appears as the main pathway to legal status for the migrant spouse – potentially feeding suspicions of instrumentality from the other spouse, authorities and surroundings. In contrast, privileged migrants in a homogamous couple tend to experience law in a more distant way and perceive citizenship in more gradual terms. Moreover, for them, acquiring citizenship or permanent residency represents but one objective among several. That investment is often formally disconnected from their matrimonial relationship and at times in competition with it or with other investments in their higher education, professional careers or businesses.

Thus, although class-related resources do indeed moderate the impact of legal restrictions, they by no means cancel them out. Rather, resources transform how couples relate to restrictions: they become relative constraints rather than absolute obstacles; they are experienced in a continuous rather than a binary way; they are part of a plurality of investments rather than representing a single, converging one. Notably, our findings indicate that, although there were differences collectively distinguishing the experiences and concerns of same-sex couples from those of straight couples, consequences of class and resource discrepancies in the case of same-sex couples do not significantly differ from those found among cross-border heterosexual unions. In many ways, thus, the combination of class and national capital trumps differences in sexual orientation in shaping opportunities and constraints within contemporary family migration, at least where same-sex partnerships are available.

Finally, although we showed how heterogamy and resource discrepancies within same-sex couples implied problematic forms of dependency and power dynamics, this article suggests that homogamy is no less problematic from the point of view of global migratory justice. Indeed, the new norm of homogamy, while tendentially strengthening equality *within* relationships, happens to generate more inequality *between* cross-border couples, widening the gaps between the homogamous ‘haves’, who can easily access international mobility and the homogamous ‘have-nots’ condemned to involuntary immobility and matrimonial precarity.

Acknowledgements

The authors would like to thank Yannick Coenders for his contribution to the Dutch interviews. We also thank Apostolos Andrikopoulos, Joëlle Moret, Janine Dahinden and the anonymous reviewers for their careful reading and critical comments on previous drafts as well as Madeleine Arenivar for language editing.

Disclosure statement

No potential conflict of interest was reported by the authors.

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