

**Docile Housewives or Empowered Entrepreneurs?  
Gender, Fraud and Victimization Risks in the Context of  
Family-Related Migration in Germany**

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## **Abstract**

This dissertation explores how transnational marriage migration processes are viewed and interpreted by foreign spouses from economically weak countries who are currently residing in Germany. It identifies and examines possible risks that migration through the family reunification route could pose for women. By adopting an ethnographic approach, the current study extends previous research on “mail-order” brides by integrating and thoroughly analyzing interrelated criminological aspects pertaining to the topic of transnational marriages such as the victimization risks, interpersonal violence, fraudulent techniques in bi-national marriages and state surveillance, victim-offender overlap, and child custody litigations. Theoretically, the current study engages in debates on gender with feminist scholars and argues against the exploitation discourse frequently applied to women from developing countries who marry men from Western highly industrialized democracies. Instead, this study suggests viewing the issue of transnational marriages through the prism of Bourdieusian theory of capitals and empowering “erotic capital”. Methodologically, this dissertation shows how non-profit organizations could be used in research as gatekeepers and as a source of background information. The findings challenge the conventional notion of female marriage migrants as submissive dependents, suggesting a more nuanced approach based on the informants’ diverse backgrounds, qualifications, endeavors, and their manifold desires.

**Key words:** bi-national couples, family reunification, vulnerability, victimization, empowerment, fraud, policing, NGOs

## **Summary**

The overall purpose of this study was to identify and assess the victimization claims presented by feminist scholars (Hughes 2004; Belleau, 2003; Chun, 1996; Elson, 1997) regarding female marriage migrants from economically weak countries and to analyze key factors of their social conditions and possible vulnerability in Germany.

The introductory chapter of the dissertation emphasizes the societal and academic relevance of the topic and the importance of the study of bi-national marriages in continental Europe, particularly in Germany. Germany, the economic powerhouse of Europe, has recently become world's second most popular destination for marriage migrants after the USA (Organization for Economic Cooperation and Development, 2012). At the same time, following the introduction of more stringent migration policies in Europe, family reunification represents one of the few remaining legal migration opportunities for individuals from non-EU countries.

The second chapter analyzes current academic literature on the subject of marriage migration, including the controversial concept of the “mail-order” bride, the policing of marriage migration, and gender, race and commodification debates. The third chapter discusses the methodological framework adopted for my empirical research and identifies a research focus on the motivations and experiences of female migrants. The fourth chapter examines the topic of intermarriage in Germany through historical and legal perspectives, identifying legislative and institutional changes regarding family reunification from the 1970's onwards. The fifth chapter analyzes the perceptions of interpersonal violence among migrant wives in Germany, discussing the role of NGO service providers in the process of the social construction of abuse. The sixth chapter investigates how individuals view “sham marriages”, and how these individuals cope with increasingly restrictive family migration policies in the EU. The seventh chapter reflects on obstacles to bi-national marriages, such as labor market inequalities or judicial proceedings regarding child custody.

My research suggests that policies shaped by a nuanced understanding of female marriage migrants' social conditions and vulnerability – particularly data derived from ethnographic studies – may be powerful in terms of addressing victimization risks. This dissertation contributes to several important debates at the intersection of the social sciences and law such as the victimization-agency dilemma, female empowerment, perceptions of abuse, policing and state surveillance. In addition to bridging the gap between feminist and libertarian discourses, this study raises challenging questions to existing scholarship on transnational migration by contributing to these debates using the insights gained from a criminological perspective.

## Summary (German)

Das Ziel dieser Studie war es die Viktimisierungsannahmen von feministischen Akademikern (Hughes 2004; Belleau, 2003; Chun, 1996; Elson, 1997) über weibliche Heiratsmigrantinnen aus wirtschaftlich schwächeren Ländern zu überprüfen und zu beurteilen, sowie die Schlüsselfaktoren ihrer sozialen Lage und möglichen Verwundbarkeit in Deutschland zu verstehen.

Das einführende Kapitel dieser Dissertation betont nachdrücklich die gesellschaftliche und akademische Relevanz des Themas und die Wichtigkeit binationalen Ehen im kontinentalen Europa und insbesondere in Deutschland zu untersuchen. Heutzutage ist Deutschland das wirtschaftliche Zugpferd von Europa und nach den USA das zweitbeliebteste Ziel für Migration auf der Welt (Organization for Economic Cooperation and Development, 2012). Gleichzeitig stellt die Familienzusammenführung eine von wenigen legalen Migrationsmöglichkeiten für Menschen aus Entwicklungsländern dar, nach dem die EU eine stringendere Migrationspolitik eingeführt hat.

Das zweite Kapitel analysiert den aktuellen Stand der akademischen Literatur zum Thema Heiratsmigration inklusive des kontroversen Konzepts der “mail-order“ Braut, überwachte Heiratsmigration, sowie Geschlechter-, Rassen- und *Commodification* Debatten. Das dritte Kapitel erörtert die methodische Struktur welche für die vorliegende empirische Forschung benutzt wurde. Desweiteren führt das Kapitel zur Relevanz des Forschungsfokus der auf den Motivationen und den Erfahrungen von weiblichen Migrantinnen ausgerichtet ist. Das vierte Kapitel untersucht das Thema der Mischehe in Deutschland durch historische und rechtliche Perspektiven und ermittelt legislative und institutionelle Veränderungen der Familienzusammenführungen seit den 1970er Jahren.

Darauffolgend analysiert das fünfte Kapitel das Problem der Wahrnehmung der zwischenmenschlichen Gewalt, die von eingewanderten Frauen erlebt wurde. Außerdem erörtert



das Kapitel die Rolle von gemeinnützigen Organisationen im Prozess der sozialen Konstruktion von Missbrauch. Das sechste Kapitel untersucht wie die Individuen die „Scheinehen“ betrachten und wie sie mit der vermehrt restriktiven Familienmigrationspolitik in der EU umgehen. Das siebte Kapitel behandelt schließlich die Hindernisse für binationale Ehen wie beispielsweise die Ungleichbehandlung auf dem Arbeitsmarkt oder die Sorgerecht Gerichtsverfahren.

Meine Forschung lässt darauf schließen, dass die Richtlinien, geformt durch ein nuanciertes Verständnis der sozialen Lage und Verwundbarkeit von weiblichen Heiratsmigrantinnen – insbesondere abgeleitet durch Informationen aus den ethnografischen Studien – aussagekräftig sein können, wenn es darum geht, das Risiko von Diskriminierung zu verdeutlichen.

Diese Dissertation leistet einen wichtigen Beitrag zu mehreren wichtigen Debatten an der Schnittstelle von Sozialwissenschaften und Rechtswissenschaften, wie beispielsweise dem *victimization-agency-Dilemma*, *female empowerment*, die Wahrnehmung von Missbrauch und staatlicher Überwachung. Neben dem überbrücken der Lücke zwischen feministischen und liberalen Diskursen, stellt diese Studie herausfordernde Fragen zur existierenden Wissenschaft von transnationaler Migration und trägt besonders durch die gewonnenen Einblicke aus der kriminologischen Perspektive zu den aktuellen Debatten bei.

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lots of constructive suggestions and comments on how to improve the manuscript in terms of both wording and content.

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Last but not least, I would like to thank my family for supporting me spiritually throughout writing this thesis, for coping with my international travels and long absences since I was 16 years old, and for always believing in me. Thank you so much.



## Chapter 1: Introduction

### 1.1. Background of the research: Criminal manipulations of marriage agencies vs. the story of transnational romance in Ukraine

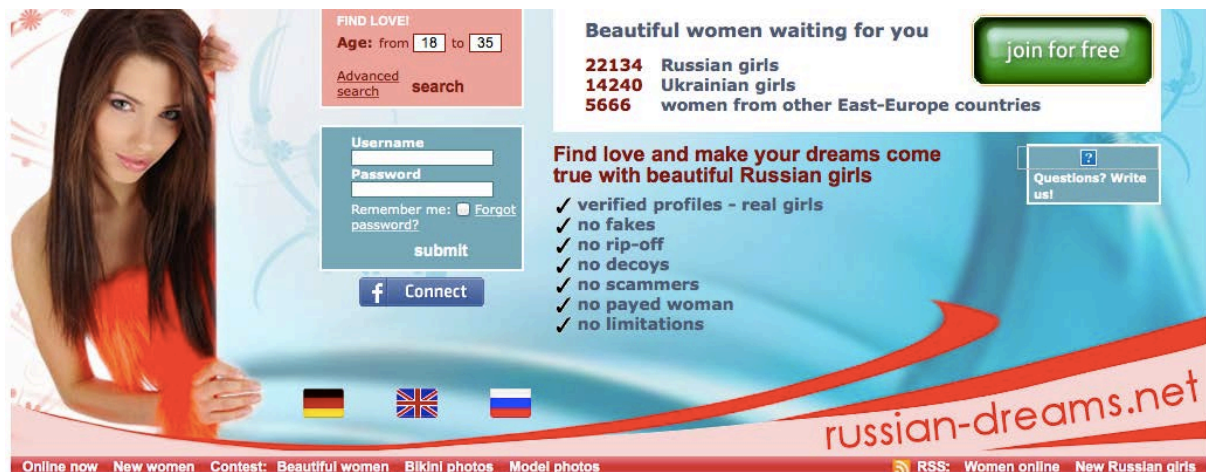
It was a hot sweltering day in July 2007, and I knocked on the door with no nameplate or signs, wondering if it is the office I have been searching for. Some time ago, I had received a call from one of the local marriage agencies and was invited to work occasionally as an interpreter assisting foreigners during their “bridal tours” in Kharkiv, Ukraine. The offer from a marriage agency seemed to be quite bizarre but at the same time adventurous. Being an undergraduate student majoring in sociology, I had worked as an interpreter of foreign languages before. However, the matchmaking industry was a totally new and unexplored area for me, and hence I felt curious about it. Would I accompany these couples in the city? How would it feel to be a third person at someone else’s date? What kind of women are the “brides”?

Interrupting my thoughts, the door suddenly opened, and a young lady wearing high heels greeted me, introducing herself as a manager and invited me to follow her. She did not seem to be particularly happy or delighted to see me – it looked like she was preoccupied with something else. Inside of the office two other workers are caught up in verbal brawl: *“It was your responsibility to contact the girl. Go ahead and call her, she is receiving her monthly fees, her pictures are on the website, and she has to show up for a date”*. *“Yes, but...”* - the other woman objects. *“Don’t you dare to give me theses excuses: a girl has to be here on Monday. We cannot say she is sick again. That would be pathetic.”* While being briefed on the future duties and hourly payment, my stealthy gaze drifted down the office. In the midst of two co-workers arguing, there were several middle-aged women diligently working on computers. When I glanced at one of the computer screen, it had multiple tabs open with various online profiles. In a small window, the women in front of the computer quickly typed a phrase: *“Dear Jeremy, it is a pleasure to hear from you again...”* The letter is addressed to a foreigner, most likely American or British, and it is an improvisation made from scratch.

Marriage agencies, small factories aimed at reproducing and fulfilling desires and fantasies of overseas men, have sprung up in the Eastern Europe against the background of the economic hardships and political upheavals of the late 1990s. In 2004, Hughes (2004, p. 6) identified almost 500 marriage agency sites with women from former Soviet republics. The real number of agencies is much bigger, particularly because many local agencies operate under an umbrella of

a big well-known brand such as “Anastasia”. Nowadays international matchmakers are notorious for online scams, identity theft and all kinds of fraud exploiting the desire of a foreigner to meet a girl of his dreams (Holguin, 2005; Walker, 2014).<sup>1</sup> Besides investigative journalists who have thoroughly inquired into the nature of marriage agencies in Eastern Europe or South-East Asia, there are numerous forums where men discuss marriage agencies’ scams based on their personal experience.<sup>2</sup> There are also websites created by ex-victims of such fraud attempting to expose manipulative business practices.<sup>3</sup>

Picture 1. Website [www.anastasiaweb.com](http://www.anastasiaweb.com)



Picture 2. Website [www.russian-dreams.net](http://www.russian-dreams.net)<sup>4</sup>

<sup>1</sup> According to the U.S. Embassy in Kyiv, there are numerous reports from U.S. citizens who have been the victims of a particular type of internet fraud in which the person has sent money to a person or an agency with the agreement that a young woman will visit the United States for the purposes of marriage or study <http://ukraine.usembassy.gov/scams.html> (Accessed 5 June, 2015).

<sup>2</sup> Some of these forums are: Marriage-Agencies-Scam-Talk <http://marriage-agencies-scams.com>, Reviews Talk <http://www.reviewstalk.com/complaints-reviews/ukrainian-fiancee-marriage-agency-l9599.html>, Scam Victims United <http://scamvictimsunited.com/phpBB2/viewtopic.php?f=21&t=4963> (Accessed 3 May, 2014).

<sup>3</sup> <http://www.agency-scams.com> (Accessed 2 December, 2013).

<sup>4</sup> <http://www.russian-dreams.net> (Accessed 2 December, 2013).

## Anastasia Dating Is Scam

Moderators: Janez, ximora, KarynSolo



Page 1 of 9 [ 128 posts ]

Print view

Author	Message
fool999	Post subject: Anastasia Dating Is Scam
<div>offline</div> <p>Joined: Mon Jan 31, 2011 8:20 am Posts: 2</p>	<p>Hi,</p> <p>I have a proof, that Anastasia Dating is a Scam. I have received an insider information of an employee. She told me that between 1000 and 2000 men are visiting every year Odessa in Ukraine. Only 1 or two of these men marry the woman!!!</p> <p>It is all about creating an small income for the girls but much more for the site and a lot of associated people from translators to restaurants. It is a <b>scam industry</b>.</p> <p>I wonder if someone has already started legal steps.</p> <p>Hope that this helps someone</p> <p>fool999</p>
<a href="#">Top</a>	<a href="#">view profile</a>

Picture 3. Forum thread “Scam victims united”<sup>5</sup>

However, in July 2007 I was quite oblivious to the criminal manipulations of marriage agencies, and how they generate income. I soon discovered that there were many techniques implemented that were not always honest or transparent towards their foreign clients. While my own income from each hour of interpretation was miserably low (less than 3 US dollars), the marriage agency would charge a foreigner around 20 US dollars for an hour of my work. Airport pick-up (which normally could have cost around 5 US dollars) turned into 30 US dollars. Telephone numbers of women who advertised their profiles through agency were subject to a separate fee. Managing multiple online accounts of the girls, the marriage agency workers (usually retired teachers or recent college graduates from the English language department) wrote fake letters on behalf of the girls. Some marriage agencies collaborated with the restaurants in the city. Upon arrival of a foreigner accompanied by an assigned interpreter, he would be given a menu with fake prices. Obviously, no foreigner using services of matchmaking agencies spoke Ukrainian or Russian, and it was quite complicated for them to detect a lie. While I witnessed some of the techniques myself during this summer, I learned the rest from other part-time interpreters who had already worked there for a longer time.

On my first working day I was instructed to meet and pick up from the airport one of the clients who was supposed to land in Kharkiv within a couple of hours. My heart was pounding

<sup>5</sup> <http://scamvictimsunited.com/phpBB2/viewtopic.php?f=21&t=4963> (Accessed 2 December, 2013).

while waiting in the arrival zone – finally I would get a chance to speak Spanish, as the client was from Spain. However, Denis, the driver, did not share my enthusiasm: *“One more buyer looking for a merchandize”* – he muttered while flickering the cigarette. *“Well, he is just searching for his soulmate”* – I objected – *“What is wrong with that?”* *“Don’t be silly... - he smirked - Do you think he will be seeing just one or two girls? He has like 3 or 4 ladies on his list in every Ukrainian city... These bastards are picky. Anyway, who cares, our job is to make sure we make money. Keep in mind, the taxi pick-up will cost 25 US dollars for our passion-seeker”* – he grinned unfolding a nameplate “Diego” in front of the arriving passengers.

Diego, a 39-year-old Spanish man from Tenerife, looked tanned, energetic and fit. Delighted I was speaking his language, he jumped inside the car vividly asking me: *“Have you already seen Mila? Díme, por favor!”* Mila was one of the women he has been exchanging e-mails with for the past 6 months and who he planned to get to know better during his bridal tour. There was already a date scheduled for them in the afternoon where I was supposed to interpret. I had not seen Mila yet. Upon arrival at the agency’s office, my eyes captured an image of a young tall woman with short brown hair, worried eyes, and a slightly jaded facial expression. *“Ochen priyatno. My name is Mila”* – she spelled out, smiling and looking at Diego with a dash of embarrassment. While both of them were exchanging smiles and hugs making full use of their non-verbal communication skills, the manager whispered: *“Look, your task is to follow them everywhere they go until they need your service. Go to the fanciest restaurant in the city and make sure you order the most expensive meal on the menu. These bridal tours should be pricey - it is normal.”*

Contrary to expectations, Mila did not pick the most expensive restaurant. Feeling uneasy and shy about the whole situation, she chose one of the self-service buffets located on the main street of the city and asked for a Tiramisu cake and a coffee instead of ordering a main course. *“I am not hungry, really... Please don’t worry. I just ate at home”* – she whispered when Diego begged her to get herself something else. Later he would comment: *“Mila is not like all the other girls I have met before on Internet. All of them are greedy for money, false and superficial. They just want to get out of poverty, and intend to use a foreigner to its fullest. Mila is different. She is a woman worth getting know more; she is “nada complicada”, very easy-going and simple”.*

Mila was a 34-year-old accountant. Divorced for some years, she was living with her 7-year-old son Sasha and her retired parents in one of the residential districts of the city. Sasha’s father was not contributing financially to his son’s education and well-being. While Diego was away in the bathroom, she mumbled quietly while fingering the rim of her glass: *“You know, I am not really into the idea leaving Ukraine. But life is not easy here. My salary is low, and Sasha*



*needs a father. A friend of mine persuaded me to look for a husband abroad. We went to the marriage agency, they offered me a free photo session, and that is how my profile appeared on the Internet... The marriage agents used to write letters for me... And here I am, not knowing what to say and how to look at him”.*

Getting to know other girls who viewed marriage to a foreigner as a means of migration abroad, I realized that Mila was lacking an indispensable quality that becomes a driving force for the others while deciding to go overseas: adventurous spirit, or eagerness to risk. Migration is always a risk, let alone if the woman, instead of departing with her family members, intends to follow a man whom she has been corresponding with on the Internet. Some women, being intrepid and goal-directed, take it as a necessary risk that they have to endure in order to be happier themselves or offer their kids a more successful affluent future. Others, like Mila, follow friends’ or family pressure of using marriage agencies’ services, but never dare to make a decisive step for the fear of unknown.

Eventually, Diego's courtship to Mila did not move further than few dates and e-mail correspondence. I spent five days interpreting for them over the course of which Diego was trying his best in order to enchant his potential bride: he indulged her with ice-cream and flowers in the park; treated her to nice small gifts; and invited her son Sasha to a fancy aqua park with many facilities for kids. He told jokes and tried to be as romantic as the situation and the presence of the third person (interpreter) could allow. Nevertheless, his efforts were to no avail. Upon return to Spain he continued speaking to Mila. He wrote several letters that I had to translate, print out and bring to her as she did not have a computer at home. He invited Mila to visit him in Tenerife, offering to arrange her a Spanish visa and pay her round-trip tickets. *“Diego is such a nice man... – She confessed to me once – But I just do not feel like leaving, going to some other country, settling there, learning a new language... It seems like too much hassle. Too much risk. It does not seem realistic. Maybe it is too late for me to engage into these adventures?”*

It was not too late. Like other women who have visited Diego, Mila could have gone to Tenerife using it as chance to travel to the islands and to spend time with her son abroad. But she did not dare to do it. She could have lied that she had true affection or passion for Diego and could have got benefits in exchange such as financial help in Ukraine or a new life on the islands. But she did not use that chance. She just did not have any feelings for Diego, and did not want to deceive him, play with his emotions and making promises. Furthermore, she was intimidated. *“I do not even have time to write him a letter personally,”* she said to me regretfully dictating a message for Diego over the phone. *“I have to take care of Sasha, bring him to school, go to work, pick him up from school, then cook and do laundry... I have no time for this international*

*romance. And then... how do I know what is waiting for me there, what if my life will change for the worse? All those dreadful stories about foreign husbands...*” After the e-mail correspondence was over, I never heard anything from Mila again. She did not have a computer and did not use the Internet, so it was difficult to keep in touch with her. However, I did talk to Diego several times through social media after he departed from Ukraine. I heard that he embarked on other bridal tours, started new relationships, and eventually, being disappointed by online romances, decided to move to Saint Petersburg hoping to find his soul mate offline.

After that I no longer stayed up-to-date with Diego’s whereabouts until in 2012 my supervisor Prof. Dina Siegel suggested I build my dissertation around the topic of “mail-order” brides. By the time I contacted Diego again in winter 2012, told him about my research and asked him to share his stories of transnational dating with me, he had already had 8 years' experience in this area including bridal tours as far away as Peru, Thailand, Ukraine and Russia. I consider the stories Diego kindly shared with me very valuable to my research. Every time our conversation would leave me quite perplexed because of numerous details of his romantic ventures, imaginations and thoughts about national idiosyncrasies of Ukrainian, Peruvian or Thai women. Most of the time he did not even need questions from me. It was just a steady flow of narrative mixed with his observations, ideas and philosophical takes on why women act this way or that way. Diego's overall idea of women was one of evil creatures who utilize men to accomplish their selfish ends, and he portrayed marriage agencies as a gang of swindlers. At the same time, knowledge derived from his stories and confessions brought me a great deal of inspiration over the course of this project.

## **1.2. Societal and academic relevance of the topic**

Cross-border marriages have been happening for a long time. The first so-called “mail-order” marriages in the United States occurred shortly after Britain and France established their colonial settlements in the early 1600s (Zug, 2012). Both countries actively encouraged immigration to America but soon realized that immigration alone could not achieve the population increase needed for colonial expansion and success (Ibid). In the 1700s and 1800s, with the help of marriage agencies and catalogues, women from Europe also migrated to New Zealand and Australia in order to balance the gender ratio and create families with new settlers (Lawton & Callister, 2011).

The proliferation of introduction-for-marriage websites has contributed to the growth of cross-border marriages and the so-called mail-order bride phenomenon that shape gendered migration patterns (Angeles & Sunanta, 2007). Intimate transnational relationships clearly represent a significant product of globalization, being facilitated by the “intensification of worldwide social relations which link distant localities” (Giddens, 1990, p. 64). Although there are some bi-national couples where the male is foreign, in most cases it is the woman who migrates following transnational marriage. It has been pointed out that “marrying into a host society” generates certain problems connected with security, unequal power relations, abuse and integration.

The topic of transnational marriage has frequently been analyzed through the vantage points of sociology, demography, cultural studies, anthropology, and political science. However, besides a few exceptions, the issue of marriage and family-related migration has been little examined in the framework of criminological debates concerned with the study of policing, crime, deviance or societal reaction to it. Does it mean that transnational marriages are devoid of any content interesting for a criminologist? I maintain the opposite: in my opinion, the topic of transnational marriage has a profound research depth for criminology scholars. Besides high victimization rates of migrant spouses in comparison to local women (Cuneen & Stubbs, 2004), the issue of intermarriage leads to a conundrum of meaningful questions situated along the lines of state surveillance, policing procedures, and family law disputes.

Consequently, the issue of foreign spouses and transnational marriages represents an innovative area of studies for criminology scholars, taking into account the following implications: 1) fear of “privatization of citizenship” (D’Aoust, 2009), marriages of convenience and other fraudulent practices (Elson, 1997); 2) allegations of trafficking and human rights abuse that take place in marriages arranged through international matchmaking agencies (Belleau, 2003; Yuval-Davis, 2009; Hughes & Denisova, 2002); and 3) transnational dating as a possible “sex-scape”, or a space for sex tourism, pornography and prostitution in the least-developed countries (Serbinovich, 2008). All the above-mentioned concerns are clearly related to cultural criminology debates, or the study of “collective behavior organized around imagery, style, and symbolic meaning, and that categorized by legal and political authorities as criminal” (Ferrell, 1995, p. 169).

From the outset, I was interested in fraudulent and deceptive practices that marriage agencies use in luring foreign customers. However, having spoken to my first informants during the coursework in the United Kingdom, I realized that on a societal level, instead of documenting well-known techniques employed by marriage agencies, it would be more meaningful to conduct

a study on the attitudes, feelings and motivations of the women who are very often labeled as “mail-order” brides and whose actions are frequently portrayed either as morally reprehensible or deprived of agency. I became particularly interested in what risks a transnational marriage could present for women, and how they cope with sudden problems arising from a cross-border union, whether these problems are rooted in sociocultural factors or legal regulations of a host country. Mila had certainly declined Diego’s proposal because of some risks she associated with such a marriage, and hence my aim was to thoroughly analyze what kind of dangers such unions pose. Although focusing mainly on risks and fraudulent techniques enacted by brides and grooms in order to achieve their aims, over the course of my fieldwork I attempted to trace how other threats (e.g. policing from the state or the danger of trafficking and human rights abuse) are manifested in the transnational dating space.

### **1.3. Research questions & research focus**

The current study represents an attempt to fill an existing gap on transnational marriages and migration, namely examining the issue through a criminological perspective. This project is inspired by the principles of cultural criminology. The main questions that guided me in my subsequent inquiry into the world of foreign spouses and mixed marriages was how marriage migrants perceived and described their experience of a transnational relationship and life with their foreign spouse abroad. Although this research question might seem too descriptive at first glance, I did not want to take sides of any theoretical approach in the beginning of my study and imply fraudulent techniques or abuse, and this careful phrasing helped me to remain neutral with regards to my future findings and analysis of data. I was interested in the meanings that women attached to their marital unions, their imaginations, perceptions and motivations that guided them not only to marry an EU citizen but to follow him and live in an EU country. Sub-questions include: 1) How do marriage migrants cope with the legal and societal inquiries into the genuine character of their partnerships? 2) What role does acquisition of a German residence permit play in mixed marriages? and 3) How do migrant wives perceive emotional or physical abuse, and who is involved in the social construction of interpersonal violence?

#### **1.4. Importance of discourse on bi-national marriages in Germany**

Another aim of the study was to explore the life of foreign spouses and bi-national couples in a host country that is not considered a traditional destination for marriage migrants. Since the 1990s, there has been significant scholarship along qualitative or legal lines dedicated to foreign wives, or “mail-order” brides, in English-speaking countries such as Australia, Canada or the United States (Belleau, 2004; Constable, 2004; Johnson, 2007; Schaeffer-Grabel, 2004; Saroca, 2002; Chun, 1996; Hughes, 2004; Jackson, 2007; Guseva, 2010; D’Aoust, 2010). At the same time, the topic of marriage migration in continental Europe, particularly in Germany, is understudied because intermarriages are a comparatively new phenomenon. Although the overarching themes of bi-national couples in Germany have been successfully explored by Glowsky (2010, 2007, 2011), Piper (2003) and Ruenkaew (2003) over the last decade, the academic scholarship on this issue lacks an ethnographic perspective and has never been explored through a criminological lens.

Germany currently ranks as one of the leaders among migrant-receiving nation (Castañeda, 2010). According to the data published by the Organization for Economic Cooperation and Development (OECD, 2012), Germany has now become second to the USA as the most attractive economy for migrants.<sup>6</sup> The country has seen migration across its national boundaries since its founding, with an especially dramatic increase since World War II in West Germany, when immigrant labor was brought in through a series of recruitment programs.<sup>7</sup> Following tightening of its legislation to slow down immigration from Eastern Europe in the 1990s (Herbert, 2001) and other measures on the EU level such as establishment of a common European system of migration and asylum law aimed at tackling irregular migration and terrorism (the “Hague Program” in 2004), marriage to an EU citizen or a resident represents one of the few migration opportunities to the European Union for the migrants from developing countries nowadays

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<sup>6</sup> According to the the Organization for Economic Cooperation and Development, Germany showed a near 40% increase in immigration to Germany in 2012. <https://stats.oecd.org/Index.aspx?DataSetCode=MIG> (Accessed 10 May, 2014).

<sup>7</sup> Inflows of immigrants with non-German ancestry began in a serious way in the second half of the 1950s. In response to a labor shortage prompted by economic recovery, Germany signed a series of bilateral recruitment agreements, first with Italy in 1955, then with Spain (1960), Greece (1960), Turkey (1961), Portugal (1964), and Yugoslavia (1968). The core of these agreements included the recruitment of guest workers, almost exclusively in the industrial sector, for jobs that required few qualifications. Under the so-called rotation principle, mostly male migrants entered Germany for a period of one to two years and were then required to return home. This policy had a double rationale: preventing settlement and exposing the largest possible number of workers from sending countries to industrial work (Oezcan, 2004).

(Glowsky, 2010). Therefore, the topic of family reunification and migration to Germany through marriage becomes particularly interesting for analysis.

Furthermore, in order to examine the claim of transnational marriages being a source of human trafficking and abuse, I planned to get access to the non-profit organizations that work with migrant spouses. Germany, with its principles of subsidiarity and self-governance, boasts a high number of non-profit organizations that are divided into “Vereine” (associations) and “Stiftungen” (foundations). According to Hippel (2010), as of 2010 there were around 600,000 associations and 15,000 foundations in Germany, most of them focusing on social services and healthcare. The robust non-profit sector in Germany is integrated with the government’s welfare function in a unique way, and the government is required by law to fund the non-profit sector. My collaboration with the non-profit sector that I describe in chapter 3 would not have been possible without a vibrant scene of organizations for migrant women in the north of Germany.

Although my research was partly multi-sited, I conducted most of the interviews and participant observation in Hamburg, the second largest city of Germany and simultaneously a Federal State. Home to over 1.8 million people, Hamburg is the most populous city in the European Union which is not a national capital. Situated on the river Elbe, a significant part of economy revolves around the port of Hamburg, which is the second-largest port in Europe and the tenth-largest port worldwide. Its location, infrastructure and employment opportunities attract migrants from all over the world. In fact, non-citizens make up 14% of Hamburg’s total inhabitants.<sup>8</sup> As a vibrant multicultural city with a strong history of migration and one of the biggest economic centres of northern Europe, Hamburg offers a rich site for ethnographic inquiry focused on migration and marriage of women from developing countries.<sup>9</sup>

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<sup>8</sup> Hamburg: Results of the Intercultural Cities Index  
<https://www.coe.int/t/dg4/cultureheritage/culture/Cities/Index/Hamburg.pdf> (Accessed 1 April, 2013).

<sup>9</sup> Regarding the geographical representation of family migrants, both in absolute and relative terms, many more migrants live in the Western than in the Eastern federal states. Furthermore, the share of people with a migration background is much higher in cities and agglomerations than it is in rural areas. The highest share of people with a migration background can be found in the federal states of Hamburg (26.9%), Bremen (25.6%), Baden-Württemberg (25.3%), Hesse (24.1%), Berlin (23.8 %) and North Rhine-Westphalia (23.4%) (Rühl, 2009, p. 27; Luken-Klassen, 2013, p. 3).

## **1.5. Outline of the dissertation**

Seeking to make a contribution toward a better understanding of transnational marriage migration from a criminological point of view, the dissertation analyzes life stories of marriage migrants in Germany from three main “sending” regions: Eastern Europe, Latin America and South-East Asia. The underlying objective of the present project is to identify what kind of risks migration through the family reunification route poses for the women, and to examine the situations that foreign spouses grapple with. The dissertation is composed of 7 chapters, including introductory and concluding chapters. Chapter 2 conducts an extensive literature review, identifying recent academic scholarship regarding bi-national marriages and foreign spouses from developing countries. Chapter 3 provides a methodological base, delineating the selected research approach, research questions, justification of the methods used in the study, and finally draws upon my collaboration with the non-profit sector in Hamburg. Chapter 4 examines the topic of intermarriage in Germany through a historical and legal perspective, focusing on family reunification laws, the transformation of scholarly attention to this question, and current legal status of marriage migrants. Chapter 5 analyzes how the social construction of interpersonal violence takes place among marriage migrants in Germany and who is involved in this process. Moreover, it explores how women take advantage of the facilities offered by the German state. Examining the role of service providers and the narratives of my informants, the chapter is concerned with how victims of violence interpret and cope with the situations of actual or perceived abuse. Chapter 6 represents an inquiry into the marriages of convenience that bi-national couples use to achieve various aims such as political membership, financial benefits or to avoid deportation from Germany. Exploring the methods of state surveillance and focusing on contestations of criminality and legitimizing discourses voiced by my informants, it uncovers how individuals challenge existing migration control and punitive attitudes of migration officials. Chapter 7 analyzes the main obstacles and challenges faced by migrant wives in Germany such as de-skilling, employment opportunities and child custody in the case of divorce. Chapter 8 summarizes and concludes, mapping main problems stemming from the concerns and narratives of foreign spouses in Germany.





## Chapter 2: Literature review

Today, as love and care become the “new gold”, the female part of the story has grown in prominence

(Hochschild, 2003, p. 6).

### 2.1. Introduction

The topic of this dissertation is characterized by an interdisciplinary nature, being analyzed through the prism of sociology, anthropology, law, cultural studies, international relations, political science, and security studies. Hence, the literature review is patched on the foundations of these disciplines and encompasses a study of the sources on the topic of migration, gender, fraud, abuse, and state discourses on family reunification. The literature on the subject from the point of view of the content and the research questions can be divided into the following categories: 1) sociocultural analysis gearing towards race, gender and commodification; and 2) legal and political analysis examining the notions of violence, citizenship and policing.

In addition, the focus of the research on marriage migrations differs depending on the subject of study: while the majority of researchers choose to focus on the brides, other scholars concentrate their inquiry on male behavior and motivations (Glowsky, 2010). In fact, the latter approach is very less represented and under-studied. From the theoretical point of view, academic scholarship on marriage and migration could be divided into the “trafficking” approach that views marriage migrants from less developed countries as potential victims of either Western husbands or socioeconomic constraints, and the “opportunities” approach that views marriage migration from poor countries as advantageous outcome for female migrants (Merriman, 2012).

From a methodology point of view, research on marriage migrants has been carried out through the prism of following methods: ethnography coupled with interviews (Constable, 2004; Schaeffer, 2012; Mendoza, 2010; Piper, 2003; Riaño, 2009; Johnson, 2007), legal analysis, mostly from a feminist perspective (Chun, 1996; Belleau, 2004; Elson, 1997); content-analysis of websites (Zabyelina, 2010; Hughes, 2004); analysis of mass media or textual representations (Zare & Mendoza, 2011; Saroca, 2010; Guseva, 2010); and surveys or analysis of secondary quantitative data (Roca & Urmeneta, 2013; Glowsky, 2011).

I start the literature review by conceptualizing the controversial and disputed term “mail-order” bride, drawing on the existing debate between scholars from various fields. I then proceed

to discuss published scholarship on marriage migration from three vantage points: the victimization and libertarian perspective; socio-cultural analysis of gender, race, and commodification; and the perspective of state policies, focusing on securitization of marriage migration and restrictive practices aimed at regulating family reunification. Finally, I concentrate on theoretical constructs underpinning the present study, namely the concept of “capital” in the matrimonial field.

## **2.2. Conceptualizing the term “mail-order” bride in the context of international dating and marriages**

“When I see a German man with a Filipino wife, I just think he bought her”  
(Student’s comment during the seminar on marriage migration, Hamburg University)

The topic of “mail-order” brides, or the “money-grabbing trophy wives”, as they are sometimes called,<sup>10</sup> sparks a myriad of questions in Western Europe, North America and Australia, and remains quite intriguing for a wider audience. Who are these women from far-away exotic lands? What are their imaginations about life abroad and why do they choose to come here? Following a typical dichotomy, is it a “pure” love or a set of pragmatic calculations? Who are these men, ready to go on foreign trips, lured by the dazzling beauty of online galleries on dating websites? The list of questions is never-ending, and hence the stereotypes about the marriages featuring socio-economic inequality.

The English language suggests a common term for the women from economically weaker countries married to citizens of highly industrialized Western countries – “mail-order” bride. Historically, a “mail-order” bride marriage implied that a third party was involved, such as a dating agency or a website, and therefore the correspondence was mediated at the first stage. Interestingly enough, the present term is a solely Anglo-Saxon invention used mostly in English-speaking context. Besides some attempts to introduce a proper translation of the term in other languages (e.g, “*marriage par le correspondance*” in French<sup>11</sup>), it is hardly ever used outside of

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<sup>10</sup> In the documentary “Bride Trafficking Unveiled” by Laura Barry  
[https://www.youtube.com/watch?v=Kk0jhl70TRU&list=PLHBq9dPUH\\_hvJGK0TzbnVrThrHsgzZwFd](https://www.youtube.com/watch?v=Kk0jhl70TRU&list=PLHBq9dPUH_hvJGK0TzbnVrThrHsgzZwFd)  
(Accessed 3<sup>rd</sup> of December 2012) A part of it is also available at the website “Manouk Media”  
<http://www.manoukmedia.com> (Accessed 10 May, 2015).

<sup>11</sup> Belleau (2000, p. 79).

English-speaking discourse, including the countries where the so-called “mail-order” brides come from. If a researcher ever asked a woman from Eastern Europe who had met her husband on the Internet about how she feels about belonging to a “mail-order” brides category, that researcher would most likely be confronted with silence or perplexity.<sup>12</sup> This is because the women simply would not know who the researcher was referring to, and therefore would not identify themselves with one. Whereas the term itself is virtually unknown to marriage migrants whose first language is not English, many of them are aware of the negative connotations of a “gold-digger” attached to such unions. Heyse (2010), in a study of Russian-speaking women in Belgium, points out that when confronted with questions on motivations of marrying a Belgian man, her respondents generated discourses in order to keep a positive self-image being aware that they belonged to a stigmatized group.

The concept of “mail-order” bride implies that a wealthy individual could actually order someone via simple commercial transactions. Based on my fieldwork and previous work experience with a marriage agency, I argue that “ordering a wife” is a typical cliché, as marriage to a woman from a developing country (or even inviting her to visit for a couple of weeks) entails a long process of sponsorship and visa application which means, besides bearing financial costs, dealing with a bureaucratic process of consulate rules, waiting time and perhaps eventual rejection. Therefore, both parties who decide to engage in a transnational relationship should have enough perseverance and be ready to re-apply for a family reunification visa in case the application is rejected. It is simply not possible to “order a wife with one click,”<sup>13</sup> and therefore such a union envisages lots of efforts from both partners.

There have already been several attempts to exclude the term “mail-order” bride from academic or popular domains, for several reasons. First of all, allegations of commodification and women’s representation as “products” purchased on the marriage market are mentioned in order to challenge the dominant labels and coin an alternative name, such as “internationally brokered marriage” (Constable, 2004) or “agency-facilitated marriage” (Zare & Mendoza, 2011). A number of studies feature a more neutral term such as “female marriage migrants” that is meant

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<sup>12</sup> According to research conducted by Lisa Simons on international matchmaking markets, women from Slavic countries were on the whole far less aware of the possible exploitative connotations and negative media images of “mail-order” brides (Simons, 2001, p. 152). I argue that this is down to linguistic factors because Slavic languages do not have a similar term.

<sup>13</sup> One of the agencies, “City of brides”, bluntly states: “If you are alone and cannot meet the girl of your dreams in your own country, you can try to “buy” a bride for you. In the era of Internet you can easily get acquainted with a woman who lives at the other end of the Earth, and marry her.” <http://www.city-of-brides.net/mail-order-brides.html> (Accessed 2 December, 2012).

to be devoid of stigmatizing labels (Heyse, 2010; Bélanger, Linh & Le Bach Duong, 2011; Merali, 2008; Menjívar & Salcido, 2002; Burgess, 2010).

Paradoxically, it is the representatives of a “trafficking” theory who do not see anything problematic with the term “mail-order” bride. Belleau and Longevin (2000) use this term throughout the report dedicated to how this issue is tackled in Canadian law. Instead the authors concentrate their critique around another term, a more neutral French equivalent for “marriage via correspondence,” claiming that the term is incorrect as it places emphasis on the ultimate goal of marriage, which may or may not take place, rather than on the women who are being trafficked (Belleau & Longevin, 2000). More radical scholars believe that the “mail-order bride” term presents women as commodities while perpetuating a patriarchal system and capitalizing on gender inequality (Consalvo, 2010; Kojima, 2001; del Rosario, 1994), but should nevertheless be used because it reflects the degree of exploitation and so is beneficial for the advancement of women’s rights.

Therefore, from the analysis of literature and attitude of different scholars to the term of “mail-order” bride, it becomes clear that rejection or adoption of the term depends on the position a certain scholar takes on the subject. If it is believed that women are taking their own choices and exercising agency, the term “mail-order” bride will most likely be rejected in academic writing, whereas if the emphasis is placed on victimization and feminist theory, particularly a radical stance, the term will be deemed as a valid one. However, most of the authors analyzing the issues of female migration and transnational dating conclude that it would be more correct (either from the point of view of the meanings attached or the context unveiled) to refer to these women as “female marriage migrants”.

I suggest that the term “mail-order” bride is sometimes inadequate for academic use not because it includes offensive connotations, but because it is a misnomer; it lacks precision and correctness and is built on a stereotypical depiction of relationships. As warned by Zare and Mendoza (2011, p. 368), instead of “wife” the word “bride” is used on purpose, “to deliberately invoke images of a virginal, young, and inexperienced woman and set the stage for male fantasies of domination.” Not all women who move abroad from economically unstable regions to join their husband are “virginal, young or inexperienced”. Furthermore, not all need a broker in their relationships. Many “mixed” marriages, which would be considered by an outsider as “mail-order” marriages, have nothing to do with the marriage agencies. Nowadays, thanks to online dictionaries and other tools that facilitate cross-cultural communication, marriage migrants can meet their spouses on the websites, independently registering and creating their own profiles.

Therefore, the choice of the term is heavily depended on the researcher's ideological position on the spectrum of "structure" and "agency". In this dissertation the terms "marriage migrants" and "foreign spouses" are used interchangeably as synonyms throughout the work as they are seen as more reliable concepts, whereas the term "mail-order" bride is only used when discussing already existing scholarship or engaging in the debate with authors.

### **2.3. What is behind the scene? Trying to grasp the "mail-order" bride phenomenon: legal vs. ethnographic perspective**

The first American mail-order marriages occurred shortly after Britain and France established their colonial settlements in the early 1600s. Both countries actively encouraged immigration to America but soon realized that immigration alone could not achieve the population increase needed for colonial expansion and success (Zug, 2012). In the 1700s and 1800s, with the help of marriage agencies and catalogues, women from Europe also migrated to New Zealand and Australia in order to balance the gender ratio and create families with new settlers (Lawton & Callister, 2011). A famous movie starring an Italian actor Alberto Sordi, "A Girl in Australia" (1971),<sup>14</sup> depicts middle-aged post-war immigrants in Australia who select Italian wives via catalogues and commence the so-called "correspondence" courtship with the aim of inviting them to Australia. Although the aforementioned examples were not exogamous, the mechanism of meeting a spouse bears a resemblance to the one used from the 1960s onwards.

The topic of foreign brides and marriage migration started attracting scholarly attention following the emergence of dating agencies and online websites that facilitated cross-border unions. Having been established in the Philippines and Thailand, the phenomenon of agency-brokered marriage swiftly spread to the Eastern Europe following the dissolution of the Soviet Union. Since its inception in its modern version, the mail-order brides' phenomenon has been surrounded by a multitude of questions concerning gender, race, abuse, integration, social inclusion, exclusionary practice of the state, and even "moral criminalization" from the host society.

Another crucial factor that has triggered academic interest in the topic of marriage migration were the incidences of violence committed against women who have migrated abroad

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<sup>14</sup> Original title in Italian: "Bello, onesto emigrato Australia sposerebbe compaesana illibata", directed by Luigi Zampa in 1971.

for marriage. Among several notorious cases, one could name murders of Russian, Ukrainian and Filipino brides that sparked an outrage in the USA,<sup>15</sup> and high victimization rates of Filipino women in cases of spousal homicide in Australia (Cunneen & Stubbs, 2004). In fact, the latter issue has been discussed in relation to post-colonial theory and cultural criminology.

In her essay dedicated to female care givers from the global South entitled “Love and Gold,” Hochschild argues that the care and love provided by third world women is a resource that resembles “the nineteenth-century extraction of gold, ivory, and rubber from the Third World” (2003, p. 26). In the contemporary version of imperialist extraction, she believes, love and care are “the new gold” because emotional labour is extracted from poorer regions of the world to benefit richer ones at a low cost (2003).

Critics of mail-order industry (Belleau, 2003; Chun, 1996; Elson, 1997) use Hochschild’s claims and maintain that by venturing into a transnational romance and following the partners abroad women manifest themselves as subordinate victims and risk falling prey to domestic abuse and trafficking. As a departure point, they take an assumption that immigration status can be a powerful tool of control for the abuser of an immigrant woman, and in the case of “mail-order” brides, the women are also forced to contend with greater isolation from their community of origin (Orloff & Sarangapani, 2007, p. 474). Some go as far as saying that mail-order brides perform the synthesis of domestic and sex workers’ roles:

Women’s only migrations focus around traditional roles of women—as domestic workers (from cleaners to nannies) on the one hand, and as sex and entertainment workers, on the other hand. In the phenomenon of “mail brides”, in which women are selected, often not met beforehand, as brides for lonely Western men, these two roles merge together (Yuval-Davis, 2009).<sup>16</sup>

But how did this idea come to permeate academic discourse surrounding foreign brides? A belief that marriage migration from developing countries could be strategy for trafficking women and a source of imminent threats to women’s safety stemming from their Western consumer-husbands has risen to prominence in the wake of victimization stories circulated by the mass media in the 1990s, and was further exacerbated by the extravagant advertising of online marriage

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<sup>15</sup> In 2006, a Russian bride Nina Reiser was murdered by her American husband. In 2003, 26-year-old Ukrainian engineer and migrant wife Alla Barney was murdered by her American husband Lester Barney, 58. In 2000, Anastasia King, a young woman from Kyrgyzstan, was strangled by her American husband Indle King. In 1996, Susana Blackwell, a pregnant Filipino bride, was murdered by her American husband Tom Blackwell. All of the incidents were preceded with domestic violence and threats and restraining orders.

<sup>16</sup> No page available. Website “Asia Portal” <http://infocus.asiaportal.info/2009/06/22/junegendered-globalisation-and-social-change-nira-yuval-davis/> (Accessed 15 December, 2012)

agencies urging Western men to embark on a search for a dream wife.<sup>17</sup> The above-mentioned cluster of thought is exemplified by works of legal scholars and feminist writers (Glodava & Onizuka, 1994; Chun, 1996; Belleau, 2004; Hughes, 2004).

Drawing on the cases of human rights abuses in cross-border relationships, Marie-Claire Belleau, a Canadian legal scholar, concludes that the mail-order bride phenomenon is a: “flourishing and lucrative industry involving the trafficking of women from the Third World to consumer husbands from the First World” (Belleau, 2003, p. 94). According to Belleau, “the “mail-order bride” phenomenon creates a relationship of dependence likely to lead to the exploitation of the women involved” (Ibid, p. 94). Writing from a legal perspective, she suggests regulating the mail-order bride industry in order to provide the women involved with complete access to measures necessary for prevention and protection. Among other recommendations, Belleau suggests abolishing fiancée visas in Canada and instead promoting marriages *inside* the country based on egalitarian power relations among Canadians.

Donna Hughes, attuning to Chun’s and Belleau’s arguments, is one of the most vocal scholars attempting to trace the links between “mail-order” brides’ business and illegal criminal activities. Speaking about the marketing of extremely vulnerable populations, she contends:

Women who find partners through marriage agencies are probably at higher risk of becoming victims of violence and exploitation. From examining the web sites of marriage agencies, one can see that the women are marketed using sexual, racial, and ethnic stereotypes. The web sites often include sexualized and semi-nude pictures of the women. The descriptions of the women claim that they are dedicated to a subservient role, solely oriented to pleasing men (Hughes, 2004, p. 1).

Hughes further claims that many of the marriage agencies are part of larger commercial operations that offer a number of services, some of which are blatantly connected to the sex industry or involve the sexual exploitation of women. According to Hughes, marriage agencies in Russia and Ukraine also have this type of combination of services for sexual exploitation, offering escort services (prostitution) along with the “romance” tours (Ibid: 5). She maintains that some of the marriage agencies operate tour agencies that facilitate the travel and potential trafficking of women:

One multiple service Russian agency offers to send women to meet men in other countries. If men don’t want to travel to Russia, or don’t want the problem of getting a visa, the agency will arrange to send a woman to another country to meet the man. It is easy to see how this could be a front for trafficking and even a way to deceive the woman into thinking she is going abroad to meet a particular man (Ibid, p. 5).

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<sup>17</sup> Many agencies use the slogan “Find your dream with us”, e.g. <http://www.uadreams.com> or <http://www.dream-marriage.com/> (Accessed 6 June, 2013).

One can encounter a similar narrative in Siddharth Kara's book "Sex Trafficking: Inside the Business of Modern Slavery" (Kara, 2009). The author suggests that many victims of forced prostitution, particularly in Eastern and Central Europe, are originally acquired through "promises of love". According to Kara, agents approach young girls seducing them to migrate to a rich country where they can build a life together. "False documents are provided for travel, and the loverboy usually sends the young woman in advance by train or plane and tells her to meet a friend upon arrival. That friend is almost always a slave trader or brothel owner" (Kara, 2009, p. 9).

Although Hughes does state that her assumptions are based on review of secondary sources, conversations with NGO workers and quantitative studies of online agencies' pages in order to identify how and from which regions women are recruited by marriage agencies, her arguments regarding links with sex work and trafficking from Eastern Europe are very often inconsistent and lacking evidence. While these cases might be possible, they do not constitute a common phenomenon of marriage migration, especially among non-EU European countries, citizens of which must always undergo a rigorous procedure of screening, background checks and visa documents' collection. It is not so easy to "send a woman by plane" as might be assumed. Not to mention the emotional strain of deciding to go abroad, one is required to go through a tedious process of visa application, which might take months. Moreover, "selling a bride" through an agency or website is quite impossible. What an agency can sell are the personal contacts of women registered on their website. Here the intermediary functions of a marriage agency are finished, and the couple proceeds with the communication on their own. At this stage of a relationship, a woman can either reject the man or proceed further with a relationship s she can get to know him better.

A study conducted by Elvira Niesner, Estrella Anonuevo, Marta Aparocoi and Petchara Sonsiengchai-Fenzl (1997) on women's migration from Thailand and the Philippines to Germany argues that the discrimination with which women are confronted in the countries of origin during immigration makes them vulnerable and deprives them of self-determination. Because of economic constraints women are compelled to migrate, and they are responsible for financially supporting their families, while men are free from such liability. The formal or informal mediation of brides from these countries to German men bears the character of trafficking in women for sexual and labor exploitation (Niesner et al., 1997).



Besides links with illicit criminal activities and incidences of domestic violence, there has also been an attempt to analyze victimization claims of foreign wives in relation to political-economic, capitalist, and structural constraints. In this vein, Chun writes:

Unlike typical dating services, the bridal agencies rely on economic disparities between individuals and countries, and perpetuate racial and gender stereotypes. The industry involves more than simply marital rights; it affects the economies of nations and the distribution of power among individuals (Chun, 1996, p. 1170).

The above-mentioned representation coupled with allegations of victimization is being increasingly contested by anthropological and sociological research conducted in the last decade that highlights women's proactive role in decision-making regarding where to migrate and what strategies to use in order to improve their social mobility. Recent scholarship suggests a completely different picture of marriage migration, including motivations of brides and personal outcomes of bi-national unions. First of all, the common perception that women from developing countries migrate for economic reasons is considered to be too simplistic (Constable, 2004; Riaño, 2007) because many socio-cultural factors in their countries of origin and abroad contribute to female marriage migration as well. Furthermore, there have been attempts to show how women from developing countries turn to foreign men and lifestyles as a way to escape traditional value systems in the family, corrupt and unstable governments, and confining definitions of gender and womanhood (Schaeffer, 2012; 2007; 2005).

The ethnographic research conducted by Felicity Schaeffer in Mexico and Colombia demonstrated that Latin American women looked for men from the United States because the latter symbolized egalitarian relationships, respect and sharing household chores while offering a better way of life and more economic stability — characteristics Mexico and Mexican men allegedly lacked (Schaeffer-Grabiell, 2005, p. 37). Therefore, bi-national unions are interpreted as one of the strategies of shifting gender relations. Through interviews with Mexican women who attend "Vacation Romance Tours" in Guadalajara (Mexico) to meet, date, and perhaps marry U.S. men, Schaeffer argues that women's participation in the international matchmaking industries cannot be understood within the framework of the trafficking of women. Mexican women are not merely commodities for men to buy and consume. The majority of these women come from middle-class professional backgrounds, and are influenced by fantasies of "the American way of life." Just as men imagine women to be ideal mothers and wives, women construct men as utopic commodities who represent their path to self-improvement.

Another qualitative piece of research dedicated to foreign spouses of Swiss nationals has reinforced Schaeffer's findings regarding the imaginations of gender. Riaño and Baghdadi, carrying out in-depth interviews with Latin-American, Middle-Eastern and South-East-European spouses in Switzerland have come to a conclusion that two main factors determine motivation for marrying a man overseas: unequal gender relations in marriage migrants' countries of origin (e.g. the ideology of machismo in Latin America) and their idealized image of Western men, the so-called "geographical imaginations", using the term coined by Said (1979). Embodying perfect ideals of marital relationships, this contributes and facilitates transnational marriage migration (Riaño & Baghdadi, 2007). The authors interpret the choice of a Swiss husband or a permanent resident in Switzerland as a personal strategy aimed at redefining female and male roles, a certain balance between structure and agency.

Attempting to go beyond the stereotypical description of "mail-order" brides in the North American context, Nicole conducts a virtual ethnography studying attitudes and motivations of Chinese and Filipino brides to be, introducing the concept of "correspondence marriage" as a way of describing the outcomes of a transnational online courtship (Constable, 2004). In her book "Romance on a Global Stage: Pen Pals, Virtual Ethnography and "Mail Order" Marriages," Constable advocates leaving behind a traditional term of "mail-order" bride, claiming that it is a denigrating metaphor for those looking for a husband on the Internet. Collecting the stories of women engaged in pen-pal relationships and conveying their stories of love, romance, migration, and long-distance dating, Constable questions the dichotomies drawn between structure and agency, highlighting personal choice of women when deciding to subscribe for online dating. She further argues against a "trafficking" discourse, claiming that feminist scholars perceive the general picture in a wrong way:

Popular and government sources often overlook important distinctions between forced prostitution, sex tourism, sex slaves, sex workers, domestic workers, and foreign brides of various kinds, characterizing them all as trafficked. Feminist and activist critiques often overlook key distinctions between different sorts of international introduction agencies, and different types of transnational relationships (Constable, 2004, p. 214).

In another ethnographic study entitled "Dreaming of a Mail-Order Husband. Russian-American Internet Romance," Ericka Johnson analyzes the life stories of the Russian women who seek American husbands with the help of matchmaking agencies. Johnson unveils the desires and imaginations of Russian women in the context of post-perestroika's economic hardships in Russia, thus connecting the economic troubles of women to the urge of getting married to a wealthier foreigner. Johnson specifies that the women she interviewed were located

differently in the intersections of class, gender, education, ethnicity and regional identity. All of them had different preferences of lifestyle, future goals and personal expectations of marrying a foreigner: “To imagine Russian mail-order brides only as economically desperate, delicate young things is to overlook the diversity that exists among them” (Johnson, 2007, p.19).

According to Brennan, who conducted an ethnographic study in Sosúa, a sex tourism spot in Dominican Republic, sex workers who marry their European clients in order to migrate off the island and find a better life, are, in fact, “attempting to capitalize on the very global linkages that exploit them” (2003, p. 155). Even though women are trapped in poverty, they use migration and marriage as an advancement strategy. However, Brennan also notices that:

Many Dominican sex-workers look to their clients as sources not only of money, marriage, and visas, but also of greater gender equity than they hope to for in the households they keep with Dominican men (2003, p. 157).

As put forth by Schaeffer-Grabel, “in feminist writing on mail-order brides, women’s and men’s voices remain absent. Instead, this scholarship assumes a one-to-one correspondence between the male gaze on the Web sites and women’s exploitation as domestic laborers in the home” (2005, p. 332). Whereas feminists and legal scholars have tended to situate all mail-order brides within the larger framework of the global trafficking of women, qualitative research focused on participant observation, participatory action and interviewing has helped to bring out new narratives highlighting the agency of foreign spouses and diversity of experiences.

#### **2.4. Gender, race, mass media, and commodification**

In an attempt to move beyond the victimization-agency debate, a few others topics and concerns are usually highlighted when discussing the issue of migrant wives. The debates from cultural studies, sociological or anthropological perspectives revolve around the questions of gender, race, power dynamics and commodification of women’s bodies. Another concern is centred around a possibility of violence and commodification among migrant women due to the websites’ and other media outlets’ portrayal of women’s bodies and personalities highlighting racialized imaginations and high expectations. Instead of blaming Western husbands and inadequate legislation not able to protect migrant wives, they point our attention to the mass media representations attributing the most demeaning cultural stereotypes to the women in question.

One could mention several good reasons why we should be worried about media's role in shaping meanings of race and ethnicity in culturally diverse societies. In liberal democracies, media often claim their role as the fourth estate of the realm (Downing & Husband, 2005). Mass media representations shape public opinion, facilitate knowledge production and provide rich material for scholarly attention. In the case of marriage migrants' topic, media representations bring into clearer focus the dialectics of discourse — the way the media and other discourses about migrant women feed into and sustain each other (Saroca, 2006).

Olena Guseva, analyzing letters of her mother Svitlana O'Brien to her future Canadian husband, contends that power dynamics play a significant role in the process: it is through patriarchal representations of "mail-order" brides on the web that we are able to see how stereotypes are formed and maintained (Guseva, 2010, p. 23). Being a window in the mind of the public, mass media outlets, including marriage websites, reproduce traditional stereotypical images of women and thus uphold patriarchal values. Johnson also notices that dominant American mass media representations of Russian mail-order brides portray them as "victims trapped in horrible marriages with lonely, imbalanced men or as gold-diggers looking for economic stability" (Johnson, 2007, p. 1). She challenges these representations in her ethnographic study dedicated to life stories of Russian women married to American citizens and residing in the United States. Zare & Mendoza (2011) purport that popular culture embraces a colonialist discourse of agency-arranged marriages that involve women in commercial transactions as commodity objects, victims, or victimizers. Although the authors did encounter some potentially counter-hegemonic works that serve to represent an alternative discourse, employing devices such as irony, parody, spoofing, and other tongue-in-cheek references, such representations are few and far between. Most of authors situate migrant wives within the dichotomy of victim or perpetrator, not leaving much space for another alternative.

Saroca (2002; 2006) also blames media discourses for locating the key to violence within the women themselves. According to Saroca, the "mail-order" bride is the dominant theme in Australian articles about Filipino women. In such media discourse, Filipino women are an imagined community in Anderson's (1983) sense of the term. Saroca also argues that the media tend to construct Filipino women in Australia in sexist, racist and class-based ways, and their experiences of violence and response to it are shaped in a similar manner (Saroca, 2002, p. 21). Therefore, Filipino brides in Australia are situated within a victim-blaming discourse, with the idea that an abused woman not only provoked her assault but also, in many cases, deserved it (Saroca, 2006, p. 85).

Truong and Del Rosario (1994) highlight that there are certain commonalities between trafficked women and “mail-order” brides in the European Union, in that both categories of migrants face different dimensions of captivity (Ibid, p. 40). According to Truong and Del Rosario, the following dimensions of power can be applied to the analysis of “mail-order” brides: 1) discursive power (categorization of women in the law and civil society at large); 2) economic power (allocation of work and control over earnings); and 3) organizational power (political space gained to articulate their own views and to set an agenda for action). The authors claim that the whole industry of “mail-order” brides (MOBs) share in common a commodified discourse that describes the women as objects of exchange:

Whereas in the past the value of MOBs was constructed by commercial discourses informing this exchange along the lines of their submissiveness, today the value is framed within the logics of costs and benefits to the male consumers - their potential spouses (Truong and Del Rosario, 1994, p. 46).

Meanwhile, a debate on the commodified body finds its reflection in writings on colonialism and race, too. Angeles & Sunanta (2007), drawing from postcolonial cultural studies and feminist media theories, claim that erotic images of Filipino women displayed on marriage websites involve both symbolic power at the representational level and physical violence in the material world, thus creating unequal Third World-First World power relations imbedded in international migration circuits (Angeles & Sunanta, 2007, p. 3). As Zare & Mendoza (2011, p. 375) point out while writing about colonialist representations: “Women involved in contemporary agency-arranged marriages rarely are shown as courageous, despite their bravery in being willing to travel and set up home in an unfamiliar place away from family and friends.” It is true that changing a routine environment in order to adapt to a new life abroad frequently without any language skills or social contacts requires a lot of bravery. Most of the mass media outlets or academics fail to acknowledge that the sole act of traveling far away to start a life anew exemplifies a great deal of agency.

The adherents of post-colonial theory use Constable’s term of cultural logic of desire (Constable, 2004) as a tool for mate-selection explanation. Thus, Del Rosario writes that Filipino women exhibit preference for American male spouses due to historical circumstances and long-standing ideas about what the United States embodies. This logic has been fashioned out of a specific historical relationship between the United States and the Philippines, in which American cultural superiority and benevolence provide the filters for Filipino women’s marital preferences (Del Rosario, 2005). In the same way, Taiwanese men demonstrate discrepant treatment towards foreign brides that reflects commodification of bodies according to geographic area. Tseng

(2012) maintain that in Taiwan Filipino women are associated with domestic workers, Chinese ladies are known as imported wives of poor local men, and Ukrainian brides are believed to be either models or dancers (Ibid, p. 100). However, unlike the Philippines and the United States, there was not any political or historical interaction between Taiwan and Ukraine to produce such stereotyping. So where do these racial expectations stem from? Tseng interprets this paradox through the formation of Eurocentric-American discourse:

The desire for Ukrainian women is created based on the chain of misrecognition, a simplified logic of the myth—all Ukrainians are blond/white, all whites are from the United States of America, the United States is a perfect example of modernity, modernity is desirable, and therefore Ukrainian women are desirable (Ibid, p. 99).

Exploring the topics of socio-cultural values and orientations, some scholars notice that men are being constantly overlooked while speaking about cross-border marriages. Hence, Glowsky (2010) and earlier Constable (2004) have highlighted the need to speak for the men involved in transnational relationships. Exploring the sociological dimension of transnational marriages in Germany, Glowsky attempts to uncover the factors that lead to “mixed marriages” on the part of the men using quantitative methods, namely a survey and secondary data analysis (Glowsky, 2007). Prior to his research, men as potential or actual husbands have been approached only casually, and have usually been described as persons with psychological deficits, who marry an inferior woman to compensate for inferiority complexes.

Glowsky’s study, applying exchange theory,<sup>18</sup> systematically analyzes which factors on the part of German men lead to marriage with a woman from an economically weak country. His findings disprove some assumption of qualitative studies (Rosario, 1994) that there is a correlation between a low level of attractiveness or a lack of social contact among those men who choose wives from developing countries. Instead, a strong correlation is shown for the marriage age of German men. Hence, Glowsky underlines: “This allows for conclusion that German men marry women from poorer countries when they have age-related difficulties to find a German wife” (Glowsky, 2007, p. 18).

In line with analyzing the issues of gender, the question of foreign brides and their labor activities is brought up in the discussion. Kofman underlines that there is a strong association of female migration and dependency, as opposed to work and autonomy (Kofman, 2004, p. 248). Piper further problematizes the distinction between women as migrant workers and women as

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<sup>18</sup> Exchange theory is a sociological perspective that explains social change and stability as a process of negotiated exchanges between parties. It was introduced in 1958 by the sociologist George Homans with the publication of his work “Social Behavior as Exchange”.

migrants for marriage by suggesting that gender is a paramount feature speaking about labor opportunities and family-related migration. Analyzing case studies of Thai sex workers married to German men, she questions whether a marriage to an EU-national liberates women from sex work (Piper & Mix, 2003). One of the case studies in the last chapter is dedicated to the question of how foreign spouses in Germany negotiate their participation in the labor market after emigration.

Because nowadays the marriage market represents an ethnically, racially and socially diverse place, I believe that the questions surrounding gender are perennial to the subject of study. In sub-chapter 2.6.1 I focus in more detail on gender expectations and imaginations and their value in the context of cross-border marriages.

## **2.5. Securitization of migration and bi-national marriages: "Bona fide" or "fraudulent" unions?**

Another body of literature on "mail-order" brides encompasses studies on authorities' perception and punitiveness of migration. From a very different vantage point, these authors analyze state discourse in relation to the migrants, particularly migrant wives, inquisitive or restrictive practices regarding foreign spouses, and legal regulations aimed at tackling actual or perceived "fraudulent" unions. In order to give an insight into the latter topics, this sub-chapter begins by outlining the sources of restrictive practices regarding marriage migration. What follows is a discussion of the term "sham" marriage.

Marriage migration has recently become the object of intense scrutiny from the governmental agencies that regulate movement of peoples. Following a move away from a positive understanding of family-related migration, brides- and grooms-to-be are expected to undergo various procedures of checks and inquiries into the nature of their relationship, financial opportunities of a "host" spouse and potential abilities for integration of an "incoming" spouse. According to Wray (2011, p. 9), "marriage migration is a prism through which many other concerns and anxieties are filtered." Indeed, migration via marriage invokes certain fears from the point of view of the state, primarily because it permits the entry of individuals who would otherwise have been rejected on the grounds of language incompetence, educational level or profession. In their submission to the European Commission's Green Paper on the family

reunification directive, the UK addressed it as a separate issue, highlighting the fact that tackling marriage abuse is a key priority for the government.<sup>19</sup>

Mail-order brides' legal status, as put forth by Truong and Del Rosario (1994), is inscribed in two major bodies of legislation: 1) immigration law, insofar as it relates to the immigration of foreign spouses of EU nationals; and 2) labor law concerning non-EU nationals. Under immigration law, the women are subject to screening and control prior to departure from their home country by embassy officials of the intended destination country. Indeed, migrant wives have recently become a part of the security governance of migration and one of the targets of immigration laws worldwide. Writing from the perspective of political sociology and security studies, D'Aoust (2010) suggests that the uneasiness and suspicion towards correspondence marriage expressed by the authorities is determined by the fact that it unsettles a Western myth of marriage being first and foremost a private act motivated by disinterested love:

By blurring boundaries between love and interests, the "mail-order" bride gets caught in the rationalities and technologies of security governance of immigration, which is driven by a fear of "privatization of citizenship", namely the uncontrolled sale of marriage for immigration and citizenship benefits (D'Aoust, 2010, p.118).

Comparing state discourses and screening of foreign spouses in the United States and Germany, D'Aoust comes to conclusion that in the United States, "mail-order brides" are framed as a potential risk according to three dominant discourses: marriage fraud, human trafficking, and domestic violence. Evaluation of material proofs of love instead of proofs of relationships during immigration interviews become key to root out potential cases of fraud and establish "valid" marriages. In Germany, by contrast, the implicit comparison and opposition of "mail-order marriage" with "forced marriages" has led to the former being considered as a legitimate and freely-consented marriage. D'Aoust further claims that marriages nowadays has become a part of the governmentality of migration:

Marriage migration management relies not only on a logic of premeditation and risk management that notably gets deployed and enacted through technological artifacts, such as surveillance data and biometrics, but also through technologies of love (Ibid, p. 112).

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<sup>19</sup> The UK's response to the European Commission's Green Paper on Family Reunification March 2012, available: [http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2012/pdf/0023/famreun/memberstatesnationalgovernments/united\\_kingdom\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2012/pdf/0023/famreun/memberstatesnationalgovernments/united_kingdom_en.pdf) (Accessed 10 May, 2013).



Recent scholarship explores the new regulations in the European Union and worldwide regarding entry requirements for potential spouses and the expected profile of the sponsoring spouse (Wray, 2011; Bonjour & De Hart 2013; Sirriyeh, 2015; Block, 2014; Satzewich, 2014; Kringelbach, 2013), mapping out gender, ethnic and race stereotypes that authorities use in profiling future migrants.

Laura Block (2014) argues that in many European countries, family migration policies have grown increasingly restrictive in the past decade, and the question of membership regarding foreign spouses constitutes a perennial point of new migration policies. Imposing conditions on the incoming spouses, according to Block, is the most recently emerging trend in regulating membership. Many EU countries, including Germany, have installed certain requirements for foreign spouses, such as obligations to prove language capacity and civic knowledge, often prior to receiving a spousal visa. This way, she claims, authorities evaluate incoming spouses' capacity for cultural membership, or their skills and capacities for potential integration (Block, 2014, p. 13). Like other European states, France is aware that bi-national marriage may constitute a "weak link" in immigration control, and successive law changes between 2003 and 2006 have made it increasingly difficult for foreign spouses to obtain residence rights, and eventually French citizenship, claims Kringelbach in her research on French-Senegalese couples (Kringelbach, 2013).

Exploring the constructions of "us" and "them" in Dutch family migration policy, Bonjour and De Hart (2013) focus on the way the Dutch authorities have recently introduced some of Europe's highest pre-departure integration, income and age requirements for the future spouses (Ibid, p. 62). According to the authors, the necessity to regulate family migration flows and suspicious attitudes towards bi-national couples are triggered by the existence of two "problematic" categories for Dutch society: fraudulent marriages and forced or arranged marriages. Satzewich, conducting research on Canadian visa bureaucrats, points out that cultural typifications allow visa officers to construct cases as credible or not credible, and constitute simultaneous bases for decisions about foreign spouses' exclusion and inclusion (Satzewich, 2014). Furthermore, measuring alleged sham marriages against the template of a "genuine" relationship is viewed with a moral understanding of how newcomers ought to live their lives. Conducting research on Finnish bureaucrats, Pellander (2014) claims that immigration regulations intersect with moral norms, and authorities become the gatekeepers who determine whether the marriage of migrant applicants conforms to what they consider acceptable for gaining Finnish residency. By discussing what kind of normative framework to apply and by

determining the authenticity of marriage norms, they mobilize what are considered to be universal values (Pellander, 2014, p. 14).

Riaño, exploring legal documents and policy frameworks of Switzerland, comes to conclusion that system of civic stratification erected by family-related migration policies leads to an increasing fragmentation of family rights in Europe (Riaño, 2010). Besides perpetuating the dichotomy of “us” and “them”, existing policies mean that foreign spouses from third-country states have a precarious residence status during their first five years in Switzerland, as the renewal of their residence permit is contingent on marriage status:

The superior legal position of a Swiss and a resident spouses allows them to discard their immigrant spouses at will by simply moving out of the common residence, filing a divorce or by leaving the country during the first five years of marriage (Ibid, p. 275).

Moreover, restrictive immigration policies hinder foreign wives' participation in the labor market, perpetuating a situation of dependence. Residence permits of migrant wives are designed to “allow them to remain with their spouses' but not to generate economic activity, which can also put them in situation of vulnerability” (Riaño, 2010, p. 276).

Finally, family reunification policies allow public authorities to intrude into the private realm in order to inquire whether a marriage is “fraudulent” or “bona fide”. Marriage migration control can be executed at three levels: preventive (through the actions of a civil registrar); repressive (through the practice of annulment); and through a possible criminal conviction with a fine or a term in prison (Foblets & Vanheule, 2006). While at the preventive level a couple under suspicion is not allowed to enter into marriage, at the repressive level their marriage is considered as void by the authorities. Furthermore, a couple can be prosecuted and fined if it is believed that their marriage was fraudulent. Very often, besides being perceived as “gold-diggers” by relatives and social circle, non-EU spouses from economically weak countries are stigmatized by the immigration authorities, who intrude into personal intimate family spaces, including through separate interrogation and cross-checks. The process of investigating whether marriage is “fake” or “genuine” sometimes involves interrogation of neighbors, search of personal belongings with the goal of finding any proof of whether it was indeed “bona fide”, such as signs of actual cohabitation, intimate correspondence, wedding pictures and other wedding attributes (rings, dresses, gifts). Such an investigation can also be initiated upon anonymous denunciation to the police that the marriage was fraudulent.

According to the European Commission's Green Paper on the Family Reunification Directives of 2003, a marriage of convenience is a specific case of fraud, which Member States

should counteract. In addition to its general procedural rules, Article 16(4) of the Directive provides for the possibility to conduct specific checks and inspections where there is reason to suspect fraud or marriage of convenience. Every national system has its own rules and procedures about the policing of perceived “sham” marriages. Even though the “reality” of intimate relationships is difficult to assess, European Council Resolution 97/C/382/01 (1997),<sup>20</sup> maps out specific criteria for judging the authenticity of marriage. In the end, setting a template of a pure relationship exhibits the preferential treatment of EU spouses over non-EU spouses. As Lucy Williams argues, “Europeans or other groups considered culturally compatible are rarely subjected to the same sort of scrutiny that marriages between racial groups or between groups identified as “different” face” (Williams, 2010, p. 29).

While conducting investigations in order to determine how “pure” the relationship with a third-national spouse is, the authorities rely on a normative definition of a marriage suggested, among others, by Giddens. According to Giddens, modern marriages “have veered increasingly towards the form of a pure relationship’ and can be characterized by four components: free will, emotional involvement, equality and power balance, and reciprocal sexual pleasure” (Giddens, 1992, p. 178). Although Giddens has repeatedly been criticized by academic colleagues for presenting an “ideal form” of intimacy (Jamieson, 1999), these ideas still constitute a backbone of marriage-related requirements applied to non-EU nationals. The authorities expect to hear narratives of a disinterested love as opposed to instrumental calculations when processing files of third-nationals, and foreign spouses are viewed as potential transgressors who violate Western ideals of marital life, particularly if they are not able to satisfy all the requirements of credibility. According to Essed (1991), the effect of this political agenda aimed at securitization of marriage migration might, ultimately, lead to legitimizing anti-immigration sentiments and fomenting everyday forms of racism. I further discuss the dichotomy of “pure love” and “manipulated sentiment” in chapter 6.

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<sup>20</sup> European Council Resolution on Measures to be Adopted on Combating Marriages of Convenience, as of 4 December 1997 [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31997Y1216\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31997Y1216(01)) (Accessed 10 November, 2013).

## **2.6. Brides, Grooms, and Expectations from Overseas: Capitals in the Field of Transnational Marriage**

There have already been several attempts to apply the theory of capitals to cross-border marriages and “mixed” relationships, emphasizing the importance of sexual capital for the brides from third countries and the importance of socio-economic or political capital for EU spouses (Glowsky, 2007; Farrer, 2010; Tseng, 2012). In the next paragraphs I extend these ideas, arguing that the image of femininity and the notion of erotic capital are extremely valuable for understanding transnational marriages.

Bourdieu, trying to reconcile gains of objectivism and subjectivism, introduces the term “habitus”, which he defines as “a system of dispositions that is constantly subjected to experiences, and therefore constantly affected by them in a way that either reinforces or modifies its structures” (Bourdieu & Wacquant, 1996, p. 133). I contend that both mail-order brides and grooms have a certain habitus wherein an eagerness to marry outside of his/her own religious or ethnic background is an essential factor. Not every woman worldwide would be eager to enter into a “mixed” marriage. The most common places of origin for women who are considered to be marriage migrants encompass Southeast Asia, including the Philippines, post-Soviet Union countries, and Latin America (Scholes and Phataraloaha, 2006). The system of dispositions of Eastern European, Latin American and South East Asian women is framed in such a way that there is no general psychological or social impediment towards intermarriage, although some ethnic or religious preferences might persist (Angeles & Sunanta, 2007; Johnson, 2007).

This is not the case all over the world. Even in relatively open Muslim societies, such as Morocco and Tunisia, marriage to a non-Muslim man is strictly forbidden. While the economic capital of a husband, his affluence and social connections are crucial factors for Christian Lebanese or Indian women when deciding to marry, they are not represented on the Western European or North American cross-ethnic marriage arenas as mail-order brides either. Even though religious barriers are not deterrent (in case of a possible marriage with a Christian German or American citizen), family approval is crucial in the decision-making for both Lebanese and Indian women, and marriages outside of their own cast, religion or ethnic group are usually considered as taboo.

Besides certain habitus comprised of individual attitudes towards marriage shaped by societal demands and expectations, I argue that there are capitals circulating in the field of marriages that define possibilities of agents. Bourdieu introduces four kinds of capital: cultural,

economic, social, and symbolic. Economic capital consists of capital in Marx's sense of the word, but also of other economic possessions that increase an actor's capacities in society. Cultural capital has three forms of existence. It exists, first, as incorporated in the habitus, and is to a large extent created through primary pedagogy, that is, in (early) childhood. Second, cultural capital is objectivized in cultural articles. Third, it is institutionalized in cultural institutions and is expressed in terms of certificates, diplomas and examinations (Bourdieu & Passeron, 1977). Social capital has two components: a resource that is connected with group membership; and social networks (Bourdieu, 1986). Symbolic capital is this denied capital, recognized as legitimate, that is, misrecognized as capital (recognition, acknowledgement, in the sense that gratitude for benefits can be one of the foundations of this recognition). Along with religious capital, this is perhaps the only possible form of accumulation when economic capital is not recognized (Bourdieu, 1990, p. 118).

Although I rely on the Bourdeusian concepts during current research, one should be aware of the critique surrounding his theory. Goldthorpe (2007) draws attention to the problems associated with the concept of cultural capital, arguing that it is not as determinant of educational attainment as it was in the 1960s. Cultural capital inherited from the family, according to Goldthorpe, is not essential any more in order to succeed and climb the social ladder. He claims that “the overarching theory of social reproduction can be shown to have serious inherent weaknesses, and, further, to be overwhelmingly contradicted by empirical evidence” (Goldthorpe, 2007, p. 2).

However, in this dissertation I mostly refer to the notions of political or social capital, and not cultural capital in terms of educational attainments or class inequalities. If EU citizenship can be considered as either political or social capital that guarantees security and access to welfare system, and can be viewed as a resource in marriage with third-country nationals, the social capital represents a network of local connections that facilitates day-to-day life, and can contribute to personal wellbeing and social mobility. In fact, one of the main apprehensions of scholars who analyze the subject of domestic violence among “mixed” marriages is the fact that migrant wives are deprived of social capital, because of insufficient language skills, limited social circle and perhaps no familiarity with a new culture (Orloff & Sarangapani, 2007). In cross-border marriages with women from economically weak countries, EU spouses are usually bestowed by both social and economic capital that is the basis of their socio-economic status in the eyes of migrant wives. At the same time, foreign wives could have much higher educational or cultural capital than their husbands. From my research I have noticed that Eastern European

brides in Germany boast higher educational levels than their German husbands, often having master's degrees and work experience as doctors or lawyers in their countries of origin.

Marriage websites market women based on the capitals that they can offer their foreign spouses, paradoxically considering education, besides traditional attitudes, as one of “selling points”. “Well-educated” is one of the epithets applied to Eastern European women - although in’s research (2004) her informants from Asia were also quite educated and career-oriented. A marriage website “Alone Angels” lures men in the following way:

Eastern European women, girls [sic] are not only good hostesses. They are clever, well-educated and witty. You will always find a topic to speak about with them. Often they hold leading posts and are very successful in career [sic].<sup>21</sup>

Another agency proudly states:

What really separates European Brides from their counterparts in other parts of the world is how well-educated, talented, and truly extraordinary they are. It is not unusual to find sexy lawyers, hot doctors, and beautiful scientists among the Eastern European girls signed up at Global dating agencies.<sup>22</sup>

These assumptions and the attractive labels used by marriage brokers could also be viewed through the prism of labeling theory, which is essential to cultural criminology. The labeling theory also connects to sociological ideas of Durkheim, Mead, the Chicago School and symbolic interactionism, explaining how the self-identity and behaviour of individuals may be determined or influenced by the terms used to classify them. It has been pointed out by Ferrell that labeling theories: “highlight the conflicts of meaning that consistently animate crime and deviance; they demonstrate that the reality of crime and transgression exists as a project under construction, a project emerging from ongoing negotiations of authority and reputation” (Ferrell, 2008, p. 5). Howard Becker delineated the problem of labeling this way:

We [should] direct our attention in research and theory building to the questions: who applied the label of deviant to whom? What consequences does the application of a label has for the person so labeled? Under what circumstances is the label of a deviant successfully applied? (Becker, 1963, p. 3)

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<sup>21</sup> <http://www.aloneangels.com> (Accessed 8 June, 2013).

<sup>22</sup> <http://www.internationallovescout.com/gallery/euro> (Accessed 8 June, 2013).

Answering the first question of Becker, the metaphors attached to women by the matchmaking agencies represent a labeling process that the brides are subjected to as part of a marketing campaign of advertising the services of marriage brokers. It is simply profitable to market women using popular labels appealing to the desires of men. Regarding the consequences of a labeling game, besides essentializing women from a certain geographic area, the labels also contribute to future misunderstandings in the marriage, as expectations of a perfect bride rise.

On the other hand, it is not just cultural capital that is being considered a privilege on the marriage market. I believe that social exchange of all kinds of capital takes place during mate selection, and this process is particularly evident in cross-border marriages where courtship represents an exchange of capitals and resources. Unlike the fundamental finding of the mate selection research which is that people find mates who are similar to themselves in status, class, and education (Kalmijn, 1993), the status exchange theory in mate selection (Merton, 1941; Davis, 1941) predicts that the courtship resembles a marketplace in which people attempt to maximize their rewards by exchanging their own advantages (education, beauty, status etc.) for desirable attributes in a spouse. I argue that the latter theory reflects my findings better than the former assumption. The status exchange theory in mate selection suggests that marriage partners should be different in at least two key dimensions (other than gender); without differences the “exchange” cannot take place. My research specifically focuses on the bi-national couples with the most importance difference: EU citizenship or a permanent residence permit. Besides this fundamental difference, most of my informants share a different socio-cultural and socio-economic background, contrasting resources, and sometimes age differences.

The circulation and exchange of capitals in matrimonial field is easily interpreted with the help of social structural theory, one of the main mate-selection theories in psychology (Schoemake, 2007). The latter maintains that mate-selection strategies result from the contrasting social positions that men and women have historically occupied in society: women, who have traditionally been delegated to roles with less power and less access to resources, seek out these characteristics in potential mates. In turn, they offer to exchange commodities that they do have access to, such as physical beauty, fertility, and sexual pleasure (Schoemake, 2007, p. 36). According to Kalmijn (1998) three factors shape individual partner choice: preferences for certain characteristics in a spouse; influence of the surrounding social group; and constraints on the marriage market. Regarding preferences of individuals for certain characteristics in a spouse, it is highlighted that when an individual considers a set of potential partners and evaluates them on the basis of the resources they can offer, the most important resources to consider and assess are socioeconomic resources.

As demonstrated by previous research on foreign brides in Germany (Glowsky, 2007; Ruenkaew, 2003), for the exchange of resources at the beginning of a partnership, the inequality of central features is an important precondition. This is when the subject of capitals emerges on the surface, and becomes a guiding point of this study. Thus, in this research I argue that much of the personal life of my informants remains structured by inequalities, power dynamics, and differences in status or resources. Hence I ask myself the following question: which capitals are sought after in foreign wives? Besides education, and therefore potential adaptability in a host society, possibilities of quick language acquisition and career prospects, age and reproductive attitudes, there are other capitals that are attributed either by mass media representations or skilful marketing of online agencies to women from third countries. We look at this below.

### 2.6.1. Erotic Capital in Transnational Matrimonial Field

What else makes a person attractive in transnational dating? Besides economic reasons,<sup>23</sup> the exotic allure of the “other” and beautiful appearance, the concept of femininity is often mentioned. On the main webpage of International Love Scout website, one can find the following descriptions of Filipino women: “Women in the Philippines tend to be short, sweet, and very *feminine*”<sup>24</sup>. A website created for men seeking a foreign spouse in Eastern Europe, “Russian Bride Guide”, proudly states: Russian women are *womanly*, gentle and kind-hearted and they need the support of [a] man and husband.<sup>25</sup> Another website dedicated to Latin American brides contains a similar claim: ‘Latin women are known for their warm, affectionate, friendly and *feminine nature*.’<sup>26 27</sup> Is femininity yet another capital that women from third countries are believed to embrace?

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<sup>23</sup> According to observations of the conversations in online communities, foreign brides are sometimes described as requiring “less maintenance”; they are considered less spoiled and less demanding than local women. This is one of the reasons when men in some Middle Eastern countries prefer to marry a foreigner, or Western men prefer to marry women from economically disadvantaged countries, such as Vietnam or Thailand: “Coming from impoverished countries, Asian women are usually very “low maintenance” and are happy. They don't need material gifts or a lavish lifestyle. They are also apt to be more affectionate”. See <http://www.viewzone.com/wwwife.html> (Accessed 17 December, 2012).

<sup>24</sup> <http://www.internationallovescout.com/gallery/asian/philippines/> (Accessed 16 December, 2012).

<sup>25</sup> [http://www.russianbrideguide.com/russian\\_women/](http://www.russianbrideguide.com/russian_women/) (Accessed 16 December, 2012).

<sup>26</sup> [http://www.latinromantic.com/index.php?file=c-static&page=Latin\\_American\\_Bride](http://www.latinromantic.com/index.php?file=c-static&page=Latin_American_Bride) (Accessed 16 December, 2012).

<sup>27</sup> I have added italics to the selected words.



British sociologist Catherine Hakim (2011) coins the term “erotic capital”, which is partly based on femininity and physical appearance, but not limited to it. Erotic capital also relies heavily on charm, social skills in interaction, presentation skills, liveliness and style. It can become a strong advantage both in personal life and in the labor market, empowering women on the way to leadership, because it is: “just as valuable as money, education and social contacts” (Hakim, 2011, p. 21). While using the term “capital” in the Bourdieusian sense, Hakim claims that the concept has been overlooked by Bourdieu since it is not locked into the usual economic and social hierarchies. Instead of being structured heavily by family and class, it is rather framed by effort and personal initiative. Thus, it can be “completely independent and provide a vehicle for dramatic upward social mobility” (Hakim, 2011, p. 23). Hakim purports that radical feminists have in the past only discussed sexuality in terms of men's control men over women, thus overlooking women's use of sexuality to control men (Hakim, 2011, p. 90). In Hakim's opinion, by following these assumptions feminists only reiterate the basics of patriarchal ideology, since: “feminist theory has proven unable to extricate itself from the patriarchal perspective, reinforcing it while ostensibly challenging it” (Hakim, 2011, p. 86).

Prior to Hakim's work, the term “erotic capital” has already been operationalized in academic literature, notably appearing in studies uncovering intersections between gender and race (Green, 2008; Martin, 2006; Farrer, 2010; Brooks, 2010). Exploring sexuality and relationships between Western white men and Chinese women in Shanghai, Farrer introduces the term of “interracial sexual capital”, which allows the idea of a sexual stratification system, or a racialized and gendered sexual field, to be theorized, as well as strategies and individuals within this field. He concludes that sexual capital produced in this interracial field is convertible to other forms of social and cultural capital relevant to life in the global city (Farrer, 2010). The concept of “interracial sexual capital” is quite useful for a partial understanding of transnational marriages' market dynamics. On the one hand, it explains why South Asian and South American women have experienced a “booming” popularity among North American and Western European men during the last decades. On the other hand, it fails to interpret the success of Eastern European white women with a Caucasian appearance and therefore not disposed of an “interracial sexual capital”.

Siobhan Brooks, conducting ethnographic research on the intersections of race, class and gender in stripping industry in the United States, uses the term “racialized erotic capital” to suggest that erotic capital is affected by variables such as weight, speech patterns, gender presentation, and hair texture. According to Brooks, erotic capital affects the life chances of

people, depending on which end of erotic capital they fall, and “can reproduce unequal power relations vis-à-vis not just men, but also other women” (Brooks, 2010, p. 7).

Tseng, analyzing motivations behind Taiwanese men's decisions to seek a Ukrainian bride, believes that their paramount values are sexuality and whiteness:

The disparity seems to suggest that men who dream of marrying Eastern European women are not concerned about their future wife's domestic quality but their sexuality and whiteness, the homogeneously imagined high cultural taste that can bring glory to the match. Marrying Eastern European women signifies marrying their whiteness, the “magic power” that can boost men's cultural capital and symbolic power (Tseng, 2012, p. 99).

Academic discourse on femininity features a long-standing ideological dilemma of “feminism versus femininity” that continues to be reproduced nowadays, and constructs both concepts as mutually exclusive. Scrutinizing appearance and female bodies, unlike the above-mentioned authors, feminist scholars suggest that femininity and beauty practices trap women in a subordinate position (Jeffreys, 2005; Skeggs, 1997; Wolf, 1990; Bartky, 1990; Dworkin, 1974).

Both Dworkin (1974) and Jeffreys (2005) believe that female “erotic capital” leads women to oppression and both psychological and social subjugation to men. According to Bev Skeggs, femininity can be used socially in tactical rather than strategic ways. Since tactics are determined by the absence of power, femininity brings with it little profit, and cannot be considered as a strong asset to trade and capitalize upon (Skeggs, 1997, p. 11). Naomi Wolf claims that beauty keeps male dominance intact, since it is about men's institutional power: “In assigning value to women in a vertical hierarchy according to culturally imposed physical standards, it is an expression of power relations in which women must unnaturally compete for resources that men have appropriated for themselves” (Wolf, 1990, p. 12).

As an opposition to the old rigid feminism, some academic scholarship on beauty practices debunks the traditional ideas about femininity as “dead weight” (Wolf, 1990, p. 19) and seeks to navigate the terrain of bodily practices in an alternative way. Kathy Davis notes that plastic surgery could be a path towards self-determination and a way for women to regain control over their bodies, and therefore it is an empowering practice (Davis, 1997). Her study shows that beauty practices, even despite their risks, financial costs and health hazards, could raise one's self-esteem and therefore are empowering. Frueh (2000) in her research of body-building comes up with similar conclusions.

What is described in Tseng's observation and in the website advertising above could be located on the gender pendulum as “hyper-femininity”, or an ideal accentuated performance of

femininity. Martina Cvajner, observing Ukrainian live-in maids in Italy, points out that “the strong significance of hyper-femininity during emigration is contingent upon a symbolic economy aimed at preserving their feeling of personal dignity” (Cvajner, 2011, p. 373). Hyper-femininity becomes a way to claim a decent life and a modicum of social recognition. In the current research I view hyper-femininity as a way of uplifting social mobility for foreign brides, and as a part of erotic capital that could be exchanged for other material or symbolic goods. As a matter of fact, not always “doing gender” is enacted in a conscious deliberate way. Sometimes it is an outcome of cultural repertoire that has already been established back home.

Notwithstanding the fact that erotic capital reinforces unequal power relations among female colleagues (Brooks, 2010) or potential brides and grooms (Angeles & Sunanta, 2007), and provokes moralizing attitudes and repudiation from most feminist writers, it eventually acts as every other kind of capital that can be acquired, converted and utilized as a tool of fighting for better position in the marriage field. Assuming that erotic capital, like other forms of capital, requires a lot of effort and self-discipline, it would be logical to consider it as an accomplishment in a meritocratic Western society. One can argue with alacrity that the above-mentioned descriptions essentialize female gender identities and create an image of a “sexualized and desirable Other” (Angeles & Sunanta, 2007), but is it clear that most of the transnational dating and matchmaking agencies conduct marketing campaigns emphasizing femininity as an attractive quality and a desirable criteria in a potential foreign bride. Therefore, feminine nature or femininity reiterated by the discursive practices can also be a capital either unconsciously or deliberately utilized by women in certain countries in order to migrate and/or dramatically change their socioeconomic status.

Speaking about men who decide to embark on the adventure of seeking a spouse abroad, can lack of erotic capital in their countries of residence and temptation of utilizing “alien sexual capital” (Green, 2008) be decisive factors for an intermarriage intention? As one of the informants, a Spanish citizen who has been attending bridal tours overseas for over 8 years, confesses: *“In my country I am not handsome. I am normal, I would say. But when I go abroad – let’s say, to Bangkok or Saint Petersburg – women view me as exotic, and I am very popular there. Plus I have more money than local men.”* Therefore, intention to rely on “alien erotic capital” and availability of economic capital can be among “push factors” for listing oneself on a transnational dating website. However, in terms of visual representation on the websites, both men and women take full advantage of demonstrating erotic capital through uploading professional portfolio pictures.

If you are 40 years old and able to date local women as young as 32, then you should have no problem finding an even better looking 22-year-old Latin bride. Yes, the degree of beauty will also substantially improve. A beautiful young American woman would not notice my existence, while my beautiful young Colombian wife finds me quite exceptional, yet I'm a typical guy.



Picture 4. Website [www.international-introductions.com](http://www.international-introductions.com) specialized in dating of the Colombian women<sup>28</sup>

Although doubting whether Hakim's term "erotic capital" could be applied to women and employment and hesitating to what extent it is advantageous to capitalize on femininity at the work place; I fully acknowledge and agree that it could be used while analyzing the marriage field, especially transnational marriages where the initial point of contact is often self-presentation in online communities, including a set of pictures, a brief description of oneself and desired qualities of a future husband. Although the social structural theory could be criticized because of its emphasis on the rational choice and "marketable" approach to the marriages, I believe that every kind of capital should be considered as an advantage that grants more opportunities of self-realization. Reproductive attitudes, or presence of children, can also be an additional capital in the cross-border marriage field.

## 2.7. Summary

This chapter has surveyed the complex terrain of marriage migration perspectives and surrounding debates, taking into account not only European and North American approaches, but also recent research conducted in Asia or Latin America. During the process of literature review, I single out three perspectives of analyzing the topic on foreign spouses and conclude that they revolve around a fundamental concern: "Who is to blame?" In other words, until now both scholars and governmental agencies have been occupied with the concern: "where does the threat connected with cross-border unions emanate from: women themselves, men-consumers, or commodified images circulated by the mass media outlets?"

Whereas feminist scholars view Western men and the absence of adequate legislation protecting against abuse as a threat, scholars working on the issues of socio-cultural stereotypes and commodification attribute the danger to the mass-media discourse and gendered textual

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<sup>28</sup> <http://www.international-introductions.com> (Accessed 6 June, 2013).

representations that create a hyper-feminine unrealistic image of non-Western brides and perpetuate post-colonial attitudes. At the same time, due to the crisis of welfare state, during the last two decades Western governments have increasingly tended to view foreign spouses as a potential threat, launching investigations into the “genuine” character of cross-border marriages. A third group of scholars have recently noted the surveillance of the marriage industry and exclusionary practices in relation to marriage migrants, arguing that state practices constitute a danger for a harmonious family life, encroach on the rights of privacy, and exhibit a preferential treatment for natives in comparison to foreigners.

I argue that there are capitals circulating in the field of cross-border marriages that define possibilities of both brides- and grooms-to-be. Besides cultural, socioeconomic and political capitals, erotic capital, which strongly capitalizes on femininity, comes into play. Although feminist scholarship warns us that femininity “generates and regulates insecurities, and provides only restricted access to potential forms of power” (Skeggs, 1997, p. 116), I believe that it is a powerful component of erotic capital. Although being exploited by marketing strategies of marriage agencies and all kind of matchmaking brokers re-producing idealized image of a foreign woman, erotic capital acts as a strong facilitator of social mobility and a spouse’s search on the marriage market. Since most transnational marriages for women from developing countries are meant to perform a latent role of uplifting social mobility after the move overseas, it is important to consider the value of erotic capital while analyzing the transnational dating and marriages’ processes. Indeed, “for people who have few or no qualifications, erotic capital can be their most important asset” (Hakim, 2011, p. 2). I argue that any courtship, especially a bi-national and a cross-cultural one, represents an exchange of capitals. In this dissertation through the notions of a residence permit, citizenship, and social resources that my informants either lack or possess, I demonstrate how capitals embedded in socioeconomic and political realities fluctuate on the marriage market.



## **Chapter 3: Methodology**

### **3.1. Introduction**

Chapter 3 gives an overview of the research approach adopted in the dissertation. It identifies epistemology used in the current research and explains why qualitative approach was selected in order to respond to the research questions. In this chapter I describe how I combined virtual ethnography methods with offline ethnography, delineating theoretical grounds for using the above-mentioned methods in my fieldwork. Likewise, I focus on the necessity of using in-depth interviews combined with participant observation, and extended case study method that became a base for analyzing the multitude of life stories collected. Furthermore, I dedicate a great deal of attention to the way I conducted a part of my fieldwork cooperating with the NGOs for female migrants, and what advantages and for a researcher this kind of cooperation represented. Finally, I mention how analysis of documents could be useful in getting a better grasp of international migration in the EU context. The chapter ends with the discussion on validity, reliability and triangulation.

### **3.2. Research approach, research focus and research questions**

I started the research process by identifying a number of research problems relevant for the criminological scholarship and summarizing the gaps in the existing literature on marriage migration and family reunification. After reviewing the related literature in criminology, sociology, anthropology, law and gender studies, I have further proceeded with developing the research questions, selecting the research methodology and the methods that would be effective in answering the research questions, gathering the data from the field using multiple qualitative methods and finally analyzing the data. Cohen and Manion (1994) identify the first stage in the research process as identification and formulation of the “problem”. Upon commencing my fieldwork, the first area of inquiry revolved around the following question “Are there any fraudulent techniques in cross-border marriages implemented by the brides and grooms to be?” If there were any, I planned to analyze what purposes they served (e.g. obtaining citizenship of a more developed country or an indefinite permit to stay; financial resources or other kind of benefits or advantages; psychological satisfaction derived from a “thrill of the hunt” (Di Nicola

et al., 2009, p. 11). I was also interested in what role transnational gender expectations, stereotypes and legitimate in the matrimonial field capitals played in this process. Acknowledging that online dating industry is turning nowadays into a “multi-billion dollar love story for e-commerce customers” (Smith, 2005, p. 29), I was fully aware that besides offline methods, I would need to use online methods of research. Therefore, my first attempt of studying marriage migration was carried out through the websites and contacting marriage agencies’ workers since my assumptions were genuinely vested on the idea that if the people we study move some aspects of their life onto the Internet, then the researchers should follow suit (Hine, 2000).

However, over the course of my research I concluded that online methods would not play such a big role in data collection as I had originally planned. I will further explain my decision to shift from exclusively online methods to mostly offline methods. On the other hand, my subsequent pilot research has led me to realize that in order to better uncover intricacies of marriage migration and links to illegal or deviant practices, I should rather focus on experiences and narratives of foreign spouses who have already settled abroad with their partners instead of navigating the dating websites. In other words, I have realized that although Internet methods certainly offer enormous opportunities of exploring the site of encounter and convey a rich material for ethnographic research in cultural studies, sociology or gender, the most interesting stories for a criminological project evolve when marriage migrants embark on a journey abroad.

Therefore, the core research question that guided me in my subsequent inquiry into the world of foreign spouses and intermarriages was “How do migrant wives perceive their experience of a transnational relationship and life with their foreign spouse abroad?” I was interested in the meanings the women attach to their marital unions, the imaginations and motivations that guide them not only to marry an EU citizen, but to follow him to live in the EU countries. Sub-questions include: “How do marriage migrants cope with legal and societal inquiries into the genuine character of their partnerships?”; “What role does a German residence permit play in mixed marriages?”, “How do migrant wives perceive emotional or physical abuse, and who is involved in the social construction of interpersonal violence if it does occur?”. Besides plethora of sociocultural observations, I was interested in legal hurdles that marriage migrants experience (e.g. policing from the state) and links to victimization-agency debate that I will uncover in the theoretical chapter.

As about the terminology and focus of my project in terms of informants, in the current study I use the terms “bi-national couples”, “mixed” couples and “marriage migrants” interchangeably, preferring to avoid the term “mail-order bride” for many reasons already



mentioned in the literature review. However, unlike a large scholarship on marriage migrants in Germany wherein the focus is placed on all kinds of transnational marriages such as Turkish citizens marrying naturalized German Turks and traveling to Germany to join their spouses or intermarriage between ethnic minorities or second generation immigrants in Germany (Milewski & Kulu, 2011; 2013; Aybek et al., 2015; Kreienbrink & Rühl, 2007), my focus on family reunification via marriage migration is more narrow. It specifically lies within the bi-national couples currently residing in Germany wherein a husband has a German citizenship, and the wife is a non-EU citizen from economically weaker country. The difference in socio-political and economic statuses is a key factor behind my research questions, as it has been argued in various academic sources that the latter difference might contribute to exploitation, dependence, and generate victimization risks for foreign spouses. At the same time, the way a couple got acquainted with each other (whether their encounter took place online or offline) is not of a paramount importance to the present study, and was not a decisive factor while conducting a snowball sampling and choosing informants for the interviews or participant observation.

### **3.3. Epistemology**

In an attempt to distinguish reasons for research approaches adopted by scholars, Crotty (1998) suggests that an interrelationship exists between the theoretical stance preferred by the researcher, the methodology and methods used, and the researcher's view of the epistemology. Indeed, there is a solid interrelationship between the latter facets of empirical research. If epistemology is a theory of knowledge that entails "presuppositions about the nature of knowledge and of science that inform practical inquiry" (Harvey, 1990, p. 1), then methodology is the "interface between methodic practice, substantive theory and epistemological underpinnings", whereas method is the way empirical data is collected. The views, imaginations and beliefs of my informants in the present research were reached following a logical sequence of combining epistemology, theoretical perspective, methodology and methods, which will be demonstrated in the next sub-chapters. According to Easterby-Smith et al. (2002), having an epistemological perspective is crucial because it can help to clarify issues of research design. In other words, "Epistemological reflection is what enables us to elucidate the different paradigms which give different answers to the questions raised by epistemology" (Vasilachis de Gialdino, 2009).

### **3.3.1. Interpretivism & constructivism**

An interpretive approach for the social sciences first grows from the sense that the social world is either ontologically different from the natural world, and requires specific methodological tools to be understood (Hughes & Sharrock, 1997). The latter perspective is underpinned but the pioneer works of Wilhelm Dilthey, Heinrich Rickert and Max Weber. Interpretive researchers assume that reality as we can know is constructed through the meanings and understandings garnered from our social world. There can be no understanding without interpretation. We are always embedded in the lifeworld of language and sociohistorical understanding without recourse to some outside point of view from which to gain objectivity on a world that is external to us (Haraway, 1988; Johnson, 1987).

Constructivists argue that a relativist reality exists, which is constructed, socially and contextually specific, and which changes over time (Schwandt, 1994). Reality is both individually constructed and intersubjectively negotiated within a given social context. Constructivists believe that there can be multiple realities and no one is more privileged than the other (Schwandt, 1994). Reality cannot be understood in terms of independent variables, instead it must be understood in terms of intersubjectively agreed upon patterns of truth (Guba & Lincoln, 1981). Truth, from an interpretive perspective, is no longer based on a one-to-one correspondence to objective reality. Following constructionist scholars, I argue that truth and meanings do not exist in some external world, but are negotiated through the interaction and created by my informants' intersubjective experiences with the lived world. For instance, I will further argue in Chapter 5 that my informants' attitudes and perception of intimate partner violence are constructed through the multiple channels, including their interaction with the service providers and NGO workers.

### **3.3.2. Social constructionism and phenomenology**

Situating my research about marriage migrants within social constructionism (Berger and Luckmann, 1966) and phenomenology (Schutz, 1967) approaches, I believe it is important to highlight theoretical underpinnings of the latter perspectives. Both are frameworks used in ethnographic studies to understand how people make sense of the world through analyzing their accounts and day-to-day interactions. I argue that the meanings attached to intermarriages are linked to interpretative structures, similar to Schutz' concept "schemes of interpretation" (1971), experientially acquired frameworks for making sense of everyday life. It is known that the

structures are grounded in individual biography but reflect and perpetuate culturally promoted and shared understandings of and orientations to everyday experience (Hollstein & Miller 2003). At the same time, it is through locally available and acceptable resources that interpretations are being made, shaped by everyday communication and day-to-day encounters.

Phenomenology is often considered central to the interpretive paradigm (Clark, 1998; Denzin & Lincoln, 1998). It is concerned with the study of experience from the perspective of the individual, “bracketing” taken-for-granted assumptions and usual ways of perceiving. Epistemologically, phenomenological approaches are based on the paradigm of personal knowledge and subjectivity, and emphasize the importance of personal perspective and interpretation. As such they are powerful for understanding subjective experience, gaining insights into people’s motivations and actions, and cutting through the clutter of taken-for-granted assumptions and conventional wisdom (Lester, 1999).<sup>29</sup>

Challenging the realist stance, both social constructionism and phenomenology scholars focus on the process by which meanings are created, negotiates, sustained and modified, whereas the research is carried out with the objective of looking at the world from the perspective of those who live in it. The role of meaning is of paramount importance to present research. Meanings are cognitive categories that constitute our informants’ view of reality and in accordance with which actions are defined. Meanings attached to cross-border marriages are contingent upon day-to-day practices during the courtship period and after women move abroad, and are being constructed through interaction in social context. I will return to this point in the sub-chapter on the perceptions of inter-personal violence in “mixed” marriages while analyzing how perceptions of abuse are shaped by the guidance from service providers.

### **3.4. Methodology and cultural criminology**

Decisions about methodology matter because they will influence (and be influenced by) the objectives, research questions, and study design, provide the research strategy, and thus have a profound effect on the implementation of method (Carter & Little, 2007). The logic of inquiry used in this research is based on the qualitative research, or a situated activity that locates the

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<sup>29</sup> Another important perspective for the present study is social constructionism introduced by Berger and Luckmann in their work “The Social Construction of Reality” (1966) throughout which they argue that knowledge arises from social processes and interaction, and hence research should be concerned with the analysis of the social construction of reality. Other writers who have summarized constructionism position are Lincoln and Guba (2000), Schwandt (2000), Neuman (2000), and Crotty (1998).

observer in the world and consists of a set of interpretative, material practices that make the world visible (Denzin & Lincoln, 1994).

Within criminology as well as in most fields of social research, the usage of qualitative methods is a second choice (Meuser & Lösscher, 2002). However, since the 1970s qualitative methods have obviously acquired a bigger importance in all disciplines related to social sciences. Cultural criminology that emerged after the publication of Ferrell and Sander's "Cultural Criminology" in 1995 drawing on overarching disciplines of sociology, criminology and cultural studies, has played an important role in adopting qualitative paradigm of study of transgression and deviance. For more than two decades cultural criminology has served as a methodological lens for many scholars working on the issues of criminality or deviant behavior (Hayward & Young, 2004; Ferrell, 2007; Presdee, 2000; Siegel, 2009; Zaitch, 2003).

According to Ferrell (2007),<sup>30</sup> cultural criminology explores the many ways in which cultural dynamics intertwine with the practices of crime and crime control in contemporary society; put differently, cultural criminology emphasizes the centrality of meaning and representation in the construction of crime as momentary event, subcultural endeavor, and social issue. Moreover, ethnography is the most "trusted" method among cultural criminologists. Cultural criminology, as opposed to conventional criminology, is about the methodology of attentiveness (Hayward & Young, 2004: 268; Siegel, 2009). It aims at documentation, decipherment and deployment of the interpretative frames, logics, images and senses through and in which crime is apprehended and performed (Kane, 2004). Among its main tasks are provoking the collective conscience in the information age, making myths conscious and reconfiguration of knowledge production (Ibid). As maintained by Hayward & Young (2004, p. 259): "It is the placing of crime and its control in the context of culture; that is, viewing both crime and the agencies of control as cultural products – as creative constructs. As such they must be read in terms of the meanings they carry".

The methodology of attentiveness through interpretative frame can uncover meanings of many specific moments of illegality, deviance or moral criminalization. Whether interviewing my informants regarding the illegal practices of "sham marriages" or examining the perceptions of interpersonal abuse, my main objective was to interpret the meanings viewing them as creative constructs. Guided by the logics of constructionism and the desire to interpret subjective motivations that my informants attach to their actions, this study is vested on the following methods: ethnographic research (both offline and online), in-depth interviews, extended case

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<sup>30</sup> "Cultural Criminology" in Blackwell Encyclopedia of Sociology.

study, and analysis of documents. The next sub-chapters describe the methods used in this dissertation focusing on how they helped to answer the research questions, and what were the potential ethical or practical concerns while employing them.

### **3.4.1. Virtual ethnography vs. offline ethnography: Methodological assumptions and Practice**

Speaking about the life stories of failure and success, intimate testimonies about love, hopes and aspirations interwoven in the context of marriage, migration, and actual or perceived illegality, what are the best methods to study these delicate issues? My first assumption departed from an idea that since transnational Internet spouse selection is a relatively recent phenomenon, the methods of study of these issues should also be innovative to capture the intricacies of cross-border marriages. Moreover, in the era of globalization and proliferation of computer-mediated communication the concept of “fieldwork” acquires new meaning. It is not necessary to be with the informants in the same geographical area any more in order to question meanings and collective practices shared by the actors in the transnational dating or marriage field. Furthermore, it is crucial to go beyond old sites of collecting information. As exemplified by a recent research, women nowadays are no longer dependent solely on the offline marriage brokers and printed catalogues as they used to be in the beginning of 1990s (Johnson, 2007). Instead, Internet connection at home and cyber cafés’ services have offered a chance to women to list their profiles online without any middlemen involved in the intimate process of cross-border correspondence. As stated by Constable:

Although meeting marriage partners from abroad is not new, the Internet has fueled a global imagination and created a time-space compression that has greatly increased the scope and efficiency of introductions and communication between men and women from different parts of the world. As such, it is integrally associated with transnationalism and globalization, and presents many new challenges for ethnographic research (2004, p. 4).

Because information and communication technologies have permeated so many areas of contemporary social life, the researchers have reached the conclusion that they can no longer adequately interpret many important facets of social life without turning their attention towards computer-mediated communications. Hence, online ethnography – a method that entails contacting brides willing to find a foreign husband, and “lurking” on the online dating websites – came to my mind upon commencement of the research. Drawing my assumptions upon brilliant

works of Constable (2004) and Schaeffer (2012) who conducted ethnographic studies on the Internet with the brides to be in China, the Philippines, Mexico and Colombia, I firmly believed that contacting informants online and “using co-presence rather than co-location” (Beaulieu, 2010) was indispensable in order to select right informants and access a category of women that I would have skipped in real life. However, my experience with contacting women on the Internet was different than I had initially expected. In this sub-chapter I will describe why I implemented ethnographic methods in my research, and how I gradually shifted from online ethnography, or “netnography” (Kozinets, 2010) on the websites towards offline ethnography working with the NGOs for women.

As defined by Burawoy (1998), ethnography means writing about the world from the standpoint of participant observation. Originated from the scientific endeavors of pioneering social anthropologists Nikolai Miklucho-Maclay and Bronislaw Malinowski, and their field studies of the peoples of New Guinea and Australia, nowadays the term ethnography has come to be equated with virtually any qualitative research aimed at providing in-depth detailed description of day-to-day social practices and “webs of meaning”. Besides reporting the details of experience, an ethnographer attempts to decipher cultural constructions that underpin our perceptions, generating understanding of culture through emic perspective. Ethnography as a “textual construction of reality” (Atkinson, p. 1990), by using participant or non-participant observations, helps to decode the hidden meanings and symbols shared by a certain community and understand what lies beneath their actions:

Ethnography looks obliquely at all collective arrangements, distant or nearby. It makes the familiar strange, the exotic quotidian. Ethnography is actively situated between powerful systems of meaning. It poses its questions at the boundaries of civilizations, cultures, classes, races and genders. Ethnography decodes and recodes, telling the grounds of collective order and diversity, inclusion and exclusion (Archetti, 1999, p. 2).

Indeed, ethnography questions the taken-for-granted of daily practices and aims to expose the cultural assumptions through which they come to make sense (Hine, 2000, p. 262). However, if traditional ethnography the way it was perceived by Bronislaw Malinowski was based on distinct, bounded sites, not taking into account ambiguous spatial terrain, nowadays ethnographers emphasize the importance of studying the local as embedded in the global because field sites are not always static, and hence the subject of research has to be followed across space (Marcus, 1995).

In other words, cyber-ethnography as a research methodology is a part of the move to reconceptualize the traditional notion of “the field” as adopted by ethnographers. In cyberspace,

the boundaries of the observed field are both virtual and free from location in place and geography. As people conduct more activities online and leave digital tracks (pictures, blogs, emails, and such), researchers have begun to study human behavior in cyberspace. Cyber-ethnographers participate in and observe blogs, web sites, and chat rooms. They analyze how people form social networks or groups online and establish cultural identity (Keeley-Browne, 2011). Due to the existence of elaborated computer-mediated communication nowadays physical travel to the field is not always feasible and needed. Moreover, “in some sites now there are no real natives, or at any rate fewer of them, sharing a life time’s localized experience and collectivized understandings” (Hannerz, 2003, p. 2010).

New means of communications and the notion of “no sense of place” (Appadurai, 1996; Castels, 1996) have also facilitated development of online ethnography as methodology. Both notions are quite important for the present research, since cross-border romances usually happen in various locations around the globe. Most of them commence online, and gradually transform into a correspondence relationship terminating with the so-called “bridal tour” of the groom to the country of residence of the selected mate. Otherwise, these stories stem from a spontaneous encounter on the seaside resort or other “sex-scape” following with the e-mail, fax or phone-based communication and perhaps leading to marriage and migration abroad.

The studies of online communities have been proposed as promoting a new definition of community, which relies more upon shared social practices than on physical boundaries (Jones 1995). As noted by Hine (2000, p. 45), ethnography on Internet does not necessarily involve physical travel; visiting the Internet focuses on experiential rather than physical displacement. Multitude of locations lead to the principle of “multi-site” ethnography (Markus, 1995) and a contemporary image of a researcher as an individual who, instead of focusing in detail on one place, is expected to be familiar with many other locations in the framework of his transnational project while following a topic, idea or commodity across numerous spaces. There is a belief that all Internet ethnographies are inherently multi-sited – even if you as the researcher stay onsite with a particular arena, and never follow links presented by community members (Gatson & Zweerink, 2004). Indeed,

The voices on Internet comprise a global community of sorts – not one that is homogeneous and unified, nor one that is egalitarian or devoid of privilege or exclusions, but one in which different perspectives and viewpoints were aired, and in which different social positions and identities linked to class, race, nationality, and gender are articulated and imagined within a global context (, 2004, p. 22).

What are the advantages of virtual ethnography? Constable claims that, besides reflecting global diversity, Internet offers the following benefits to the social scientist: 1) rapid rate of response 2) higher degree of interaction from a greater variety of people 3) Internet as a more democratic medium of communication 4) more possibilities for data recording (Constable, 2004, p. 34-37). Schaeffer, quoting Sherry Turkle, suggests that Internet ethnography raises the possibility of escaping social hierarchies to transform the self and to play with fluid and multiple identities (Schaeffer, 2007, p. 236). She further contends: “It is through cyberspace that a new language of global flows and borderlands grate against each other” (Ibid, p. 239).

There are different ways in which Internet was implemented in the present research in order to achieve the goal of “being there”. First of all, I used non-participant observation in online communities dedicated to transnational mail-order marriages. This is a research technique that Hine called “being a cultural lurker” (Hine 2000, p. 48). During the first stage of this project I registered on the forum “Expats Blog” ([www.expats.blog](http://www.expats.blog)) where I found a lot of testimonies of the women who had just arrived to Germany via the family reunification route and were either looking for friends or were seeking some information regarding the country. I contacted more than 20 women from different places across the globe, and received responses from 6 of them (2 women from the Philippines, one woman from Dominican Republic, and 2 women from Brazil). Following Constable’s practice (Constable, 2004, p. 37), I have always been introducing myself as a female researcher who was interested in learning more about the cross-border marriages. I continued chatting to some of these women via e-mail asking some questions pertaining to this research. In fact, this is how I met Jennifer from the Philippines whose views I discuss in the chapter 7. Additionally, during the first stage of this project I have been conducting extensive participant observation on the international dating websites by registering my profile(s) and contacting men and women in the role of a researcher. I used the following websites: [www.ukrainedate.com](http://www.ukrainedate.com), [www.fdating.com](http://www.fdating.com), and [www.internationalcupid.com](http://www.internationalcupid.com). In line with the theory of capitals and mate selection theory discussed in the literature review, I was mostly concerned with the question of which qualities women emphasized in their profiles’ information, and which values and qualities men were looking for in their description of a “perfect match”. In other words, I was interested in what kind of exchanges took place in my research field.

Cyberspace offers plenty of possibilities for a rich ethnographic study particularly because “technological networks bring places and people into spatial affinities of desire” (Schaeffer, 2007, p. 239). While acknowledging that resorting to Internet methods allowed me to get into contact with women who advertise their profiles on Internet with the purpose of transnational marriage, I also felt that by using exclusively online methods, my vision remained quite patched



and blurry. In fact, I was more interested what happens beyond the glaring dating scene. Do the women actually move to a different country, or is it just about bridal tours, fancy profiles, “thrill” and “play”? Who takes over all the paperwork and what legal or societal obstacles come into play and might impede them to migrate for love? How true is the notion of social harm perpetuated by post-colonial identities and unequal gender relations in transnational marriages voiced by cultural criminologists (Cunneen & Stubbs, 2004)? What happens if the situations of violence directed towards migrant women take place, which constitutes a main fear articulated by feminist perspective? In other words, how really protected are women who migrate after meeting a husband online, and what security measures or individual strategies are generated?

Interestingly, I have soon realized that the most fascinating and compelling for the criminological study issues take place not during transnational dating process, and not only through Internet, but mainly offline when foreign spouses move to the country of a new husband. This is when many women happen to realize that their transnational imaginations and expectations clash with the reality of European life, or that there are certain risks attached to their choices, or that they are suddenly perceived as “gold-diggers” facing a moral criminalization in the eyes of a host society. The diversity of experiences and perceptions of migrant brides in its intensity was, in my opinion, better captured via offline conversations, in-depth interviews and participant observation. Therefore, paradoxically, my research has undergone a shift from innovative modern methods of online ethnography back to traditional methods of ethnography introduced long time ago by social anthropologists.

Returning to the beginning of my research, I have asked myself many times about the issue of access. Unless traveling to sex tourism destinations and directly seeking contact with marriage agencies, how do I reach foreign brides while being in Germany? Even if the contact is established, how to gain confidence of the interlocutors and pose them some daring and intimate issues, such as their attitudes to violence? In the next sub-chapter I will argue that non-profit organizations for women have been of an immense help for this study, providing a source of background information and becoming a base for snowballing.

### **3.4.2. Ethnographic research in cooperation with NGOs: Advantages and ethical barriers**

This sub-chapter aims at exploration and evaluation of opportunities that cooperation with NGOs, social workers and counseling centers can offer to a researcher for an ethnographic study,

drawing upon my own experience of building networks and snowballing with the help of NGOs. Recent studies on migration and sex work exemplify cooperation with NGOs when doing qualitative research. Agustín, conducting participatory research of sex workers' migration in Spain, describes her insights into the campaigning of NGO workers (Agustin, 2007). Le Breton, while reflecting on violence and precarious living and labor conditions experienced by foreign sex workers in Switzerland, carried out her investigation in close cooperation with two non-profit organizations: "Aids Basel" and the counseling center "Alina" in order to get access to the informants (Le Breton, 2011). One of the reasons of establishing close contact with the above-mentioned organizations was an attempt to conduct interviews in the native language of the women with the help of social workers and mediators. However, access is even a more serious issue than that of language compatibility; it is feasible to hire a translator but hardly any interview is attainable without a previous rapport or gatekeepers. While there is a significant amount of well-documented field work in NGOs in the Global South (Markowitz, 2011; Fisher, 1997; Salamon & Anheir, 1997; Simmons, 1998) working on the questions of poverty, marginalized individuals and local communities, and likewise research projects on the ethnography of NGOs themselves as agents of capacity buildings, education and campaigning (Markowitz, 2001; Mercer, 2006; Karim & Leve, 2001; Lashaw, 2013), surprisingly not so much has been written about the ethnography *inside* an NGO/counseling center observing the clients and social workers.

There is a longstanding debate on how to bridge the gap between research and practice and improve communication between researchers and NGO practitioners. Although there are many practitioner-academics (people with an academic background who are actively engaged in international development) and academic-practitioners (academics who are heavily involved in development practice), the interface between research and practice in relation to NGOs remains a contentious area (Aniekwe, Hayman & Mdee, 2012). Existing literature mentions five possible strategies of collaboration of NGO and academia: 1) expert-consultant; 2) expert-trainer; 3) joint-learning model; 4) best practice model; and 5) theory-development model (Roper, 2002). The latter aims at theory building whereby an academic initiates a project that builds on empirical evidence gathered from an NGO. As pointed out (Aniekwe, Hayman & Mdee, 2012), in this case collaboration lends itself more to academics using the NGO to fulfil their academic objective. Therefore in this research the "theory-development" model was chosen.

Whereas some academics might concentrate on how to arrive at generalizable rules, it may be that NGOs are more likely to focus on the practicality of research for development interventions, recognizing contextual specificities (Ibid). While it is true that NGOs have a troubled relation with the academic world due to a difference in objectives, philosophical

worldview and asymmetry of power, some successful research on criminological and anthropological topics such as undocumented migration, informal labor markets, the industry of sex work and trafficking in women has been conducted thanks to interaction with the NGO workers, who serve as a source of inspiration and rich material for further analysis. On top of that, more and more scholars such as anthropologists or criminologists are working as “social agents” in international or grassroots development organizations focused on migration.

While searching for case studies of immigrant women who had arrived in Germany via marriage migration, I initially started establishing contacts with cultural organizations in Hamburg, diaspora centres and places offering language courses for foreigners. Although I was able to get some contacts and interview bi-national couples, most of the stories I heard resembled each other in that they were all portraying a happy family reunited overseas. The stories collected contrasted distinctly with the image of “mail-order” brides and female migration from developing countries as a source for victimization and abuse, as articulated by radical feminist scholars (Belleau, 2003; Chun, 1996).

Looking for the other side of the coin, I decided to explore the quite vibrant scene of NGOs and counseling centers for migrant women in Hamburg. It is noted that due to the German legal system<sup>31</sup> with its importance of consensus, NGOs in Germany play an essential role working as mediators or facilitators of political compromise (Seliger, 2003). After research via the Internet and visiting some of the organizations personally, I selected one of the numerous non-profit organizations because of its wide representation and the emphasis on migrant women. Its area of expertise encompassed three regions: Eastern Europe, Asia and Latin America. Besides geographical representation of clients, I had to find an organization that deals with all kind of queries (both problematic such as violence or legal problems and non-problematic ones such as assistance with translation, coaching, job or apartment search) in order to give voice to women who find themselves in different life situations. Furthermore, I needed a place where I could conduct extensive observation, since this enables getting closer to informants and allows researchers to observe what people do, while all the other empirical methods are limited to reporting what people say about what they do (Gans, 1999).

In order to satisfy the second criteria I had to either volunteer in the organization or to do an internship. I decided to opt for a formal way, and applied for an internship in a counseling center created for immigrant women in Hamburg offering consultation about the following

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<sup>31</sup> German legislation is divided in a two-chamber system, one being the Bundestag (Parliament), the other one (Bundesrat) being a representative on a state level.

topics: undocumented migration and visa status, divorce and marriage, labor exploitation, domestic violence, further education and professional opportunities for immigrant women.<sup>32</sup> By giving professional consultation based on knowledge of German legislation and previous cases of women, its official aim is to fight against isolation, segregation, repression and all kinds of violence which women are subjected to due to their gender and being migrants. Legal advice and psychological/social counseling is offered in English, German, Spanish and a couple of Eastern European and Asian languages.

#### **3.4.2.1. Benefits for a researcher**

Since participant observation as a method of “supplying empirical findings about the stereotyped populations” (Gans, 1999, p. 540), coupled with interviewing, is known to be a backbone of qualitative methodology, I treated every single event and responsibility in the NGO as a chance to observe my informants in various settings. In the next paragraphs I explain how exactly observation or participant observation was conducted while doing ethnographic fieldwork in NGO/counseling center.

Participant observation, following the principle of “methodology of attentiveness” (Hayward & Young, 2004) started from phone calls to reception, as clients are expected to call and make an appointment with a relevant counsellor in advance. The next step was interaction with a client during the appointment in our office. If I were allowed to sit in during the consultation, I would write down the notes about the case preparing some questions for the client when the formal consultation was over. If the case was not really relevant for my research, I would still use the chance to speak to the client before the consultation or after it in the waiting room. Very frequently the client had to wait for an available counsellor, and I used this time in order to “fill in the gap” and initiate a casual conversation. In a couple of cases a part of my interview was already happening during the “waiting time”. In two cases of domestic violence, women showed more emotions and transparency while speaking to me during the so-called “waiting time” (as they were not prepared and therefore the story came more spontaneously) than during the interviews that were conducted some weeks after. I argue that “waiting time” in the consultation center as a moment for participant observation is a valuable tool for the researcher. It is the time when clients are more disposed to speak, as they have not commenced narrating

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<sup>32</sup> Due to the reasons of confidentiality, I do not disclose the name of the organization and the real names of the social workers.

their problem yet or are already done with the consultation and feel more relieved. Either way, both emotional strain and a sense of relief trigger the conversation.

In regards to other outlets for participant observation outside of the NGO, I could interact more with the clients while accompanying them to the lawyer,<sup>33</sup> by joining the German class once a week, and assisting with organization of cultural events for the students such as visits with a guided tour to the City Hall. Once I had to accompany a client to court for a divorce procedure. In other words, I tried taking up all the small responsibilities that would lead to a better immersion in the field and provide sites for observation.

Furthermore, besides participant observation described above, I also conducted some non-participant observation. Some clients, due to the urgency of their situation, preferred walking in instead of making proper arrangements for an appointment. These situations also helped me to observe more while my colleagues were speaking to the woman in the “waiting room”, as no consultant was available. It is still ambiguous whether my participant observation was overt or covert. It can definitely be considered overt when speaking about my NGO colleagues who perfectly knew the tasks and aims I was pursuing while conversing with the women. However, it was covert for the clients as I would not tell them about my intentions before establishing a trustworthy contact.

Apart from this, another outlet for non-participant observation was “gossip” and informal chat with social workers. Although an organization with certain hierarchy, ethics and work tasks, the NGO, like every small social group, allows for a degree of exchanging information about the previous or ongoing cases. Gossip has previously been pointed out as a valuable source of information for an anthropologist or any other social scientist (Bergmann, 1987 & 1993; Brison, 1992; Besnier, 2009; Brennan, 2009; Hallett, 2009). Analyzing the entry point into documenting shifting gender relations and ideologies in Dominican Republic, Brennan focuses on some gossip about local women’s sex work: “Since my field notes are bursting with sex workers’ gossip about one another, I turn to their gossip as a guidepost to their perceptions of their social obligations” (Brennan, 2009, p. 714). Besnier maintains that gossip is a quintessentially anthropological focus of enquiry:

Not only is gossiping central to what ethnographers usually do during fieldwork, but it also encapsulates what anthropologists have come to think of as the essence of the discipline: an interest in the mundane, the overlooked, and the trivial, out of which the anthropologist distills not-so-mundane insights into how humans organize life in groups (Besnier, 2009, p. 1).

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<sup>33</sup> The NGO was cooperating with lawyers-specialists on family law and migration, offering a free-of-charge first consultation for the female clients in need.

Although due to an unofficial code of ethics among NGOs in Hamburg the social workers are not allowed to share information with the other counseling centers in the vicinity, they are however free to discuss the cases within their own team. Acting in the role of a “cultural lurker” during team events (Hine, 2000, p. 48), I was able to hear about evolving stories and notorious cases that had already occurred in the past or had ongoing consequences. On the whole, my observation was focused not only on the clients, but also on social workers themselves. Since observation is only valuable taking into account the symbolic meanings attached to the action, it was important to take a note of the social workers’ attitude, comments and evaluation of every case in comparison to the other cases or some tendencies that they had spotted before.<sup>34</sup> Listening was an important part of my observational practices. Forsey (2010) emphasizes the role of engaged listening in ethnography, suggesting that listening is at least as significant as observation as it is through listening that we access human consciousness: “Ethnography is arguably more aural than ocular, the ethnographer more participant listener than observer” (Forsey, 2010, p. 561).

Thanks to cooperation with the NGO, I was able to collect 18 case studies that comprised either of interviews or field notes, or entirely of field notes taken after each case. In addition, there were 6 more case studies from other sources such as language courses and a Spanish-speaking Catholic church, and one more case from a networking with a Brazilian community. Collaboration with local social workers represented a similar process, which can be called an “insider-outsider perspective” (Haight, Kayama & Korang-Okrah, 2014, p. 135). As an outsider in Germany I could engage in a process of “creative understanding” identifying behaviours that insiders take for granted. At the same time, social workers helped me to “contextualize” my premises (Ibid). Reflecting on the issue of trust, I have realized it was very beneficial to appear as a “helper” in front of my interlocutors, reinforcing the idea of me belonging to the world of social workers. As noted by McNamara, who in the role of a therapist conducted an ethnographic study on mothers-caregivers, “It was vital that I was identified as an insider,” (McNamara, 2009, p. 166) because “therapists are not disinterested or biased observers, yet make ideal questioners because they are trusted” (Yalom, 1995, p. 4-5, quoted in McNamara 2009).

At the same time, it is important to point out the methodological that I faced using the snowball sampling technique through the non-profit organization. On the one hand, because the counseling center addressed all kinds of issues (and did not just focus on the victimized

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<sup>34</sup> The social workers with the profound expertise in migration (around 20 years of work experience) are considered experts in my research; a part of my study contains expert interviews.

individuals), I believe that I was able to access women with different life situations and circumstances. On the other hand, there was a certain trend of only meeting women with low socio-economic resources who did not speak German and could not afford a private lawyer or a translator and could not afford paying for more expensive language courses. The informants Dao and Lesli mentioned in chapter 7 contacted the social workers precisely because they could not afford a private legal counseling. The informants Vatsana, Marina, Patricia and Juvelyn whose cases I discuss in chapter 5 and 6 hardly spoke any German, and they also could not afford paying for a translator or a legal consultation elsewhere. Additionally, the informants I met at the counseling center had slightly lower educational capital compared to my other informants recruited through the language centers, church and diaspora communities. Some of the NGO clients were computer illiterate, and could not navigate Internet freely. Most of the women I met during the fieldwork at the counseling center did not have a university degree. In fact, I met my informants who had started their own business (such as Maria and Phayloon discussed in chapter 7) outside of the counseling center.

I could make a few conclusions from the abovementioned limitations. First, the recruitment strategy selected for this research has certainly triggered consequences with regards to socio-economic and educational backgrounds of my informants, and their lack of skills, resources and social capitals influenced their life experiences and perceptions of abuse, integration, legal regulations and policies. At the same time, even despite this observation, most of the women I met demonstrated an impressive degree of agency. I could argue that had I conducted my research exclusively through the alternative channels where it was more likely to meet women with high socio-economic and educational backgrounds, my findings would have reflected even more situations of empowerment and a variety of choices.

#### **3.4.2.2. Ethical dilemmas during cooperation with the NGO**

As exemplified by the work of McNamara (2009), there is a strong “goodness of fit” between gender-based ethnography and social work research since both are embedded in empowerment practices. Notwithstanding the benefits offered to me by doing fieldwork in NGO settings, there were some methodological and ethical problems arising during the period of research which made me reflect on the whole concept of doing fieldwork in NGO in practical sense. From an ethical point of view, volunteering for a non-profit organization, like fieldwork

in any other settings, poses the same concerns: relational ethics (Ellis, 2007); power dynamics arising from working with migrants in precarious situations (Achermann, 2009, p. 52); demarcating line between friendship and research duties; protecting information; and privacy of the informants. However, there are also some typical concerns identified while conducting research.

Social work has a strong social justice component. The fact that participants in social work ethnographies are often from marginalized, traumatized or vulnerable groups and have little exposure to the research creates an ethical risk, especially in cases of sustained involvement of ethnographers in their lives (Haight, Kayama & Korang-Okrah, 2014, p.128). It is also true with the issue of consent. Though agreeing to participate in the research, NGO clients most likely have a very low level of awareness of the whole research and its goals. Sometimes they are not in a position to think about what research is at all. A woman who comes to NGO in a state of depression, narrating about her divorce and lost custody of a child, is unlikely to be able to think about anything else except her personal drama.

A similar challenge was represented by my instrumental interest in a certain person and the question of continuing friendly relations with my informants. It did not feel quite right “breaking” contact with my interlocutors after they conveyed their story to me, and yet it was inevitable. Due to a lack of time I could not keep meeting the same informants for a coffee after their role in my research was finished, which made me feel guilty, remembering that “the potential of ethnography is to engage and empower – but also to abandon” (McNamara, 2009, p. 163). Once I was doing interviews with a Thai lady who burst out crying while recounting the situation of her German husband’s infidelity. She confessed to me she was utterly unhappy in Germany but had to work hard in order to send remittances to her grandchildren back home. Knowing that I had previously studied in the UK and had some contacts there, she asked me whether I could help her to find a better-paid job in London. To my great despair, there was nothing I could do to ease her situation and “offer her something back” for having generously shared her story: on the contrary, I felt responsible for making her recount a personal drama once again, since “when we share our stories, they come to life through the telling” (Lewis, 2011, p. 505).

Overall, my interaction with the NGO workers confirmed the idea about cultural and intellectual clash between academics and practitioners, determined by epistemological and ontological differences, as well as distinct institutional cultures and discourses (Ropper, 2002). Furthermore, it brought some other remarks. The first observation consisted in the divide and even rivalry of academics and NGO practitioners. Being a researcher affiliated to a university does not help to establish good contacts in the NGO, since a researcher can be perceived as one



of those “arrogant academics” who believe “they make a difference in society by only publishing”. As noted by experts in development studies’ discourse, “NGO fieldworkers consider academics to be ignorant of the real world where there is no bookshop, no telephone working, and frequently no petrol” (Poulton, 1988; in Dessai & Potter, 2006, p. 100). While working in NGO settings it is crucial to give moral credit to the social workers, who although may hardly engage in research, if at all, act locally and immediately by empowering the underprivileged communities.

One of the biggest impingements became apparent when my duties as an intern suddenly collided with the responsibilities of my fieldwork that was not related to the NGO’s routine work plan. I would call this part as “work ethics”. My job as an intern encompassed mainly administrative tasks, including: welcoming visitors at reception; dealing with telephone and email enquiries; sorting the incoming post; photocopying and printing various documents; liaising with external contacts when required; and arranging meetings and appointments for the clients. In line with work ethics, I was not allowed to get into personal contact with any of our clients and provide them with my phone number. Likewise, I was obliged to protect confidentiality of information acquired during the process of work with the clients. Confidentiality rules also encompassed the non-disclosure of the current cases being carried out by the NGO.

Both prohibitions constituted a serious concern for my fieldwork: on the one hand, I had obligations of an intern, and, on the other hand, there was my curiosity and necessity to trespass work ethics in order to get access to more information. The prohibition on giving a private phone number was rooted in previous cases when the interns would get in a friendly relationship with the client, and later on would be abused by calls and pleas for financial or moral help. Although it was against the rules, I had to exchange telephone numbers with the clients or get in touch with them via social networks in order to arrange interviews. Once I took in a client because her story was of interest to my research, although I should have sent her to another Hamburg-based organization with more capacity. Another time I helped one of my informants in a personal matter taking her son to the hospital during the holiday time. In the end, breaking the rules was inevitable if I wanted to make a strong connection with my informants. In other words, I had to break the rule of “not getting too personal with a client.”

The demand for confidentiality of information extended to the case studies I was planning to use for my dissertation. Once I was preparing for a seminar where I was using one of the clients’ stories (a woman involved in “sham” marriage and sex work), as an example embedded in the case study. I accidentally left papers of the case study on my work desk, where they were

later found by one of my colleagues. The next day I was strictly warned that even though I had changed details of the story, I still could not present it in public. This rule certainly clashed with my research plans, and created a collision for my future advancement. Having spoken to the NGO colleagues, we have reached a seeming consensus: the condition was to introduce some changes in the story and change the country of origin. However, the latter condition was quite impossible to fulfil since for my work, drawing on migration studies and sex tourism locations, changing the country of origin would signify losing a significant part of the story itself. After a long discussion, it was decided that since between my fieldwork and handing in my dissertation there would be a significant time lapse, the cases would not be that current and “problematic” any more. Therefore I could still use the country of origin for my future analysis and publications since my stories would be detached from direct field involvement.

To conclude, collaboration of academics with a non-profit institution, despite a different worldview and institutional dynamics, creates a productive field for an ethnographic study. It is believed that ethnography constitutes the exploration of culture and subculture through application of qualitative research methods designed to produce thick descriptions (McNamara, 2009). This way NGOs can be a source of local knowledge, background information and a facilitator for community acceptance (Mercer, 2006). Likewise, social workers can play a role of the gatekeepers, “legitimizing [a] researcher’s presence and enabling him to gain access to a greater diversity of social capital and information flows” (Boccagni, 2011, p. 740). The advantages of doing fieldwork in NGO settings encompasses free access to the informants in the disguise of a “helper”, constant communication and support from the colleagues-social workers, and multiple opportunities for observation. On the other hand, one of the most alarming ethical issues is that a researcher is required not only to protect the privacy of informants, but also to ensure that the reputation of colleagues and the privacy of the organization where the work has been conducted remains intact in both regional and international contexts.

### **3.4.3. In-depth interviews**

In addition to listening to their [foreign brides] various voices, we should also seek to decipher the meaning of their silence (Tseng, 2012).

Whether conducted in NGO settings or online, over the course of my fieldwork I was heavily reliant on in-depth interviews combined with narrative analysis. Although there are important quantitative works on migration and cross-border marriage using survey techniques (Glowsky, 2010; Bloemraad, 2012), the most common approach is based on in-depth interviews and extensive participant observation which allows the researcher to fully grasp the contradictoriness, richness of stories and people's emotions while listening about marriages, divorce or personal struggles triggered by migration.

In-depth interviews are a special kind of knowledge-producing conversation that occurs between two parties and requires a meaning-making partnership (Nagy Hesse-Biber & Leavy 2010, p. 128). In the context of research with migrants, how do in-depth interviews facilitate data collection? As pointed out by Lawson (2000, p. 174):

These sorts of complex questions about identity and subjectivity call for critical in-depth interviews, centered on the stories of migrants themselves. Migrant stories can reveal the empirical disjuncture between expectations of migration, produced through dominant and pervasive discourses of modernization, and actual experiences of migrants.

This current study involved the need to collect personal recollections of brides in various social settings to understand the intricacies of victimization, agency, and transnational mobility. This required personal connections with the respondent in order to understand the phenomenon better. In-depth interviews in this case played a critical role in developing a personal contact with the respondents and thoroughly exploring the research issue. Talking with anyone formally or informally marks a significant shift from observer to participant - or more crucially, accomplice: "In other words, we participate in constructing the very phenomena we label as the object of analysis. This includes the Other with whom we are interacting" (Markham, 2005, p. 54). Speaking to women who have migrated because of marriage abroad, I did not want to constrain them to pre-determined responses. Since one of my objectives was to interpret what role fraud and gender expectations play in the process of international marriages through a constructivist perspective, I could not just rely on observation or document analysis:

In order to understand other person's construction of reality, we would do well to ask them... and to ask them in such a way that they can tell us in their terms (rather than those imposed rigidly and *a priori* by ourselves) and in a depth which addresses the rich context that is the substance of their meanings (Jones, 1985, p. 46).

It is noted by Riessman (1993) that in qualitative interviews, most of the talk is typically not narrative but question-and-answer exchanges, arguments, and other forms of discourse. However, certain research questions around intimate experiences and involving some emotional trauma, deception or disillusionment evoke long life stories' narration. Those individuals Riessman studied in her research about divorces in India often told long stories about their marriages to explain why they had to take a certain decision (Riessman, 1993, p. 3). Respondents tended to narrate particular experiences in their lives, often where there had been a breach between ideal and real, and self and society.

From the outset, I did not plan to approach qualitative interviews with the help of narrative analysis; I was not interested to see *why* the story was told this or that way. However, during the first series of interviews with a Spanish informant, who had many stories of international romances and had travelled as far as Peru, Thailand, Ukraine and Russia in search for a bride, I noticed that he did not even wait for my questions. Instead of having a typical interview consisting of questions and answers, he simply started narrating his life stories commencing from a divorce from his first European (German) wife and repeated failures to find a partner in his country. Besides confiding me his psychological traumas stemming from two failed marriages and numerous romances with foreign women, he also shared his personal observations about brides' societal expectations and ways of behaviour online and offline. Every time we spoke, his monologues were interrupted by only one question: "Would you like to hear the story more in detail or in a short way?" Every time I would respond "More in detail, please", and he seemed encouraged to proceed narrating.

I then realized that every man who lists himself on a transnational dating website aiming to find a wife has a story to share connected to his expectations, dreams and past failures. Likewise, every woman who embarks on a trip to foreign land to join a partner has a long story preceding the marriage. Consequently, the informant shapes the events and sequence of a story in a way that he or she deems appropriate. Human agency and imagination determine what gets included and excluded in narrative, how events are plotted, and what they are supposed to mean, since "nature and the world do not tell the stories, individuals do" (Riessman, 1993, p. 2). The decision to find a foreign bride can be a result of amongst other things past unsuccessful experiences with local women, divorces and judiciary litigations regarding property or custody

over children, and dissatisfaction with the established gender roles in his society. The more a man had participated in “bridal tours” abroad and the more candidates he had met offline, the more stories he had to share with me. In these stories the content is not the only thing that matters; the way story is constructed and presented is also important.

Thanks to snowball sampling, my work at a non-profit organization and other informal channels I conducted 25 interviews with migrant women who are married to German citizens and permanently reside in Germany. My informants come originally from the following countries: Ecuador, Peru, Brazil, Ukraine, Russia, Kazakhstan, the Philippines, Laos, and Thailand. I also conducted 11 expert interviews with marriage agents, lawyers, and service providers in Germany. Furthermore, I have unofficially spoken and/or interviewed 9 men involved in transnational dating, courtship or marriage. The interviews were supplemented by intense participant observation carried out in Hamburg at the counseling center, lawyer’s office, places offering language courses, and other cultural organizations and activities for migrants.<sup>35</sup>

Due to the wide geographical representation of informants in my project, my research on foreign brides in Germany became, to a certain extent, multi-sited. Although I was mostly focusing on establishing and nurturing communication with my informants in Hamburg (who themselves led very multi-sited lives traveling from Germany to Cebu, Lima or Moscow visiting their parents or children who stayed far away), I also traveled to Ukraine several times in summer 2013 and winter 2014 to interview marriage agents and meet Ukrainian women signed up with a local marriage agency. I have continued talking to some of them online inquiring about their whereabouts. During the pilot study in 2013 I went to a famous sex tourism resort Pattaya in Thailand where I spoke to at least 10 German men in the restaurants, bars and hotel lobbies dating or planning to get married to Thai women. Pattaya, a “Wild West” of bars, massage parlours, brothels and strip clubs (Martin, 2013) is a unique location in Asia that exemplifies the complexities of both human trafficking and inter-marriages. Many Western men who arrive in Pattaya for the purposes of sex tourism eventually marry girls from there, and invite them to live in Germany, the United States or elsewhere.<sup>36</sup> This experience was quite ethnographic because being there helped me to observe the couples in unofficial settings of a holiday spirit and approach some of them on the beach or in the restaurants with my questions, thus preparing

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<sup>35</sup> For more information on the informants please see the Appendices.

<sup>36</sup> Not all the women who live and work in Pattaya are Thai citizens. Because there is a strong influx of women from Myanmar, Laos and Cambodia, some women working in brothels or massage parlours in Pattaya are from neighboring countries. Among the couples that I interviewed, two women were not Thai, but met their husbands in Thailand.

myself for a future study in Germany and helping me to formulate my research focus and research questions.<sup>37</sup>

While writing up the dissertation I traveled to Zanzibar, an island just off Tanzania recently famous for female sex tourism among middle-aged northern European women.<sup>38</sup> During my trip there in December 2014 I observed female tourists interacting with local men<sup>39</sup> and had long conversations with two German women who had arrived in East Africa in order to marry their Tanzanian husbands, and who told me a lot about their fears and expectations of a transnational marriage. I did not follow certain people on my trips to Ukraine, Thailand or Zanzibar, but rather attempted to follow the topic of transnational marriages, and how the expectations and ideas developed in different continents and socio-cultural contexts. In other words, instead of focusing on one site for an extended period of time, my research experience was quite short in comparison to conventional ethnography, and yet very intense, and involved many geographical places. All these small experiences have served as an enormous inspiration that contributed to already existing interviews.

Speaking about weak points of in-depth interviews as a research method for studying marriage migration, one could point out the fact that a usual sample of 25-30 informants gives only a limited glimpse into the whole phenomenon. Faced with a similar challenge of representativity in her study of Russian mail-order brides<sup>40</sup>, Johnson (2007, p. 3) argues that a skewed sample is inevitable for ethnographic study and that qualitative research based on interviews cannot reflect the whole population. In this relation, she quotes Vertovec (quoted in Johnson, 2007, p. 15): “While actor-centered approaches carry the danger of overlooking larger structural conditions, they have the advantage of emphasizing motivations, meaning and the place of people as their own agents in processes of change.” It is true that qualitative research, focusing

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<sup>37</sup> Investigative journalist Laury Barry, interested in human trafficking, embarked on a journey to Thailand trying to understand why Thai women move to the West from developing countries through marriage and how the marriage industry perpetuates inequalities and views women as commodities. Her documentary “Bride Trafficking Unveiled” <http://www.manoukmedia.com> asks similar questions to the ones I pondered during the pilot study in 2013.

<sup>38</sup> A movie by a famous Austrian director Ulrich Seidl “Paradies. Liebe” (“Paradise. Love”) introduces the subject of female sex tourism in East Africa into public discourse, and questions power dynamics and exploitation that both parties are subjected to, while engaging in post-colonial discourse surrounding the “unequal” relationships between Western women and African men.

<sup>39</sup> Many European tourists exhibit a preference for Maasai warriors, and it is very common to see a northern European lady having a romantic affair with Maasai men who migrate to Zanzibar from the mainland of Tanzania in order to work in tourism. As noted by Keshodkar (2013), Maasai men use their exotic appeal in the eyes of the tourists and capitalize on their visual image, offering sexual services to European women.

<sup>40</sup> Ericka Johnson analyzed 6 stories of mail-order brides.

in-depth on a small quantity of informants, is based on the belief that there is no singular universal truth and unequivocal reality, the social world is multi-faceted and is an outcome of interaction of human agents (Cutcliffe & McKenna, 1999, p. 375).

In terms of the linguistic dimension, interviewing migrant women or German husbands could not have been easily carried out without speaking multiple languages, as language barriers would have posed a problem not only during the interviews or participant observation but also while gaining trust. I did not use any research assistant and instead relied on my own multilingual skills. Most of the interviews or informal conversations were conducted by me in Spanish, English, and German, whereas the rest were held in Ukrainian, Russian and Brazilian Portuguese. The biggest difficulty was faced while communicating to Thai-speaking women who would very often not possess enough German or English skills in order to express themselves freely to me. That is when I relied on the explanations of a colleague at a non-profit organization who spoke a couple of Asian languages, and could provide help not only with the interpretation but also with the reading of “cultural codes”, and thus play the role of a gatekeeper.

#### **3.4.4. Extended case study**

Extended case study (ECM), or situational analysis, has been yet another valuable research method over the course of my fieldwork. Observing migrant women during the counseling sessions, conversations with lawyers or in private realm visiting them at home in order to learn about their daily routines, I have been taking notes of their behavior focusing on their personal struggles and dramas taking place over space and time. Following the guidelines of my main research questions, I have been trying to find out how women grapple with sudden conflict situations and emotional upheavals stemming from their transnational relationships. Extended case study is methodologically linked to the ethnographic study, and therefore becomes an essential continuation of the ethnographic endeavors described in the sub-chapters above. Indeed, the backbone of extensive case method remains to be ethnographic perspective vested on the auspices of inductive reasoning and thorough attention to conflict situations. The extended case method applies reflexive science to ethnography in order to extract the general from the unique, to move from the “micro” to the “macro”, and to connect the present to the past in anticipation of the future, all by building on preexisting theory (Burawoy, 1998, p. 5).

The term “extended case method” was coined by Manchester school of social anthropology which sought to understand and create theoretical accounts of everyday practices, relating informants’ actual practices to larger structures, such as the intrusion of colonialism into African

society (Kates, 2006, p. 175). Students of the school collected data on the observed social actions of individual people and described these cases in great detail, and taking each case as an evidence of the stages in the unfolding process of social relations between specific persons and groups. As noticed by Burawoy (1998, p. 5), instead of collecting data from informants about what “natives” ought to do, Manchester school scholars dedicated their field notes to the accounts of real events, bringing out discrepancies between normative prescriptions and everyday practices. As conceived by Gluckman, the method places less emphasis on identifying structural regularities and more on detailed analyses of social processes wherein individual strategies and choices reveal the context of everyday life (Gluckman, 1961).

More recently, the method of extensive case study has evolved into a means of theory building and exploring the topics of resistance and gender hegemony (Hennen, 2004), violence in American schools (Sullivan, 2002), and global markets’ effects on local cultures (Burawoy, 2000). According to Kates (2006, p. 177), these disparate topics are united by the main philosophical tenets of ECM, which are 1) an emphasis on the model of reflexive, rather than positivistic, science; 2) the selection of anomalous cases or contexts to reconstruct the pre-existing theory; 3) engagement in a structuration stage of theory development in which the social forces that inform the ethnographic research context are mapped out and existing theory is redeveloped in light of new findings.

Burawoy (1998) proposes the “multicase” method of ECM, which uses a series of distinct, theoretically-driven cases to thematize difference, rather than similarity. The philosophical principle of consciously selecting and problematizing an anomalous case that is not satisfactorily explained by existing theory has found its reflection in the present dissertation. Describing distinctive cases such as paternity sham issue among migrant women or the links of transnational marriages and undocumented migration, I have been using ECM in an attempt to reformulate and challenge already defined assumptions regarding foreign spouses, and to illuminate the connections between local processes and the broader global structures that shape them.

Creswell (2009) also observed that in an extended case study scenario, the concept is on theorizing about a social phenomenon from accounting individual experiences. Among the major strengths of extended case study in data collection is the ability to use unobservable features that could be used to explain the behavior and attitudes of an individual in relations to an identified phenomenon. In this case, such aspects including facial expressions and reactions are important observable phenomena that are essential in exploring the behavioral responses of individuals in relations to a phenomenon.

The basic problem in the use of case material in theoretical analysis is the question of the



extent to which the analyst is justified in generalizing from a single instance of an event which might be unique. This problem is normally presented as that of the “typicality” of the case which is used to support some theoretical analysis. A typical case implies that the particular set of events selected for report is similar in relevant characteristics to other cases of the same type (Clyde Mitchell, 2000). In order to eliminate this critique, Manchester school argued that a specification of a wider context in which a case takes place should be based on other analytical assumptions: the extrapolation should be based on the validity of the analysis rather than the representativeness of the events (Ibid). A single case becomes significant only when set against the accumulated knowledge that an observer brings to it, and illuminated by familiarity with the context. In other words, none of the cases I presented in the last chapter are based on one individual account of the events. Instead, a personal narrative of an informant is always supported by various instances of participant observation, document analysis or conversations with experts, such as social workers or lawyers.

#### **3.4.5. Analysis of documents**

In “The Discovery of Grounded Theory”, Glaser and Strauss recommended that in matters of social research documents should be treated as anthropologist’s informants or sociologist’s interviewees (quoted in Prior 2007, p. 821). Other scholars notice argue that for qualitative researcher, documents have a distinctive feature: unlike our interviewees or informants, documents exist before the researchers seek to use them as data. In contrast with research using live talk and action, where the data are yet to be generated, research through documents involves a post-hoc account of previously generated social data (Miller & Alvarado 2005).

What is important for this study is the fact that official documents are used to reflect and record social arrangements regarding marriage migration and foreign spouses, and frequently influence the endeavors, choices or decisions made by my informants. For instance, one of the informants moved to Hungary from Thailand having married a Hungarian national. She then left to Germany in order to work in a massage parlor without knowing that according to the EU family reunification regulation, she would be considered an illegal worker if she goes abroad independently without her Hungarian husband. In the end, being in Germany “illegally”, she happens to be trapped in a series of exploitative practices. Another informant from the Philippines gets married to a German husband, and over the course of several years of living in Germany she is not aware that according to the German law she is entitled to receive a monthly allowance from

the German government. In fact, her husband has been thoroughly concealing information on the welfare being afraid that financial support would help her gain too much independence from him. Therefore, knowledge or absence of knowledge of relevant EU or German regulations influence the way foreign spouses cope with the daily practices in a new country, and also the way they view or evaluate their marriage experience.

Ethnographic content analysis (ECA) is of a special interest to this research. Unlike traditional methods of document analysis, ethnographic content analysis focuses on the reflexive and highly interacting nature of the investigator, concepts, data collection and analysis (Altheide, 1987). Therefore, the objective is to be systematic and analytic, but not rigid. Three distinctive approaches of document analysis are mentioned by Miller & Alvarado (2005, p. 350): a) the analysis of documents for their content (content analytic); 2) the analysis of documents as commentary; and, c) the analysis of documents as actors (context analytic). In the present research content analysis of selected documents is deemed to be the most appropriate strategy, i.e. the documents are viewed as independent adequate sources for understanding some aspects of social practice or meaning, and the source is considered as a container of unchanging information, and not as an actor on itself.

The documents selected for the present project include the most significant official documents aimed at regulating cross-border marriages in the EU such as the following regulations: 1) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification; and 2) Council Resolution 97/C 382/01 of 4 December 1997 on measures to be adopted on the combating of marriages of convenience. Additional legal information was provided by European Commission Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement of EU citizens.<sup>41</sup>

### **3.4.6. Validity, reliability and triangulation**

Data triangulation involves using different *sources* of information in order to increase the validity of a study. Through triangulation of a variety of perspectives and of different kinds of data the present study aims at generating a comprehensive understanding of marriage migration on the intersections with cultural criminology. The outcome of triangulation is meant not represent a clear

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<sup>41</sup> European Commission Handbook on Addressing the Issue of Alleged Marriages of Convenience between EU citizens and non-EU Nationals in the Context of EU law on Free Movement of EU citizens [http://ec.europa.eu/justice/citizen/files/swd\\_2014\\_284\\_en.pdf](http://ec.europa.eu/justice/citizen/files/swd_2014_284_en.pdf) (Accessed 10 November, 2014).

picture of an “objective” truth, but rather depict manifold and contradictory processes of social life and “face a multidimensional picture whose colors, shadings and clear, blur or black parts change according to the perspective from which it is presented or looked at” (Achermann, 2009, p. 53).

However, speaking about “validity” of research data, the following point should be taken into account. Patton (2002) cautions that it is a common misconception that the goal of triangulation is to arrive at consistency across data sources or approaches; in fact, such inconsistencies may be likely given the relative strengths of different approaches. In Patton’s view, these inconsistencies should not be seen as weakening the evidence, but should be viewed as an opportunity to uncover deeper meaning in the data.

The benefits of triangulation include “increasing confidence in research data, creating innovative ways of understanding a phenomenon, revealing unique findings, challenging or integrating theories, and providing a clearer understanding of the problem” (Thurmond, 2001, p. 254). Cohen & Manion (2000) stated that triangulation is an “attempt to map out, or explain more fully, the richness and complexity of human behavior by studying it from more than one standpoint.” (Cohen & Manion, 2000, p. 6)

Guion, Diehl and McDonald (2002) suggest differentiating between several types of data triangulation: investigator, theory, methodological and environmental. Throughout the present study I have been following a principle of methodological triangulation that instead of using several investigators or diverse theoretical perspectives, includes the use of multiple qualitative methods to analyze the subject. Although it takes more time to analyze the information yielded from the methods of triangulation, I believe it helps to illuminate the puzzle of cross-border marriages.

### **3.5 Summary**

Qualitative inquiry of the current project that aims at uncovering the perceptions of foreign spouses in Germany regarding marriage migration was carried out through a complex and reflexive interaction process with the informants using multiple research methods. The methods used in this study could be better characterized as “umbrella-method” comprising of observation, informal conversations, in-depth interviews, participation in everyday social activities and practices, collecting and analyzing legal documents etc. Above all, the strength of participant observation lie in experiences and insights derived from “being there” and sharing meanings of social life with the informants.

Along with the interviews and participant observation, analysis of existing documents is

known to be one of the reliable sources of collecting qualitative data. Being a part of the fabric of our social world regulating movement of peoples and family reunification in Europe, official EU-wide regulations have also served as a supplementary method of data collection and method of triangulation in order to increase the comprehensiveness of the case studies presented. Extended case study which uses participant observation to situate everyday life in its extralocal and historical context (Burawoy, 1998), has also been used extensively which can be observed in the last chapter of the dissertation that comprises of several sub-chapters dedicated to criminological dimensions of my informants' life.

One could argue that because our social interactions are going digital, with perhaps hundreds of millions of people interacting through various online communities and their associated cyber-cultures, a researcher has to adopt online methodology to immerse into the problems of cross-border unions. In the present chapter I have demonstrated the opposite: I showed how my research methodology has undergone a shift from virtual methods back to traditional ethnography rooted in the ideal of participant observation. Even though Internet represents a powerful space for matchmaking, and many transnational romances start online, at one point of time they go offline when the potential partners meet. In fact, the most interesting for cultural criminology part starts offline since that is when the fraudulent or abusive phenomena, such as "sham" marriages or domestic violence, take place.

Nevertheless, it does not mean that virtual methods were completely avoided in my project. On the contrary, integration of online methods such as observation at websites or contacting women through online diaspora communities facilitated collecting richer ethnographic material and depicting a clearer picture of the issues investigated. And yet relying exclusively on virtual methods sets certain limits on the sampling (overlooking women of older age who are not frequent Internet-users), does not take account of other sites where brides and grooms might meet each other, and mostly includes prospective, but not *actual* wives, which did not allow me to fully proceed with unraveling my research questions. By combining online methods with face-to-face interviews (and therefore, adding the concept of body, paralinguistic and nonverbal clues to the people's stories) I intended to increase authenticity and credibility. In other words, "natural settings" were conceptualized as being located in the interplays of online, onground and technical research spheres (Maczewski, Storey, Hoskins, 2004).

Moreover, even though the biggest amount of work has been conducted in Germany, and the project itself is dedicated to bi-national marriages *in Germany*, I could not overlook multi-sited approach because the topic itself is inherently multi-sited, representing a series of juxtapositions of people moving from one place to another and reflecting rather global tendencies, than local

arrangements. Observing brides, grooms, and marriage agents in different locations or speaking to my informants located abroad (e.g. Ukraine, Peru, Thailand or the Philippines) revealed more layers behind my research questions and questioned the dilemma of spatially dispersed field vs. one particular site for exploration.



## Chapter 4: Foreign spouses in Germany: “Mixed” couples in historical and legal perspectives

### 4.1. Post-war Germany and marriage migration

Over the course of many decades, the concept of the “American dream” (Stoll, 2009) has been circulating through the mass media and literature images, and the idea of having an American husband has become one of the ways of accomplishing this dream, luring many women from economically weaker countries to move to the United States. Because of historical or sociocultural reasons, the United States and Canada have traditionally been the most popular destinations for intermarriage and marriage migration, representing either opportunity for egalitarian relationships (as exemplified by the ethnographic study of Felicity Amaya Schaeffer in 2012) or striking economic possibilities and class ascendancy. However, times change, and new destinations for marriage migration become attractive as geographical imaginations about an “ideal” spouse are shaped and molded by the leverages of a powerful media discourse. As Alina, a matchmaking broker from Ukraine told me when asked about geographical preferences of the local women:

“Favorite country? It is true, that most of the husbands in our database come from the United States, but it is wrong to think that our clients dream about an American husband. All in all, our girls always subconsciously search for someone who is either similar or resembles the mentality of Ukrainian men: for instance, Italian or German. In other words, they look for someone European, someone not so “alien”, and these are the popular husbands.”

Germany has traditionally been represented as a quite new destination not just for marriage migration, but also for migration in a broader sense, portraying foreigners as a “temporary construct” (Kolb, 2008). The official stance on migration has transformed since the 1990s. Helmut Kohl, the chancellor of Germany from 1982 to 1998, repeatedly declared that Germany was “not an immigrant country”<sup>42</sup>, the politics of migration has rapidly changed since his rule. Nowadays, under chancellor Angela Merkel, Germany strikes the opposite tone despite the challenges and barriers to multiculturalism. The debate around the term *Leitkultur* has indicated

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<sup>42</sup> The Kohl government did not encourage migrants on temporary visas to acquire permanent residence nor those with unlimited residence permits to naturalize in Germany. Because the guest workers, foreign students, refugees, and all who arrived on temporary visas were expected to return home, immigrants were not expected to integrate into German society, nor did the government encourage German citizens to welcome the “foreigners” in their midst as future German citizens-in-the-making (Koslowski, 2012, p. 525).

that German society is divided on what the right concept for the integration of foreigners is (Hailbrunner, 2012, p. 27). Besides attracting new migrants from the European Union, the country opens its doors for highly skilled workers outside of the EU, implementing a “blue card” system that provides easier access to the German labor market.<sup>43</sup> According to data provided by Statistisches Bundesamt, as of 2013 more than 7.6 million people holding foreign citizenship were registered in the Central Register of Foreigners (AZR). This is the highest number of foreigners ever recorded in Germany since the AZR was established in 1967. Compared with 2012, the number of foreigners rose by roughly 419,900 or 5.8%. Hence, the trend observed since 2011 continued and accelerated.

The history of migration in Germany can be characterized by mentioning three important migratory movements: 1) refugees and ethnic Germans who arrived after 1945; 2) guest workers from Turkey, southern Europe and Balkan states recruited for mainly low qualified jobs after World War II; 3) Ethnic Germans and Jews who arrived after the collapse of socialism in Eastern Europe (Kolb, 2008). In contrast to traditional immigration countries such as the United States or Canada, research on intermarriage in Germany commenced comparatively late. Nevertheless, since the mid-1970s, the interest in understanding marriage patterns between native Germans and immigrants has grown steadily. The research on marriage migrants in post-war Germany mostly focuses on marriages between German-born persons (“natives”) and foreign-born individuals (“immigrants”) from the five main post-war labor migrant groups in Germany: Italy, Spain, Greece, the former Yugoslavia and Turkey. The studies investigate the effect of native-migrant intermarriage on divorce in Germany (Milewski & Kulu, 2011; Kulu & González-Ferrer 2013), examine the heterogamy hypothesis, analyze fertility attitudes among immigrants (Milewski, 2007), and question the role of religion in intermarriage (Lucassen & Laarman, 2009). Although nowadays marriage migration is a common research topic or a practical concern for both authorities and service providers, it was rarely discussed in the post-war period.

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<sup>43</sup> On the 1<sup>st</sup> August 2012 the EU Blue Card system started in Germany. People with a recognized university degree or a degree comparable to a German degree have easier access to the German labor market. To get the Blue Card, they must give proof of their qualifications and a concrete job offer. The job has to provide annual gross earnings of at least 46,400 euros. Then the approval of the Federal Employment Agency is not necessary. The EU Blue Card facilities and arrangements also apply for highly qualified foreign nationals with a background in mathematics, IT, science or technology, as well as medical doctors. The requirement is that they are offered the same salaries as German employees and their annual gross earnings will be at least 37,752 euros. But here the approval of the Federal Employment Agency is necessary. Self-employed people can get a residence permit if their planned business project with its financial basis and economic impact is assessed as being in Germany's economic interest or meeting a specific regional need. <http://www.bluecard-eu.de/eu-blue-card-germany/working.html> (Accessed 1 December, 2014).



Problems within bi-national marriages became visible in the 1970s following advocacy and anti-discrimination campaigns by the IAF (“Alliance of German Women Married to Foreigners”).<sup>44</sup> The group was founded by Rosi Wolf-Almanasreh, a German woman married to a Palestinian student, who experienced structural difficulties in many contexts because of her “mixed” marriage. At that time the children of interethnic couples received their father’s citizenship, creating major problems for German women in cases of divorce and child custody battles. Highlighting the discussion over the inclusion of foreign spouses and combating negative stereotypes about bi-national unions and Islam, the members of IAF tackled citizenship issues, racism and a discriminatory legal system. The IAF was a principal force in the fight to change the citizenship law, which took place in 1975, and is distinguished as the group’s first major accomplishment (Woesthoff, 2013). Another organization that has been working for decades towards recognition of bi-national unions’ rights is the “Verband Binationaler Familien und Partnerschaften” that still today is considered one of the main campaigning and advocacy organizations on behalf of bi-national families.

The laws governing “mixed” couples’ civil situation in post-war Germany were marked by gendered differences. Although the 1957 equality statute officially eliminated German women’s automatic loss of citizenship upon marriage to foreigners, the children of interethnic couples received the father’s citizenship, creating major problems for German women in cases of child custody and divorce battles (Woesthoff, 2013). Furthermore, the law of the husband’s country generally prevailed in cases of divorce, spousal support, and child custody up until 1986. Given these legal barriers and frequent instances of racist attitudes towards both women and children born out of “mixed” marriages, in the 1970s and 1980s German women married to foreigners often left Germany to reside in their husbands’ home countries (Ibid).

Most likely, the situation of foreign spouses in Germany in the post-war period was made more difficult by the notion of *Überfremdung* dominating German-speaking public discourse all over Europe. *Überfremdung*, the idea by which excessive numbers of foreigners could threaten a national identity, was coined in Switzerland and further utilized by right-wing politicians in anti-immigration discourses (Riaño, 2006). This way, a marriage with an ethnically different “Other” was viewed as a possible threat to the integrity of national identity. Following termination of the Gastarbeiter policy in 1973, there have only been limited entry categories to enable migration to Germany through an official channel. These entail family formation or reunification, humanitarian grounds, labor migration based on contractual, seasonal or specific

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<sup>44</sup> In German: “Interessengemeinschaft der mit Ausländern verheirateten Frauen”

vocational work, tourism, and higher education (Kontos & Shinozaki, 2007). In the next sub-chapters I analyze what role migration through marriage plays in Germany nowadays, from which geographical areas most of the women come from, and what kind of legal mechanisms regulate family reunification.

## **4.2. Family reunification nowadays: Geographical and gender representation**

Judging from statistical data, family reunification nowadays represents a large share of all migration flows in the European Union. In 2010, family reunification accounted for 757,074 new residence permits issued in the EU, representing 30 per cent of total migration numbers (Müller, 2012). Unlike immigration for the purposes of employment, the political management of family reunification faces much greater difficulties as the legal core of family reunification is among the recognized fundamental rights (Ibid). In Germany family reunification is considered one of the few remaining opportunities for migration for third-country nationals. According to a recent report produced by BAMF,<sup>45</sup> marriage migrants constitute a heterogeneous category of newcomers. Most of them come from Turkey, the states of the former Yugoslavia, the Russian Federation, Morocco and Thailand. Whereas there is very low level of intermarriage between Turkish or Moroccan communities, statistical data shows that, among non-EU residents in Germany, Russian and Ukrainian female migrants demonstrate high rates of marriage to German citizens. A similar tendency occurs within the South-East Asian community in Germany. The number of women from these countries is far greater than the number of men, and they predominantly arrive through marriages with the German citizens (Ruenkaew, 2009; Lüken-Klassen, 2013, p. 16).

Since the end of the 1970s, marriage migration has increased in significance, and the balance of intermarriage in Germany has shifted from marriages between German women and foreign men to marriages between German men and foreign women (Nottmeyer, 2009). In 2011, half of the residence permits for family reasons (49.8%) were issued to wives (26,827 in total) while about a fifth of the permits were issued to husbands (11,150 or 20.6%).<sup>46</sup> Among some nationalities, women make up the majority of the migratory flow as a result of marriage migration. As of 2012, around 71% of marriage migrants in Germany were female. The countries

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<sup>45</sup> Bundesamt für Migration und Flüchtlinge.

<sup>46</sup> Cited in Lüken-Klassen (2013, p. 13).

that supply mostly female applicants for family reunification are the Russian Federation (86%), India (92%), China (90%), Ukraine (89%), Thailand (95%) and Japan (98%). At the same time, the countries with a relatively high percentage of male marriage migrants are Turkey (48%), USA (41%), Tunisia (55%), Morocco (36%) and Serbia (42%).<sup>47</sup>

Since the current study relies on participant observation and the interviews with migrant spouses from Eastern Europe (Ukraine, Russia and ethnic Russians from Kazakhstan), Latin America (Peru, Ecuador and Brazil) and South-East Asia (Thailand, Laos and the Philippines), I briefly outline the historical pathways of their migration to Germany. It is important to point out that although my snowball sampling targeted migrant women married to a German citizen and currently residing in Germany, there is frequently an overlapping tendency between different categories of women such as sex workers, labor migrants or migrant wives. For instance, my informant could have been a marriage migrant working in a restaurant after arrival in Germany, which means she also belongs to the category of labor migrant. Likewise, several of my South-Asian informants were either former or actual sex-workers married to German citizens. Following the same logic, one of my informants was an irregular migrant who has obtained documents having married her German friend. Therefore, the dichotomies “legal-illegal” or “migrant worker-migrant wife” used in academic literature or public discourses are sometimes not as clearly defined and obvious in real life.

According to Ruenkaew (2009), Thai migration to Germany started in the 1970s. In 2007 there were 53,952 Thais in Germany (excluding naturalized persons), 14% of which were men (7,514 persons) and 86% women (46,438 persons). About 60% of these women are married to German husbands. Simultaneously the number of marriages between Thai women and German men has increased steadily since 1990. Since 1991 more than 1000 bi-national marriages occurred annually, which indicates that female Thai migration to Germany has a specific character of marriage migration. Other sources (Piper & Mix, 2003) claim that Thai migration to Germany is often associated with sex work, and the role of a migrant wife and a sex worker are deeply interrelated among the Thai female community. Hamburg, a city with a vibrant sex industry scene, is particularly an attractive city for this category of migrants.

The migration of Latin American women has slightly different patterns than the one of Thai migrants. Having also started in the 1970s during the era of dictatorship regimes, during recent decades Latin American women have often migrated to Germany alone, leaving their children and families behind, in order to earn money and send remittances working in hospitality

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<sup>47</sup> Büttner & Stichs (2013, p. 42).

or care industries (Hernandez, 2005). Likewise, in case of Latin American migrants, the official number of registered women exceeds the one of male migrants (Ibid). Based on my fieldwork, there is a recent trend of Latin American women who have been living in Spain and obtained Spanish passports, to come work in Germany due to economic recession in the south of Europe.

Russian and Ukrainian female migrants demonstrate high rates of marriage to German citizens, which is supported by the fact that marriage migration from Russia or Ukraine is almost entirely female (Büttner & Sticks, 2013). Characterized by a general high level of education, especially in comparison to Latin American or South-East Asian migrants, many Russian or Ukrainian women arrive to Germany through the education route, and later get married to German nationals. As Elena, one of the NGO workers specialized in Eastern European women confessed:

“My clients from Eastern Europe - whether they come from Bulgaria, Romania, Ukraine, or Russia - mostly have a degree. Also they learn German quite fast, and I don't need interpreters for counselling sessions, since most of my clients are fluent within 1.5-2 years of living in the country. They are also quite ambitious in terms of finding a job.”

Furthermore, many Russian women arrive in Germany on spousal visas as wives of the so-called “Spätaussiedler”, or ethnic Germans. According to the German law of return, German resettlers are ethnic Germans from the successor states of the former Soviet Union and from other Eastern European states. By means of a special acceptance process they are entitled to live in Germany and can automatically receive German nationality.<sup>48</sup> After the law was passed in 1993, more than 2.3 million Russian Germans from Siberia and Kazakhstan, seeking a “return” to their historical Vaterland (“homeland”), have resettled in Germany (Darieva, 2005). In case of Spätaussiedler, it is argued by Bauder (2006) that citizenship privileges do not always translate into labor market success. Unemployment tends to be higher among this category of migrants, and many of those who are employed fill positions in the secondary segment of the labor market. A problem for many Spätaussiedler is that their former occupations do not exist or are not demand in Germany: “Tractor operators, technicians in the oil industry, and coal miners from the former Soviet Union have difficulty finding employment in their fields, particularly in Berlin” (Bauder, 2006, p.124).

German resettlers, how they are sometimes referred in official parlance, are counted as Germans in official statistics, even though in many cases they are naturalized Russians, Kazakhs or Ukrainians with German roots. Although unions with them are categorized as intra-ethnic

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<sup>48</sup> Federal Office for Migration and Refugees

<http://www.bamf.de/EN/Migration/Spaetaussiedler/spaetaussiedler-node.html> (Accessed 1 December, 2014).

marriages, the legal situation and power dynamics resemble the ones of intermarriage because one of the spouses (ethnic German) automatically receives citizenship, whereas the other spouse joins him/her via family reunification route. In terms of the legal situation and power dynamics, the status quo of such couples mirrors the typical situations of "mixed" marriages.

I now move on to discuss the legal status of marriage migrants in Germany, and which regulations lead to a possible situation of dependence.

#### **4.3. Legal status of marriage migrants in Germany: Recent transformations**

The right to join a spouse who is a legal resident in Germany is a basic right that is not only codified through international human rights conventions, but is also incorporated into the Constitution, as according to the article 6.1 of German *Grundgesetz* (Constitution) marriage and the family enjoy the special protection of the state (Aybek, Straßburger & Yüksel-Kaptanoglu, 2015). Under German legislation, following a marriage to a German citizen, a spouse from outside of the European Economic Area is legally entitled to a residence permit under the Residence Act, or *Aufenthaltsgesetz* (AufenthG).<sup>49</sup> The condition is that a spouse with German citizenship has his/her habitual residence in the Federal Territory. On 1st January 2005, the new Residence Act entered into force. Replacing a previous Aliens Act, it contains regulations on the entry, the residence and the integration of foreigners into Federal Republic of Germany. Sections 27 to 36 of the Residence Act govern family reunification in Germany, which is granted to protect marriage and the family in accordance with Article 6 of the Basic Law (section 27 sub-section 1 AufenthG).

Section 29 sub-section 1 no. 2 AufenthG requires that sufficient living space must be available if family reunification with a foreigner is to be granted. Moreover, subsequent immigration to join foreigners is only allowed if the livelihood is secure (section 5 sub-section 1 no. 1 AufenthG). This is the case if the foreigner can earn his or her living, including adequate health insurance coverage, without recourse to public funds (section 2 sub-section 3 AufenthG). If these requirements are not met, the immigration application may be refused.

The place where marriage takes place and timing of marriage are also determined by the logics of family reunification policies targeted at migrants from outside of the EEA. After an application has been filed by a future spouse and after approval by the local foreigners'

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<sup>49</sup> Residence Act <http://www.iuscomp.org/gla/statutes/AufenthG.htm> (Accessed 12 December, 2014).

authorities, the local German embassy usually grants a visa for the purpose of family reunification before the dependent enters Germany.<sup>50</sup> Most of my informants had to apply for a spousal visa from the countries of origin, such as Laos, Peru or the Philippines, while only three couples got married in Europe while the non-EU spouse was on the tourist visa. In the latter case, my informants had to travel to Denmark, known for its lenient wedding laws and few requirements in terms of documents needed for marriage procedure. According to the Federal Foreign Office, the basic rule is that a marriage entered into abroad will be regarded as valid in Germany if the legal provisions relating to marriage of that foreign state were abided by.<sup>51</sup> In recent years, Denmark as a place known for “simple and unbureaucratic weddings”<sup>52</sup> has become a European equivalent of Las Vegas, being particularly popular among bi-national couples residing in Germany. There are plenty of wedding agencies in Denmark specialized on transnational couples.<sup>53</sup> This is how Elisa, a Brazilian informant, remembered her experience:

“I was visiting him in Hamburg on a tourist visa for 3 months. Normally, in order to get married I would have had to go back to Brazil, and pay lots of money for obtaining all the documents and their translation. It is an expensive and lengthy process. Instead, our friends told us that we could just go to Denmark and get married there. I only needed my passport, my visa and a proof of being single. It was like a holiday...”

Although Heine (2005) points out that in individual cases it is possible that the local aliens authority grant the title of residence when the dependent has already travelled to Germany, for instance on a tourist visa, I did not encounter such cases during my fieldwork.<sup>54</sup> Among my informants, there was clearly an option of either going back to their countries of origin and applying for a spousal visa from there, or taking a chance of getting married in Denmark. In fact, some authors notice that very often transnational marriage migrants have to contract the official

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<sup>50</sup> This way of procedure applies to all foreigners other than EU citizens or citizens of the other member states of the European Economic Area, Switzerland, the US, Australia, Israel, Japan, Canada and New Zealand.

<sup>51</sup> In addition, both the bride and groom must meet all legal capacity requirements for marriage under the law of their home states (they must for example be single, over a minimum age and not too closely related to one another). [http://www.auswaertiges-amt.de/EN/Laenderinformationen/01-Laender/Konsularisches/Eheschliessung\\_node.html](http://www.auswaertiges-amt.de/EN/Laenderinformationen/01-Laender/Konsularisches/Eheschliessung_node.html) (Accessed 16 December, 2014).

<sup>52</sup> This is how a Danish wedding agency advertises its services [http://www.lr-wedding.eu/en/home\\_en.html](http://www.lr-wedding.eu/en/home_en.html) (Accessed 15 December, 2014).

<sup>53</sup> The list of documents needed in order to get married in Denmark is quite simple: passport, birth certificate, and a civil status certificate <http://www.getmarriedindenmark.com/documents-legalities/> (Accessed 16 December, 2014).

<sup>54</sup> The conditions of marriage in Germany also depend on the educational capital of incoming spouses. For instance, if a potential spouse has a university degree or at the moment of application legally resides in another EU country, she is exempt from many requirements that my informant Elisa was talking about.

marriage well ahead of the wedding celebrations in order to settle the formalities concerning visa application process in the intervening months (Aybek, Straßburger & Yüksel-Kaptanoglu 2015, p. 30). The latter observation was also confirmed over the course of my fieldwork.

Usually, the birth and marriage certificates have to be provided. Depending on the country of origin, the furnished documents and certificates may be examined for accurateness and credibility (e.g. mutual authorizations, divorce decrees for former marriages, custody orders, contracts, joint expenditure). Often the partners are interviewed separately to make sure that the marriage is not a fake marriage. In doing so, the foreigners' authority has to respect the spouses' privacy (Hailbronner, 2006).

According to § 95 para. 2 No. 2 of the Residence Act, “fictitious” marriages for the purpose of getting a residence permit in Germany are considered punishable. The immigrating spouse receives the residence permit only if there is no suspicion of a fictitious marriage. In the last years, an increasing number of immigrating spouses are confronted with the suspicion of a fictitious marriage. This has caused criticism from the Federal Commissioner who stresses that the administration utilizes improper criteria for judging the fictitiousness of a marriage, namely backwardness of the country or region of origin, and difference in age, especially if the wife is older (Beauftragte der Bundesregierung für Migration Flüchtlinge und Integration 2005a). If the marriage is considered fictitious, the residence permit becomes void because no family household was established, which is why there is no protection pursuant to Article 6 sub-section 1 GG. The offence is not the fake marriage as such, but, pursuant to section 95 sub-section 2 AufenthG, the application of a residence permit which is based on this fake marriage (Sinn, Kreienbrink & Loeffelholz, 2006, p. 37-39; Göbel-Zimmermann, 2006, p. 84-86).

The Federal Office has also been charged with the administration of specific integration courses for female migrants (Beauftragte der Bundesregierung für Migration Flüchtlinge und Integration 2005a: 188). According to an evaluation of an officer of the Federal Office (Griesbeck, 2005, p. 200), it is believed that by being obliged to participate in these courses, migrant women would become enabled to participate in society in a way which may previously have been “prevented by patriarchal family structures”. The courses are intended to give an introduction to institutions of society that enable integration and participation, like sports clubs, and initiatives aiming at integration of the unemployed in the labor market. Out of the newly arriving female migrants, only those entering the country on the grounds of family formation and unification participate in these courses (Kontos, Hafeburg & Sacaliuc, 2006). Interestingly enough, the idea of the integration courses, which aim to empower migrant women and help them discover their new society, departs from the assumption that all migrant spouses who arrive to

Germany via family reunification come from a background that requires “saving them from patriarchal structures.” This belief ignores the fact that migrant women come from a variety of different socio-cultural backgrounds. As Lila Abu-Lughod critically underlines while writing about Western attempts at “saving” Afghan women: “Projects of saving other women depend on and reinforce a sense of superiority by Westerners, a form of arrogance that deserves to be challenged” (Abu-Lughod, 2002, p. 789). Instead, Abu-Lughod argues for the development of a serious appreciation of differences among women in the world — as products of different histories, expressions of different circumstances, and manifestations of differently structured desires.

As in the other countries such as the United Kingdom, the Netherlands or the United States, marriage migrants' residence rights in Germany are contingent upon the maintenance of their marriage. Prior to 2000, marriage migrants had to prove a dependent residence status of a minimum of four years in order to claim their residence rights. However, since 2000 this period has been reduced to two years. According to Para. 31 of Residence Act, “In the event of termination of marital cohabitation, the spouse's residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependents if: 1) Marital cohabitation has lawfully existed in the Federal territory for at least two years; 2) or the foreigner has died while marital cohabitation existed in the Federal territory.” The two-year period and marriage migrants’ susceptibility to violence and abuse are matters that have been criticized by various researchers, activists and service providers. I discuss this regulation in detail in chapter 5, which is dedicated to the perceptions of abuse among migrant women and NGO workers.

Another matter of concern among human rights activists in several European countries is the introduction of increasing restrictions that influence family migration such as law on sponsorship (receiving partner) or language exams (migrating partner). Although unlike the UK and the Netherlands, Germany does not have a financial threshold for inviting a spouse from abroad, in 2007 the German authorities introduced a new condition for spousal migration: a foreign spouse is required to prove a basic knowledge of German language prior to the migration. Nevertheless, this law is not applied to all spouses equally, and the requirements vary depending on the country of origin, occupation or level of education of the migrating spouse. According to section 30.1 of the German Residence Act, spouses who have a tertiary education diploma are



exempted from this rule because it is believed that they can adapt quicker to life in Germany.<sup>55</sup> Most of my informants from Thailand or Laos had to attend a German course at the Goethe Institute in Bangkok, which is one of the main providers of preparatory language courses for marriage migrants.

There is no separate work permit for migrant spouses in Germany. The right to pursue an economic activity is derived from the residence permit. If marital cohabitation ends because of divorce or separation before the spouse has received a settlement permit, the Residence Act entitles him/her to an autonomous residence permit, which is independent of the marriage and allows him/her to pursue an economic occupation, provided that marital cohabitation existed lawfully in the Federal territory for at least two years (section 31 sub-section 1 no. 1 of Residence Act).

#### **4.4. Divorce among “mixed” marriages in Germany**

One of the most interesting and controversial questions when it comes to cross-border “mixed” marriages is whether these marriages last more than more traditional endogamous unions. In other words, are the “mixed” couples more prone to divorce or do their unions follow a general pattern of marriages in Germany?

As exemplified by a study conducted by Milewski and Kulu (2014) based on the longitudinal dataset from German Socio-Economic Panel, marriages between German-born individuals and immigrants have a higher likelihood of separation than marriages between two German-born individuals or between immigrants from the same country. The latter finding supports the exogamy hypothesis, according to which the divorce risk increases with cultural distance, absence of support from social networks, and when the spouses demonstrate difference in social backgrounds. However, the above-mentioned finding is not only specific to the German context. Higher dissolution risks of mixed marriages in comparison to endogamous marriages have been noticed by several studies on intermarriage in European countries (Kalmijn, 1998; Kalmijn, de Graaf & Janssen, 2005; Dribe & Lundh, 2012).

Cultural dissimilarity may be an important reason for elevated divorce risks for native-immigrants marriages, but there may also be other reasons: difference in demographic or socio-

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<sup>55</sup> Furthermore, the spouses of foreigners who have residence permits as highly skilled workers, researchers, business persons or are themselves recognized refugees or EU citizens or citizens of Australia, Israel, Japan, Canada, New Zealand, South Korea, or the USA do not have to fulfill this condition.

economic characteristics, large age gaps, or different educational levels (Milewski & Kulu, 2013). The latter factors are common among “mixed” couples in Germany. It has also been pointed out that it is likely that individuals who intermarry have more liberal values and may thus be less committed to the norms of their respective groups (Bumpass & Sweet, 1972). At the same time, other research suggests that social-class factors are more important than cultural origins in patterns of endogamy and exogamy, in the dynamics of living together and in the bringing up of children of mixed unions (Rodríguez García, 2006).

Paradoxically, the available statistics as of 2013 on bi-national unions does not support the exogamy hypothesis or longitudinal monitoring data presented by Milewski and Kulu (2013). According to the data provided by *Verband Binationaler Familien und Partnerschaften*<sup>56</sup>, in 2013 there were in total 373,655 (2012: 387,423) registered marriages, among which 43,727 (11.6%) were bi-national marriages with a German partner. Out of 169,833 divorces that took place in Germany in 2013, 143,737 (84.6%) were divorces of German-German couples, and 19,502 (11.5%) divorces of Germans and foreigners. Therefore, as of 2013 the difference between the divorce rate of bi-national and German-German couples is not significant - 44.5% and 43.5% respectively. Why does the statistics not corroborate existing demography theories on “mixed” marriages? Perhaps the discrepancy between exogamy theory and existing quantitative data could be explained by the broader definition of the term “bi-national” couple that the official parlance adopts. According to the approach used in statistics and official discourse, there is no difference between ethnic Germans, German-born individuals with migrant background or recently naturalized Germans, and these people are placed into a homogeneous category defined by their political membership. Therefore, frequently endogamous marriages from a demographic point of view (such as Marina's whose case I analyze in chapter 5 or German-born Turks who choose “arranged” marriages with Turkish citizens residing in Turkey) are classified as “mixed” marriages, because one of the spouses does not have a German nationality. Alternatively, other factors could come in play such as the fact that because exogamous couples receive less support from social networks, and it is more difficult for a foreign spouse to apply for divorce or separation even if the dissimilarity of the partners increases misunderstandings between them.<sup>57</sup>

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<sup>56</sup> Verband Binationaler Familien und Partnerschaften <http://www.verband-binationaler.de/index.php?id=30> (Accessed 2 December, 2014).

<sup>57</sup> Interestingly, a lack of support from social networks is also named as one of the reasons why exogamous relationships fail (Kulu & González-Ferrer, 2015).

#### 4.5. Summary

Unlike the traditional countries of immigration or the countries with a long colonial past such as the United Kingdom, France, the USA, Australia and Canada, study of the intermarriage phenomena in the new “immigration” countries of continental Europe has only recently begun. The research on transnational marriages in Germany has mostly been conducted along the lines of family formation concerning the Turkish community or other members of the former guest-workers’ program. However, this situation has been changing due to the demographic and political processes connected with marriage migration. Despite the predominance of endogamy, nowadays there is a growing tendency of bi-national marriages, with more German men marrying nationals of other countries than German women marrying foreigners. In 1960, every 25th marriage was between a German citizen and a foreigner, while in 2013 every 9th marriage was bi-national.<sup>58</sup> Although the term “bi-national couple” might seem to be quite broad as it embraces a group of heterogeneous unions, it is nevertheless used in statistics and exhibits an official point of view.

Migrant wives are a highly diverse group and therefore they encounter different conditions of admission to Germany depending on their status and country of origin. Despite announcing protection of family life as one of the priorities, family perspective and security of migrant wives are still not at the focus of legal considerations. There has been a trend to increase restrictive regulations regarding bi-national couples in all European countries, and family reunification is being further viewed through the prism of immigration control. Although German legislation concerning mixed couples does not pose as high a level of “elitist” restrictions as the UK or France, one could argue that the language requirement is discriminatory and quite controversial as it only targets foreign spouses without a tertiary education or migrants coming from developing countries. Furthermore, German language exam might produce other difficulties, sometimes forcing couples to live long periods of time separated from each other, and putting a strain on the relationship.

In a similar vein, other conditions imposed on third-country nationals do not always favor them and might subject women to situations of disillusionment with their living conditions in Germany or even to situations of prolonged abuse. Because cohabitation is not deemed equivalent to marriage and therefore does not substantiate any right to family reunification (Müller, 2012), couples are obliged to marry without getting to know their partners properly and sometimes

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<sup>58</sup> Verband Binationaler Familien und Partnerschaften <http://www.verband-binationaler.de/index.php?id=527> (Accessed 17 December, 2014).

before they visit Germany. As a result, many women from economically weaker countries rush into marriage and until their arrival in Germany have only a very vague idea about their future husbands' household, their financial opportunities and social life. As DeVore (2013) sarcastically points out with regards to bi-national marriages in Switzerland, for third-country nationals a relationship with a Swiss citizen means either "*I do*" or "*Adieu*", as the bi-national spouses, unlike EU citizens, cannot cohabit for a long while without getting married. In addition, the regulation stating that a residence permit during the first two years is contingent on the marital status might also reinforce exploitation, forcing women to stay with their German partner even if they do not feel safe or comfortable with their unions.

Furthermore, a constellation of demanding rules and high costs regarding marriage paperwork in Germany pushes bi-national couples to marry elsewhere. As marriage migrants develop coping strategies while grappling with bureaucratic hurdles, weddings in Denmark have become a recent trend among "mixed" couples. Although integration courses designed for those who enter Germany as family members do contribute to migrant wives' familiarity with a new country and give a basic insight in structures of society, there is virtually no support for women in a long-term continuous perspective, especially when it comes to the labor market. The detrimental situation with employment reinforces traditional family structures and makes female marriage migrants financially dependent on their German spouses or fully reliant on the welfare system.

## **Chapter 5. Who is Involved in the Social Construction of Abuse?**

And here's something else to think about: sometimes people in 1940 claimed – hell, sometimes men today still claim – that a swollen lip and bloody knuckles mean 'I love you'. [...] Notice here the power of the social and cultural context – of patriarchy and gender objectification and possessiveness – to operate as a sort of depraved magic, a magic so twisted that it can transform interpersonal violence into symbolic affection. And clearly, as long as this pernicious logic continues to circulate, so will women's victimization. So again: maybe it's not so much the bloody knuckles and the swollen lips as whose lips and knuckles they are, and who gets to decide what they mean

(Ferrell, 2008, p. 8).

### **5.1. Interpersonal Violence and Migrant Wives: How are the Attitudes Shaped?**

As exemplified by the sources discussed in the literature review, the possibility of women becoming victims of violence is at the heart of the debates. The scholarship on intimate partner violence (IPV) over the past three decades has proved that migrants experience more IPV than the majority population. It has been maintained that there are certain factors contributing to the victimization such as race, ethnic differences and residence status (Archer, 2006; Raj & Silverman, 2002; Mason et. al, 2008). In a like manner, data from North America shows considerably higher rates of physical and sexual assault among immigrants compared to general community samples (Dutton, Orloff, & Hass, 2000; Raj & Silverman, 2002; Song, 1996; Tjaden & Thoennes, 2000). Besides the above-mentioned factors that reportedly contribute to victimization, several researchers have argued that a disproportionally higher rate of IPV among migrants is related to their overrepresentation among the individuals with a lower socio-economic status, and therefore a factor of poverty comes in play (Menjivar & Salcido, 2002; Bo Vantar & Bjorkly, 2010). Migrant women might be particularly prone to abuse because in their case several factors that can lead to victimization overlap. In cross-border marriages the women is very often of a different race and ethnic background than her husband. Moreover, immigration laws in Germany make it difficult for migrant wives to be accepted as full members of society, at least during the first 3 years of cohabitation with their spouses before receiving a permanent residence card.

As already mentioned in the literature review, although the situations of abusive behavior between intimate partners are not limited to cross-border unions, a number of scholars contend that a relationship of a Western man with a woman from an economically weak country can become abusive because of woman's unwillingness to terminate the marriage under the fear of losing her residency permit. It is believed that unequal statuses put a woman in the position of dependence "in relation to her consumer-husband", and the situation of vulnerability of an immigrant wife is fundamentally different than that of a citizen who is always protected, has some rights, and has somewhere to go in case a relationship goes wrong (Chun, 1996; Lee, 1998; Belleau, 2003; Jackson, 2007). Migrant wives, especially the ones who have financial difficulties in their countries of origin, are also likely to be isolated from a supportive network that could ameliorate the effect of the violence in their lives (Shiu-Thornton et al., 2005).

The high probability of abuse going unpunished and unreported because of woman's dependency is a typical narrative of the feminist and human rights'-oriented scholars or practitioners. However, the fact the definition and understanding of abuse is far from universal is usually ignored. Analyzing proverbs in different languages, one could come to conclusion that a "beating maxim" exists in many cultures. Indeed, proverbs can uncover latent meanings and attitudes towards gender roles. As a notorious Russian saying goes, "Byot – znachit lyubit" ("Beating means expression of love"), and an Arabic proverb maintains "Darab el habib methl akol ez zabeb"<sup>59</sup> ("Beating from a beloved is like eating raisins"). In the Turkish language there is a saying "Kocanın vurduğu yerde gül biter" ("Roses flourish where your husband hits you") or "Kızını dövmeyen dizini döver" ("The father who does not beat his daughter beats his knees in regret").<sup>60</sup> This not only proves that intimate partner violence is deeply entrenched in some local traditions and beliefs, but also that there could be different perceptions and interpretations of the same act of abuse.

Although a great deal of legal scholarship has been examining the situations of domestic violence faced by migrant women in the West, there is a lack of understanding of *how* exactly the perceptions of intimate partner abuse take place among those women who have suffered from abusive behavior in cross-border marriages. In other words, how does a woman know she is abused? How does she reflect on her circumstances and cope with them? How does she define and re-imagine herself? Since the present study revolves around imaginations, meaning and

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<sup>59</sup> In Arabic language: الزبيب اكل مثل الحبيب ضرب

<sup>60</sup> <http://www.iom.edu/~media/Files/Activity%20Files/Global/ViolenceForum/Avon-App-Challenge/FourbyNorth.pdf> (Accessed 5 September, 2014).

motives attached to transnational marriages from the point of view of the individuals involved, I believe it is indispensable to shed light on the meaning-making process in regard to abusive behavior.

It is essential to listen to the stories of the informants in order to understand how women themselves make sense of the situations they go through, and how they relate to abusive situations. At the same time, we need to reflect on what other factors contribute to a certain understanding of abuse expressed by our informants. Existing scholarship on IPV has already emphasized the importance of considering interactional variables when analyzing abusive situations between life partners (Vantar & Bjorkly, 2010; Winstock, 2007). The main idea of an interactional approach is that violence involves an influential and continuous interaction between individuals and the various situations they encounter; consequently, it is acknowledged that a woman who has been subject to psychological and physical IPV on separate occasions will probably have different experiences and perceptions of these interactions (Vantar & Bjorkly, 2010).

In chapter 5 I look at the life stories of three women from Kazakhstan, Brazil and the Philippines married to German citizens, and reflect on their narratives and perceptions of abusive situations, focusing on how they construct narratives of abuse and how they cope with it. Furthermore, I analyze excerpts of professional help offered to them by service providers, who become actors of the process in which the definition of abuse is framed. Therefore, two perspectives are included in the present study - the one voiced by the interviewed migrant women and the one recalled by the NGO workers - since both eventually get interwoven and lead to the creation of symbolical meanings surrounding the notion of abuse.

## **5.2. Female Migrants in Abusive Relationships: Women's Narratives**

### **5.2.1. From Victimhood to Empowerment and Back**

Marina came to Germany a couple of years ago from Kazakhstan via the family reunification route. Her husband, a Russian of German origin (*Spätaussiedler*), migrated to Germany first, and then she obtained all necessary papers and joined him in Hamburg. In the beginning they lived in a shared apartment, a house provided by the social services where families from different regions of the world have a room and a shared kitchen. Then they moved to a separate flat, where they continued living with two kids. While in Germany, Marina started noticing changes in her husband's behavior: he became more aggressive, possessive, and jealous:

“Whenever he called me, he used to ask where I am. If I spoke too softly, he would get suspicious: “Why are you speaking in a low voice? Where are you now? Are you trying to hide something?” If my phone was off, he thought I had gone out with another man. All of a sudden he started having temper tantrums. He never acted this way while in Kazakhstan. [...] All of a sudden he started calling me *shalava* ["Slut"]... Back home he never used this word to address me. I was ashamed he would mention it while speaking about me to a friend or to our kids. Once I had a glass of beer with a friend, and he immediately said: “*Ty bukhayesh*” [The way of saying “to drink heavily” in a rude way in Russian]. But I was not! All his words were so offensive.”

“He also became jealous of our kids’ success. They learned German quite quickly. One of them lives alone and is preparing to apply for university; another one lives with us. Both of them have part-time jobs since their German is good enough, and they are very energetic and enthusiastic about what they do, whereas he only sits on the sofa and does virtually nothing... He used to work for police back in Kazakhstan, but now...”

Once he was not able to control himself, and hit Marina in the kitchen.

“Once I said something against his words while having breakfast, and he slapped me. I almost collapsed, as he is quite a strong man. I ran outside of the door to a Russian-speaking neighbor, and called the police. Something similar happened before, and I pitied him... I didn’t denounce him... um... I thought: why would I do it? He is the father of my kids at the end of the day... Our neighbors will point fingers at them saying that their dad is a criminal. I was ashamed. But this time I decided he had gone too far. What if he beats our son too? When the police arrived, they forbade him from coming close to me until March<sup>61</sup>. I thought: where would he stay then? I pitied him again, and I begged police not to take my words into consideration. They laughed at me... What a silly woman, they thought... But I didn’t know what to do... um... Ultimately, he is the father of my sons. But again, they told me I was now a victim of domestic violence. ”

Eventually, after some moral hesitations from Marina’s side, her husband had to leave the house in line with the restraining order regulations. He stayed with some friends over the weekend, and then came back under the pretext that he had to pick up some clothes, and stayed in the house for two nights. When Marina contacted the counseling center for help, he was blackmailing her, saying that if she did let him in the house, it meant that the law did not protect her any more, as she had broken the agreement and had “forgiven” him in the eyes of the authorities. Therefore, he argued, if she proceeded with the divorce procedure, her residence permit would be revoked and she would be deported to Kazakhstan. He was also trying to manipulate his wife using their sons trying to persuade them to change their mother’s mind so that she would withdraw her *Anzeige* (police report). Marina was scared. She did not want to go back to Kazakhstan. She was also feeling guilty about letting her husband in the house after the police issued a restraining order, and was afraid that it could be used against her in the court.

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<sup>61</sup> This ruling is in accordance with “Gewaltschutzgesetz” law <http://www.hamburg.de/haeusliche-gewalt/> (Accessed 6 September, 2014).



The NGO workers debunked the myths articulated by Marina's husband. They briefed Marina on German immigration laws, emphasizing that no one can expel her from the country on a whim, especially if she had become a victim of violence:

“She [an NGO worker] told me that in this country it is quite easy. The next time I go to extend my residence permit, I have to attach the *Anzeige* so that they know I have been a victim of my husband.”

While the first counseling session was dedicated to Marina's residence status, ongoing court litigation and renewal of residence permit in case of divorce, the second session was fully devoted to her marital status and future divorce. The NGO worker suggested that Marina should separate from the husband for one year, and start looking for a job. Housing was discussed in detail, as the social worker emphasized how important it would be to find an apartment far from the current neighborhood where other members of husband's family were living who could make her reconsider her decision to terminate the relationship. It was also said that in abusive relationships kids might suffer as well, as the husband might try to manipulate or contact her through them. Marina was advised not to listen to the messages that might be conveyed from her husband through the children, and not to try any further mediation or advice from her friends who were telling Marina to get back together with her husband again. During the third counseling session Marina's future job opportunities and possible options of schooling in Germany were discussed. The social worker explained the differences between “*betriebliche*” and “*schulische*” education in Germany, and the advantages it could give Marina on the job market in Hamburg.<sup>62</sup>

Following NGO counseling, Marina continued with the German lessons at a local *Volkshochschule*<sup>63</sup> hoping to pass a B1 exam, and also started attending some social activities offered by the NGO to meet other women, such as the “Self-help group” (“*Selbsthilfegruppe*”) for newly arrived migrants. Once she brought another woman from a Russian-speaking community in Bergedorf (a neighborhood of Hamburg where ethnic Germans from Eastern Europe and their families traditionally settle) who suffered from a similar problem. With the help of a lawyer specialized on immigration law as well as the NGO workers, Marina began the paperwork to extend her visa, and made all the necessary inquiries about the procedure of divorce. She started looking for job opportunities and a way to legalize her diploma from Kazakhstan. As she was still eligible to receive welfare from the government, Marina was not in a hurry to start working from a financial point of view, but wanted to get a job nevertheless.

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<sup>62</sup> Academic and professional training in Germany. Since Marina has never worked in Kazakhstan and cannot legalize her diploma, she would need to undertake one of these trainings in order to find a job.

<sup>63</sup> School that provides classes of German language and integration course to foreigners.

When speaking to Marina for the first time, it was obvious that she was feeling very insecure, since she did not know her rights as a spouse of a German citizen and was not fully aware of the chances she had while living in a northern European welfare state. But every time she visited the counseling center, one could notice changes in her behavior and the content of conversations. While during the first two counseling sessions Marina mostly spoke about her relationship with the husband which would make her to shed a tear from time to time, during subsequent meetings she asked many practical questions such as future employment, legal paperwork and moving out. Once she told me in a dreamy way:

“Yesterday I saw an announcement in the newspaper that the company AirBus was hiring... They needed workers to collect details on the factory. I know many women would find this job daunting but I would really like to work for them. I have never worked but I have always wanted to do something besides household tasks... Of course I need to improve my German.”

Marina did not engage in the discourse on victimization when she entered the NGO for the first time. On the contrary, she took quite a defensive position, trying to uphold her right to stay in Germany and find legal grounds for extension of residence permit despite her divorce. Knowing that the moral legitimacy of Russian women married to Germans was questioned by the authorities and public opinion, she tried to persuade NGO workers that she was not using the family conflict in order to get benefits. She was preoccupied by practical matters, such as finding an apartment and a job after separation, rather than domestic violence. Nevertheless, inside the counseling center she heard all the categories pertaining to violence: “victim”, “abuse”, “patriarchy”, as the NGO worker carried on lecturing her on women’s rights and her particular rights as an abused woman. Although feeling uplifted after the first two sessions at NGO, a couple of months later at one of the group trainings of “*Selbsthilfegruppe*”, Marina articulated some doubts:

“I compare myself to the other women here in Germany, and I don’t know what I have achieved in life. I thought I was smart - a distinction at high school, a degree from technical school. I have always been striving for something, um. A mother, a wife... And now I feel I haven’t achieved anything.”

During Marina’s first counseling session, one could see a whole array of feelings on her face: fear, uneasiness, embarrassment, and shame at revealing personal details of her relationship. The NGO worker, by dispelling myths created by her husband and briefing her on laws in Germany, brought her great relief. At the same time, the acknowledgment that she was henceforth a “victim of domestic violence” lowered Marina's self-esteem, as she spelled out bitterly 3

months after the first counseling session: *“It seems I haven’t achieved anything at all. Even the marriage is broken now”*.

Even though Marina’s case is not classified as a typical “inter-marriage”, I took a note of it for future analysis because she was blackmailed and put in an inferior position by her husband due to her insecure residence permit situation. This is one of the cases where a perceived act of abuse is also recognized as violence in accordance with legal definitions, and a marriage migrant gets help from the state and no objection from the Alien’s Office in terms of granting her a renewed residence permit. Although Marina was empowered by help received from women’s rights organizations and guidance from legal specialists, she was confronted with doubts about the righteousness of her decision to break her marriage.

### **5.2.2. Bi-polarity or Abuse?**

The story of Patricia, a marriage migrant from Brazil, differs from Marina’s situation. I met Patricia through personal networking with the Portuguese-speaking community in Hamburg. When we got introduced to each other, I told her that I was working for a women’s rights organization. Patricia’s reaction was quite unexpected and very emotional. Suddenly her eyes lit up with curiosity: *“That’s what I need! I have become a victim of a German man’s fraud. Yes, I am suffering from a German man!”* We exchanged phone numbers and agreed to meet the following day for a chat. Meanwhile, I told her about my research and I asked if it was possible to interview her. She seemed very enthusiastic about the idea of narrating her story so that other women could be aware of possible fraud. The next day we met for a tea in a Turkish bakery. Patricia was again very emotional, and eager to share every single detail of her relationship with me. She insisted that she wanted her story to become public:

*“Make sure you record our conversation. I really want people to know what has happened to me. This story should become public, and maybe others will be more aware of a possible fraud. Once I am back in Brazil, I am planning to denounce him. I don’t know how yet, but maybe you could help me.”*

Patricia, a 48-year-old teacher, has been in Germany for 5 months ago, after marrying her current husband in Brazil. The couple met on the Internet via a pen-pal website. Following a romance on the Internet, her husband came to visit several times. Although the relationship went well in Brazil, the situation changed drastically upon Patricia’s arrival to Hamburg:

“[In Brazil] He showed a very attentive, generous and romantic side of his personality... I would even say a gentleman’s side... [...] If I only knew how deceitful that image was!... He has completely changed since I arrived in Hamburg. He is not speaking to me in the same way as before, he doesn’t let me go out or meet other people. Even to meet you I had to lie; he wouldn’t have let me go otherwise [...] I don’t have a right to anything at home. He is terrorizing me.”

Patricia described her husband’s behavior as a game. She also said that his previous relationships were apparently also with Brazilian women who he either met in Hamburg among the Brazilian community or in Brazil while on vacation. Due to this reason he forbade her from contacting the Brazilian diaspora in Hamburg. She said that there is something suspicious about a man who is attracted to women from a certain area.

“I think he has a problem with bi-polarity, yes, a bi-polar person who became different in his own country. [...] My question is, why? Why did he play a game, why did he pretend to be a certain person, while he was a completely different one? To bring me here? And then why is he treating me this way? It is a horrible case... It is a psychological game, so horrible, he plays a lot of these kinds of games.”

According to Patricia, the situation she was going through was much more subtle than a typical story of abuse. Instead of a beating or threatening (the actions typically recognized as abuse by the law enforcement mechanisms), he behaved in a manipulative way with her. He controlled Patricia’s behavior by either ignoring her or throwing tantrums every time she did something “wrong”.

“I have never been a *Putzfrau* [cleaning lady]... But he wants me to stay home and clean the house. When I try to discuss it, he replies: “I didn’t tell you to clean anything!” And I say: “Right, and if you come home, and the kitchen is dirty, you are in a bad mood and ignore me”. He never says where he goes. Imagine, I am speaking to you, and all of a sudden I take my things and leave. It wouldn’t be normal. You would think I am out of my mind. But he always behaves this way with me [...] Or he starts speaking German to me, only German. I tell him: Listen, I don’t understand! I have lived all my life in Brazil. And he only gets mad and starts screaming...”

The advice given to Patricia by an NGO worker was similar to the solution suggested to Marina, but with one crucial difference. Non-EU marriage migrants in Germany are eligible to extend their residency permits if they are subjected to domestic violence and they can provide enough evidence, such as witnesses. Luckily for Marina, when her husband hit her, she rang the doorbell of her Russian-speaking neighbor, who could be a witness. In the case of Patricia, she only had her own emotional narrative and no actual proof of mistreatment that she could have

presented to the police. Therefore, it was recommended that she either wait and only seek divorce when she finds a stable job and is able to maintain herself financially, or to leave the country.

“The NGO worker asked if I had any relatives or family in Germany. I said “no”, it is my first time in this country. And then she suggested me to leave, to return to Brazil. That was her advice... [...] She also told me to apply for social help, and to make sure I had my own bank account, so that I don’t share my money with him. And she told me to study German.”

Patricia did open her own bank account and subscribed to German classes. However, contrary to the advice of the NGO worker, she decided not to go back to Brazil, but rather try to see how the situation worked with her relationship.

“I can always go back. I sublet my apartment back in Brazil, and one of my friends looks after it. I can return any time I want... But now, despite how he treats me, I want to try my luck here. At this age... um, one wants quality of life, and not arguing all the time.”

Being very vocal and passionate about her family matters, Patricia mentioned one episode that made her think of herself as a migrant going through an abusive situation. It was a spontaneous conversation with a Portuguese-speaking social worker whom Patricia met a couple of months before deciding to seek assistance at NGO, that left her thoughtful about her own status:

“She told me that it is common here: a German man marrying a woman from abroad in order to exploit her. They take foreign wives because it would not work with German women. You know, how a *brasileira* behaves: she makes sure everything is clean in the house, she takes care of her man, she is happy and affectionate, even if she needs to sacrifice herself... She told me the cases of abuse were not a new story: Germans simply take advantage of foreign women.”

The latter narrative reinforces the value of femininity and the notion of erotic capital that in some cases plays a crucial role before the women arrive to Germany, as it was revealed through the interviews. According to Patricia, her husband married her because he was familiar with a notion of a typical “*brasileira*” who besides being beautiful and charming, also knows how to take care of the house and make her husband happy. Although Patricia is quite sarcastic about the latter stereotypical depiction, she nevertheless confirms that it exists. Neither Patricia nor other informants mentioned the term “erotic capital” in the conversations with me. However, they speak about its main components such as beauty, liveliness, charm, and social skills that seem to be attractive for their husbands. Even though Patricia claimed she understood from the very beginning the domineering nature of her husband, it was only after she spoke to a social worker that she was able to see it in perspective and intended to take legal actions against her husband, including a desire to pursue legal actions against him, even after returning to Brazil.

The conversation with a social worker has reinforced her own doubts. Would her story have evolved in a different way had she not spoken to a social worker in the beginning, or had this social worker provided her with a different view on cross-border marriages? There could be different answers to this question but my research suggests that the social workers exhibited a tremendous influence on the way my informants perceived the concept of abuse in general, and their abusive situations in particular.

### **5.2.3. “Thanks, but no thanks!”**

The story of Juvelyn, whom I also met through a counseling center, represents another case of a perceived emotional abuse. Juvelyn is from the Philippines. Back home she was married to a Filipino man, but he died 10 years ago leaving her in a very precarious financial situation:

“I got married very early, and had kids early... I was barely 18 years old when my first child arrived. I didn’t know much about life back then. By the age of 30 I already had 5 kids in the house. I never studied - I simply had no time...”

At the time of interview she had been married to her German husband for over 7 years. That day she booked an appointment at the counseling center in order to get some assistance applying for retirement. She could not work any more because of her weak eyesight. She did not know German, so one of the counselors filled out the papers for her.

When I asked why she would not ask her husband to help her with the paperwork, it turned out that Juvelyn deeply mistrusted her partner. Apparently, she realized that during their marriage he was cheating on her with another woman while Juvelyn was on a holiday in the Philippines. In addition, she discovered that her partner kept corresponding with other Filipino ladies on dating websites, and even sponsored one of them with money by making Western Union transfers. Although sending money to a woman online, he hid from Juvelyn her share of money from HARTZ IV<sup>64</sup> that both were receiving from the government. At the time of marriage Juvelyn was a 43-year-old widow with grown-up children. Although feeling hurt and heartbroken, Juvelyn did not want to file for divorce or separate from her partner.

“It killed me as a person. He took all the dignity out of me. Before, if a boy played with me, I would turn him away. But this time I had to cling on to him, to swallow all my pride. Because in the Philippines... If you are a widow, you feel all alone. [...] There is space in the Philippines, yes, but it’s difficult to survive. No jobs. And while being here, um, I can send money to my children.”

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<sup>64</sup> Germany’s social welfare benefit introduced in 2005.

“If I get a divorce my visa will be automatically cancelled so I have no choice. My husband knows that too.”

“Women like me have a choke chain around our neck, so if we do not follow we get choked.”

Likewise, she could not afford to move out from the apartment she lived in with her husband. Finding a new apartment would not have been easy since she did not have a job, and social housing in Hamburg is scarce. In addition, before getting married, her husband had made Juvelyn sign a “prenuptial agreement” stating that in case of divorce she would not get anything. The last time she was about to extend her visa, her husband threatened her that he would not sign the paper stating that they still live together. Juvelyn described herself as a deeply unhappy person who, while grateful to her German husband for having helped her with the visa procedures and inviting her to Germany, suffers from psychological manipulation at his hands:

“I tell him: thanks, but no thanks! You know what I mean? I recognized that I was being manipulated... a very traumatic experience... a person who helped me at the same time hurt me... And he knows there’s nowhere for me to go, he knows that very well [...]”

The NGO worker did not give Juvelyn the same advice as to Marina and Patricia. Instead, she told Juvelyn not to pursue any radical steps, as she knew that the woman had been sending remittances to her children back home. Neither going back to the Philippines nor separating from her husband and looking for a job or separate housing were options for Juvelyn because of her age and limited financial opportunities. Therefore, she was advised to apply for a retirement plan which would make her less dependent on her husband. However, the discourse of victimhood did influence Juvelyn, as she continued analyzing her relationship and her dependence on the husband:

“I think we as the *Ausländer* [foreigners] have to thank them for what we received from their government so it’s much better to be quiet.”

When I spoke for the first time to her, the main term she used in relation to her husband was “hurt”. Acknowledging she has been hurt by a close person, she did not mention anything about IPV. However, during a follow-up interview she repeated several times that “she has been used” and “exploited” by her German husband. Via social media, she was posting status updates and pictures depicting pain and suffering invoking her role of a victimized one. She said:

“One doesn’t know she has been abused until someone opens your eyes. I was so blindly in love that I didn’t notice any deception from his side.”<sup>65</sup>

### **5.3. Gender, culture and political economy**

Violence directed at migrant women in the West has previously been discussed through cultural criminology theoretical and methodological paradigm. Cunneen and Stubbs (2004) examine how power legitimizes and constructs social harm, looking at the issue of harm caused through inequalities generated by powerful international relations of political economy and unequal gender relations.<sup>66</sup> While analyzing the data, I have carefully followed women’s narratives in order to see how and when the idea of abuse emerges. At the moment of interviewing, all three informants more or less agreed that they were victims of IPV. However, this was not the case when conducting observation for the first time. In fact, of the three, only Patricia firmly believed she was being abused before coming to seek assistance at the NGO. The others initially asked for an appointment regarding other matters: Juvelyn regarding application for pension and Marina querying a residence permit extension. Whether constituting a direct influence or not, it is clear that the way women construct abuse is dependent on their interaction with service providers and criminal justice system workers, and can be molded following it.

What unites Marina, Juvelyn and Patricia, besides considering themselves victims of marital abuse in Germany, is both their desire to stay in Germany regardless of what has happened, and, and their fear of divorcing their husbands. Being aware that a divorce might deprive them of legal grounds of residence in Germany, the women were hesitant about taking this decisive step. Whereas Marina’s case is recognized as corresponding to an official definition of domestic violence, the abusive situations of Juvelyn and Patricia are not legally recognized. All three women were affected by the situations of perceived emotional abuse. Centre for Disease Control and Prevention (CDC) defines it as “trauma to the victim caused by acts, threats of acts or coercive tactics where there has also been prior physical or sexual violence or prior threat of of physical or sexual violence” (Saltzman et al., 1999, p. 12). While one can argue to what extent

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<sup>65</sup> The last time I spoke to Juvelyn, she was waiting for an indefinite residence permit while nurturing her dream of going to work or live in London, as in her imaginations it was “a place where an English-speaking migrant won’t feel discomfort or worry.”

<sup>66</sup> Through their research, Cunneen and Stubbs (2004) debunk Sellin’s (1938) claim that primary cultural conflicts may arise from migration, pointing out that Filipino’s women victimization rates in Australia are not shared by Filipino men or by other immigrant women (p. 99).



the above mentioned cases demonstrate abusive attitudes, the main aim of the present study is to shed light on how female marriage migrants perceive and describe their relationships. Women view these situations as abusive, and if people define situations as real, they could be real in their consequences (Thomas & Thomas, 1928).

Besides the factor of migration that definitely reinforces and dictates women's decision-making process, another angle to discuss is the nexus between gender, culture and political economy. Cuneen and Stubbs (2004, p. 99) underline that culture itself is not an adequate concept to explain the multiple layers at play, suggesting to focus on identity, sexuality, social space and gender, because this is what cultural criminology studies. While agreeing with Cuneen and Stubbs that culture is not sufficient to explain why exactly migrant women (not men) from economically weaker countries (not women from developed countries) are subjected to abuse, it is interesting to observe that Juvelyn and Patricia alike put forth explanations interwoven with culture. Juvelyn once said: *"This is culture. Filipinos only marry when they love the other person, whereas here people get married if they want to use someone. Something like: why not? I can divorce her"*, whereas Patricia reiterated this idea: *"You know, how a brasileira behaves: she makes sure everything is clean in the house, she takes care of her man, she is happy and affectionate, even if she needs to sacrifice herself..."*

I argue that it is because media and public discourse surrounding the notion of a "mail-order" bride is so strong, that women themselves internalize stereotypes linked to their identities. Individual externalizations are always affected by external norms. It is known that media portrayal and dominant stereotypes encourages stereotyping which could be detrimental if it transforms into rationalization of treating women differently. Indeed, stereotypes solidify a narrative that eventually permeate our unconscious and result in certain individual representations that eventually become the lens through which individuals view themselves. Internalization of stereotypes based on gender and ethnic "other" represent another type of harm that became apparent during female testimonies.

#### **5.4. Female migrants in abusive relationships: Perspectives of NGO workers and the risks of abuse**

As I tried to trace how the social construction of abuse takes place among my informants, my attention has shifted towards the importance of social service providers and international organizations' narratives that provide their definitions of a victim. Elsewhere, including introduction, I have argued that it is particularly important to analyze the connection between non-profit organizations' discourse and experiences of migrant women while conducting a research in Germany. Due to its unique system of non-profit organizations,<sup>67</sup> counseling centers become a significant point of reference for many migrant women in Germany, especially for those who cannot afford to hire a lawyer or a psychologist, or for those whose level of Internet literacy or German language competency is very low. Social service providers counsel women regarding family or labor disputes, provide accompaniment to courts or public offices, assist in finding a German course or advice on further education options, and offer "orientation" to newly arrived migrants.

Standpoints of formal and informal social agents play a major role in coping with the problem of IPV. Indeed, human service organizations are exemplary in terms of producing and reproducing the instances of social problems, as they routinely deal with people and occurrences (Holstein, 1992). At the same time, as pointed out by Mary Douglas, "an answer is only seen to be the right one if it sustains the institutional thinking that is already in the minds of individuals as they try to decide" (Douglas, 1986, p. 4). What are the beliefs or fears intertwined with institutional thinking of NGO workers that come in play while counseling migrant wives? According to Winstock (2012), social involvement in cases of IPV is based on risk assessment performed by formal social agents (such as police officers, medical doctors, social workers,) and informal ones (relatives, neighbors, and friends). The higher the risk, the more cautious or interventional social agents will be regarding the issue (Kropp, 2008). Taking the notion of risk assessment as the main rationale for social service providers' counseling, one could point out two factors determining the way NGO workers counsel women, in particular migrant wives, in abusive relationships. First of all, there is a concern for the women's safety due to the image of a woman trapped in an unwanted relationship frequently portrayed by the service providers.

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<sup>67</sup> According to Hippel (2010), as of 2010 there were around 600,000 associations and 15,000 foundations in Germany, most of them focusing on social services and healthcare. The non-profit sector in Germany is integrated with the government's welfare function in a unique way, and the government agencies fund the non-profit organizations.

Second, there is a belief that financial independence is a key to safety and freedom of choice, and therefore service providers demonstrate a desire to facilitate economic activity of migrant women. Both concerns have their own reasons and ramifications.

The NGO workers recommended to both Marina and Patricia to find jobs as soon as possible. It is necessary to point out that that such advice might have ambivalent consequences. On the one hand, it opens new doors for marriage migrants in terms of new contacts and financial gains. However, seeking employment can have adverse effects on a marriage. Jewkes (2002) argues that social and economic empowerment appears to increase women's risk of violence in some settings by challenging traditional gender roles and increasing conflict in the household until, she writes, "a high enough level [of empowerment] has been reached for the protective effects to predominate." Heise and Garcia-Moreno (2002) put forth similar arguments:

Where women have a very low status, violence is not "needed" to enforce male authority... [...] Partner violence is thus usually highest at the point where women begin to assume nontraditional roles or enter the workforce (Heise and Garcia-Moreno, 2002, p. 99).

Concerning safety in cross-border marriages, a general discourse of practitioners and scholars on the topic of migrant wives and "mail-order" brides has been triggered by notorious murders of women who have migrated to the USA and Australia via marriage agencies. Although there have been few such cases, they have nevertheless received a widespread coverage in all kinds of media outlets due to their cruelty and shocking nature. A Filipino migrant Susana Remerata Blackwell and a Russian migrant from Kyrgyzstan Anastasia Solovieva-King were both murdered by their American husbands: Susana was shot dead together with her friends in front of the courthouse right after the divorce case, and Anastasia was strangled by a contract killer hired by her husband after expressing her willingness to file for divorce. Germany has also faced murders of migrant wives. A 29-year-old Ukrainian was violently killed by her 59-year-old German husband in Berlin area in 2011. Her body was found in the field after a husband reported her as missing. A similar story took place in Berlin the same year wherein a 36-year-old Thai wife was shot dead by her husband. However, in Germany the incidents have never led to a comprehensive system of policies aimed at "background checks" of future husbands. In North America, where both lawmakers and the public are quite aware about the hidden dangers of a correspondence-based marriage, the International Marriage Broker Regulation Act was passed

in 2005<sup>68</sup>. Such a law, aimed at “background checks” of future husbands, still does not exist in Germany. As NGO workers Amaya and Elena told me:

“Through our partner organizations we have heard about cases of German men who invite a woman from a third country, sponsor her visa, divorce her before a 2-year-term finishes, and then bring another woman from abroad. There is virtually no control of husbands’ past including their previous relationships or possible history of abuse, while women’s profiles are thoroughly investigated before issuing a visa. We have mentioned this to *Ausländerbehörde* many times, but there has not been any reaction yet.”

Although there are no “background checks” in Germany, there is another legal mechanism aimed at tackling domestic violence entitled “*Gewaltschutzgesetz*” (GewSchG). In force since January 1, 2002, the legislation is known among the general public and practitioners under the motto “Whoever beats, has to leave” and provides a victim of mishandling, threats, stalking and harassment with an opportunity to pursue a restricting order from their violent partner under Family or Civil court protection. The court is supposed to take adequate measures against a violent partner that could include a contact or proximity ban with a victim. The law also enables the police to ban a violent person from the house for a certain period of time and prohibit them from approaching a victim (Said, 2003). However, this legal mechanism only protects a woman with the factual evidence of maltreatment such as bruises, scars or other bodily injuries, or if she has witnesses of battering. It worked well for Marina, but is most likely irrelevant for Patricia’s and Juvelyn’s complaints of emotional abuse.

Concern for the safety of clients very often overweighs all other considerations, and the advice given is to follow a typical feminist set of steps: separate from a partner, then divorce, look for alternative housing, and then secure a job. This was the advice given to Marina and Patricia. This is aimed at the emancipation of the women, but can have an opposite effect. By constructing a discourse of victimhood, NGO workers also depict an inferior image of a woman that undermines her will power and deprives her of strength to cope with the problems. Previous research proves that the discourse of victimhood utilized by feminist groups to advocate for the human rights of migrant women paradoxically undermined these women’s citizenship by reinforcing their subordinate positions within the moral hierarchy (Yeon Choo, 2013). In the context of South Korea the particular configuration of human rights for migrant wives that centered on victimhood did not provide a basis for women’s membership:

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<sup>68</sup> The legislation intended to stop abuse of marriage migrants by their prospective husbands with criminal histories (Kusters-McCarthy, 2013).

Rather than addressing women as moral equals, this discourse presented them as subjects in need of protection. Despite good intentions, the discourse of victimhood and trafficking foreclosed alternate discourses as a basis for claiming rights and effectively advocated for border protection as a way to protect women (Yeon Choo, 2013, p. 456).

Likewise, from the standpoint of social service providers, migrant women can easily fall prey to an abusive husband because of her fragility and unstable migrant status which does not give them any privileges or social capital, especially women who are not considered to be highly-skilled migrants and so are not able to navigate the job market freely. Amaya, an NGO worker, commented on the situation, explaining why in her practice, dealing with “assymetrical” relationships, she prefers mentioning the categories of “victim” and “violence”:

“I do think additional schooling in Germany, language courses and at least a part-time job helps clients to overcome problems their personal lives. No matter how the situation goes, whether they divorce or not, the clients will feel more secure if they can communicate with others, do networking in German and be competitive on the job market. [...] Sometimes they ask me for advice: “what would you have done in my place?” I answer it is better to separate than to struggle in an unhappy relationship, in a relationship when a man does not respect you, where he practices “*machismo*.”

However, not all service providers support the idea of transmitting to the woman the urge to divorce and to become financially independent being afraid that this could trigger further negative repercussions both for a client and a counseling center. This is how Saji, another worker from the same NGO, explains her position:

“I had this client who wanted to divorce her husband. For over a year I helped her with the translations and court accompaniment... There was so much work done! And in the end she got together with her husband again. And this is after he beat her... Another time I suggested to my client to separate from her abusive husband, and she informed him about my counseling. He kept calling and threatening me. Since then I decided not to interfere! I just give information about possible legal options, but I never lecture or give my opinion to the clients.”

How can the diversity of counseling techniques in the same NGO be explained? Winstock (2012) maintains that the controversy of how to cope with the problem of IPV from the point of view of social workers lies within two paradigms: the one represented by “feminist scholars” who view it as asymmetrical in terms of gender; and the one covered by “family violence researchers” who contend that a significant proportion of both genders use violence as methods of influence. Hence the difference in solving the issue: whereas “feminist scholars” tend to address violence that should be regarded as a problem and root of all evil, “family violence mediators” believe that violence is the product of interpersonal conflict, indicating a crisis

between intimate partners. In the framework of the present research the informants going through the situations of IPV were affected by psychological abuse. 2 out of 3 informants mentioned in this study received an advice from the “feminist scholars” point of view; there was no attempt by social workers to address the causes of the violence that led their spouse to the crisis, even though resolving the crisis itself could have possibly resolved the problem of IPV.

The construction of social problems happens by assigning social problems’ to categories that become part of a person’s ways of understanding and representing their everyday experience (Hollstein & Miller, 2003). NGO workers, while operating with certain categories of abuse formulated by international organizations such as “victim”, “machoism”, “patriarchal system”, “free choice” and “independence” contribute to the way women attach meanings to their family situations and project onto their own lives. Notwithstanding the role of informal agents such as family members and friends, if migrant wives decide to go through counseling at an NGO, the opinions of these service providers becomes crucial in terms of social construction of abuse.

Although NGO workers are quite skeptical of academic scholars and international organizations alike, their objectives are shaped by the narrative of the latter, and their vision includes the terms of “exploitation”, “equality”, “victim of violence”, and “patriarchal society”, found in the discourse of international organizations and conventions on women’s rights, including CEDAW.<sup>69</sup> Istanbul Convention against VAW, recently ratified by 14 member states of the Council of Europe, is one of the references for civil society organizations. It represents the framework for a co-ordinated, victim-centred approach to combating all forms of violence against women and domestic violence. Although it could be potentially applied to men, children and elderly, nevertheless, it focuses on women (Council of Europe website). One of the stated purposes of Istanbul Convention is “to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence”.<sup>70</sup> “Prevention” is a key term, as many NGO counselors are guided by the principle of prevention of harm, and therefore suggest quite radical ways of terminating a relationship.

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<sup>69</sup> CEDAW <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm> (Accessed 7 September, 2014).

<sup>70</sup> Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence [http://www.coe.int/t/dghl/standardsetting/equality/03themes/violence-against-women/Conv\\_VAW\\_en.pdf](http://www.coe.int/t/dghl/standardsetting/equality/03themes/violence-against-women/Conv_VAW_en.pdf) (Accessed 6 September, 2014).

## **Chapter 6: Fraudulent techniques of marriage migrants and policing of non-citizens regarding family reunification**

### **6.1. Sham marriages among bi-national couples: Globalization and migration control**

From the outset of the present study, fraudulent techniques enacted by brides and grooms in cross-border marriages have been the focus of my attention. Following cultural criminology ethnographic principles, my intention has been to analyze how the main actors involved perceive and rationalize their actions, which might be labelled deviant by states or general public. In this regard, there are two factors that make cross-border marriages a controversial field of study, highlighting the importance of focusing on the individuals involved: globalization processes and punitive immigration policies enacted by the governments. Globalization, ease of communication and travels contributes to the shrinkage of the world and intensification of cultural exchanges. Technological advancements, the growing extent of Internet penetration in developing countries and intensification of international travels enable bi-national couples to meet each other without relying on the old-fashioned industry of marriage agencies.

On the other hand, globalization processes invoke a necessity for migration control and surveillance. The divisions are another outcome of globalization process. Under these conditions, a residence permit becomes a “privileged” status bestowed on the deserving ones. According to the observation of Aas, “rather than creating “citizens of the world”, the globalizing process seems to be dividing the world; creating and even deepening the “us” and “them” mentality — the national from the foreign” (Aas 2007, p. 98). Likewise, under conditions of globalization migration has come to be constructed and corresponded to as one of the most pressing national and international criminal problems, entangled with concerns over global security and criminal justice responses that have far-reaching impacts in terms of mobility and rule of law (Pickering & Ham, 2015).

The idea of membership becomes a backbone in crimmigration studies and present research, determining its logics.<sup>71</sup> Criminal law concerns itself with identifying when an act is so repugnant that the actor needs to be excluded, while immigration law concerns itself with who may formally join society, and who should be expelled (Stumpf, 2013). Therefore, the notion of

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<sup>71</sup> As mentioned in the methodology chapter, I had selected bi-national couples for interviews and participant observation on the basis of the differences between their citizenship or political membership.

citizenship is essential in studying the processes of crimmigration. Non-recognition of certain rights gives immigrants a limited status of citizenship: unlike citizens, they are “denizens” (non-nationals whose right of residence is unlimited) and “foreigners” (non-nationals whose right of residence or stay is limited) (Hammar, 1985). For undocumented migrants, rejected asylum-seekers or migrants whose visa is about to expire, marriage with a citizen represents a new opportunity for social advancement, and sometimes becomes the only way to stay in a country of their choice if threatened by expulsion. Indeed, “the question of citizenship is thus at the heart of the undocumented migrant’s life” (Monforte & Dufour, 2011). Jordan and Düvell (2002) maintain that a controversial dilemma for migrants is that of “mobility versus membership”. “Mobility” refers to the interest of migrants to pursue better life chances beyond state boundaries. The other side of the dichotomy is termed “membership” to draw attention to the fact that host states view themselves as rightly allowing or restricting movement into their borders in order to maximize advantages for their own members. In the countries that embrace an ethno-national model of citizenship, true membership is more difficult to obtain than in nations that follow a multicultural model of citizenship, as is further discussed in sub-chapter 6.3.3.

Some maintain that migration has already altered the perception of citizenship as a legal status that excludes, rather than includes, persons or groups on the grounds of their nationality (Joppke, 1999; Soysal, 1994). Nevertheless, it is through a citizenship lens that we can better grasp complexities behind the phenomenon of transnational marriages and bi-national couples. In relationships of bi-national couples the differences in citizenship might lead to certain outcomes of marriages for non-EU spouses such as dependence, abuse and manipulation (Shiu-Thornton et al., 2005; Raj & Silverman, 2002; Menjivar & Salcido, 2002; Belleau, 2003; Jackson, 2007) or, on the contrary, upward social mobility, belonging and membership (Glowsky, 2010; Schaeffer, 2012; Constable, 2004). By defining bounded populations, citizenship of a Western industrialized state lays the ground for membership by granting an individual unlimited residency permit, social benefits such as medical system or education, security and comparatively high living standards.

This chapter analyzes the policing of marriage migration and fraudulent techniques of marriage migrants through three interrelated processes of how the illicit dominates the legal: sham marriage, sham paternity, and the concept of “solidarity marriage” as strategies of legalization in Germany. Although my main focus on individual actions of non-EU spouses seeking alternative forms of citizenship through marriage or motherhood, other topics emerge for further analysis: narratives of rationalization generated by “sham” spouses, victimization risks



connected to fraud and fictive parenthood, and the idea of political activism in Germany. These issues are also discussed in the next three sub-chapter.

### **6.1.1. Family values in the West and companionate marriage: A requirement for bi-national couples**

In the West... for at least two hundred years, being in love has come to be the only acceptable grounds for marriage. And love, or the emotional quality of the couple relationship, has also become increasingly important as the principal reason for staying together.

(Arlene Skolnick, 2002, p. 150)

Curiously, immigration law reinforces Hollywood fantasies that romantic love must be freely chosen, selfless, innocent, and naturally binding through chemistry or the irrational attraction between a man and a woman.

(Felicity Amaya Schaeffer, 2012, p. 47)

Before engaging in a discussion on the policing of marriage migration, it is important to highlight the values associated with the concept of family in the West, and how the latter has been re-constructed in the modern era. Traditionally, anthropologists tended to explain family formation through a functionalist paradigm. Malinowski in his pioneering work “The family among the Australian aborigines” argued that conjugal relationships, and therefore the concept of family, had to be universal because it fulfilled a universal human need such as nurturing young children (Malinowski, 1913). Modern anthropologists debunked his functionalist arguments, maintaining that the existence of a function such as child-rearing does not mean that it would not be performed if the institution of family did not exist (Collier, Rosaldo & Yanagisako, 1997). Instead, it has been argued that the family is more an ideological construct than something that fulfils certain needs, “a sphere conceptualized as a realm of love and intimacy in opposition to the more “impersonal” norms that dominate modern economies and politics” (Ibid, p. 76). Therefore, as an ideological moral unit, a family is a concept rooted as a contrast between “public” and “private” realms becoming an opposition to state powers.

The idea of companionate marriage, according to which the marital ideal consists in emotional closeness, rose to prominence in the Euro-American narrative a few centuries ago and is usually understood as a “modern” love as opposed to the tradition of arranged and forced marriages (Skolnik, 1979; Hirsch & Wardlow, 2006; Maggi, 2006). Anthropologists of marriage demonstrate through their works that emotions, courtship, intimacy, companionship, sexuality and fidelity interrelate differently in different places (Hirsch & Wardlow, 2006, p. 5). At the same

time, love is an important criterium in bi-national marriages in terms of their unions being subjected to bureaucratic scrutiny. Perhaps it has to do with the elaboration of identity politics, among other things. Maggi underlines that love is at the heart of identity politics:

Who one loves and how and what one hopes that love will bring is an integral part of every person's identity. And in turn, what people in culture are expected or allowed to do with love is an integral part of every group's cultural identity. Communities decide whether to allow the desires people feel for one another to produce kinship - the larger foundation upon which most culture is elaborated (Maggi, 2006, p. 82).

Nevertheless, individual choice grounded in love as a prerequisite for modern marriage is a Western concept, and is not reflected in all other cultures worldwide. Anthropologists refer to non-Western cultures to explicate the diversity of marital experiences arguing that ideals attached to marriage, courtship and mate selection are not always characterized by emotional intimacy and companionship, and spouses do not necessarily exhibit such expectations before marrying their future partners (Hirsch & Wardlow, 2006; Reddy, 2006). On the contrary, in many societies around the world emotional attraction is largely irrelevant to arranging a marriage; love affairs do not necessarily lead to a wedding; and arranged marriages eventually transform into love relationships. In most agrarian group-based and kinship-dominated societies, marriages are arranged by the kin, and brides and grooms have virtually no right to disobey, unless they choose to elope with their "love matches".

Nowadays, love in the West represents a signifier of modernity and not only embodies a rupture from a traditionalist approach, but also becomes the main socially expected reason for two individuals to get married and stay together. However, the attitude toward marriage has not always been the same. How did the concept of love as a pre-condition of marriage come to dominate the Western narrative of modernity? Two factors have contributed to this shift of values during the period between the seventeenth and nineteenth centuries in Europe.<sup>72</sup> First of all, the transformation was triggered by industrialization and capitalism that followed the dissolution of feudal, peasant society and the emergence of market principles, increasing individualism and individual property (Macfarlane, 1987, p. 4). The bourgeoisie, unlike peasants, could choose a partner of their own preference, and not according to the kin's choice. Second, rapid reduction in

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<sup>72</sup> Although the timeframe of "love marriage" in the West is a contested question, some authors connect it chronologically to the bourgeois revolution of the seventeenth century in England and the process of industrialization. However, ideas about when exactly the companionate unions became a "norm" differ among historians and social scientists. Stephanie Coontz, for example, traces the modern emphasis on romantic love in marriage to the eighteenth century (Coontz, 2005). At the same time, Nancy Cott writes that by the Victorian era, the Americans were confident that marriage should be based on romantic love (Cott, 2000).

child mortality and increase of life expectancy had a considerable effect on the values attached to intimate relationships. In other words, relative affluence, demographic changes and the culture of individualism have contributed to the re-definition of love and marriage. As underlined by Nancy Scheper-Hughes (1993) based on her research among lower class women in Brazil, love constitutes a “bourgeois myth”, a luxury for those who can afford it. In a similar vein, Redfield concludes that “not many societies have been able to afford some approximation of romantic love as realized in marriage; peasant societies are certainly not among them” (Redfield, 2006, p. 151). Insofar as my subject of study is concerned, in this chapter I argue that the Western concepts of love and family formation permeate official discourse in regard to family reunification and transnational marriages, wherein spontaneous feelings devoid of materialistic considerations are viewed as the only legitimate reason to marry.

On the one hand, as we have seen from the paragraphs above, family has long been perceived as a stronghold against the State and “the symbolic refuge from the intrusions of a public domain that constantly threatens our sense of privacy and self-determination” (Hirsch & Wardlow, 2006, p. 5). On the other hand, families where one person is a non-EU citizen are exposed to a differential treatment in North America and Europe alike. Following the Western understanding of a marriage based on disinterested feelings and love bonds as opposed to pure pragmatism triggered by materialistic calculations, state officials verify marriage discourses of third-country nationals with German citizens through the idea of romantic love. All other marriages with non-EU spouses that are not pursuing the idea of emotional closeness and the goal of family formation are automatically classified as “sham” marriages, or marriages of convenience. Therefore, in order to qualify for a “bona fide” marriage, a couple has to comply with the requirements of exhibiting a spontaneous feeling as opposed to a manipulated sentiment. The latter embodies what Scheper-Hughes (1993) has called “political economy of emotion”—that is, the ways in which the meanings, values, and very experience of emotion are shaped not only by culture but also by material structures of power. In order to understand the fears behind marriages of convenience and why the authorities are interested in its governance, one has to, as suggested by Van Schendel and Abraham (2005), think as the state, examining the state parlance and the state's perspective on the incoming migrants. Without any doubt, the policing of bogus marriages is grounded on the certain constellation of fears and threats represented for the Western state. As Schaeffer (2012) points out:

For mainstream society, from Hollywood to Immigration Customs Enforcement (ICE), the marriage of convenience typifies a social contract that is not only outmoded but a threat to

modern societies based on love, or the freedom of choice, individualism, and democratic governance based on equality (Schaeffer, 2012, p. 38).

Besides being perceived as a threat to Western democracies based on the ideology of choice and culture of individualism,<sup>73</sup> another reason for scrutinizing suspicious marriages that lead to “citizenship for sale” are security considerations. There have been fears articulated by both scholars and security officials that marriage could be used as a means for terrorists and other undesired individuals to enter the country, especially in the wake of 9/11 (Kephart, 2005; Gartenstein-Ross & Dabruzzi, 2007). Furthermore, sham marriages are increasingly viewed as a threat because of the narrative of organized crime reinforced by state officials,<sup>74</sup> particularly in the UK where a number of criminal networks organizing bogus marriages for profit have recently been detected and prosecuted.

“Sham marriages”, or any other fraud performed by immigrants via providing wrong statements in order to secure a residence permit, is a punishable act. “The Criminal Lawyers’ Guide to the Immigration Law” (McWhirter, 2006, p. 203) defines two forms of “sham” marriage: 1) A contractual fraud when a citizen marries an alien in a collusive contract usually involving a fee with the understanding that the marriage will be dissolved after the alien becomes a permanent resident; and 2) A unilateral or “one-sided” marriage where the alien deludes a citizen into the marriage and abandons the citizen after getting permanent resident status. It is important to point out that marriage fraud may be committed by one party of the marriage, or a person who arranged a marriage, while the other spouse might genuinely intend to marry (Ibid, p. 203).<sup>75</sup>

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<sup>73</sup> Exploring marriage values and enactment of economic policies in the USA during the George W. Bush Administration, McLanahan (2006) argues that the notion of individual choice itself secures both the institution of marriage and conservative economic policy, giving people an incentive to take individual responsibility for the nation’s economic problems: ‘The Fox television network and President Bush both construct marriage as a national, public contract, while at the same time fostering the American belief in marriage as a private, intimate, and sacred bond’ (McLanahan, 2006, p. 42).

<sup>74</sup> In the UK, immigration officials, besides regularly reporting about success of cracking down on immigration offenders and organized crime of sham marriages, also encourage people to participate in crime detection by collaborating with the police <https://www.gov.uk/report-immigration-crime>.

<sup>75</sup> There are certain criteria that allow the immigration authorities to judge about the authenticity of marriage. According to a European Council Resolution as of 4 December 1997 on measures to be adopted on the combating of marriages of convenience, the following factors may give imply that the marriage is one of convenience: the fact that matrimonial cohabitation is not maintained; the lack of an appropriate contribution to the responsibilities arising from the marriage; the spouses have not met before their marriage; the spouses are inconsistent about their respective personal details, the spouses do not speak a language understood by both; a sum of money has been handed over in order for the marriage to be contracted (with the exception of money given in the form of a dowry in the case of nationals of countries where the provision of a dowry is common practice); and the past history of one or both of the spouses contains evidence of previous marriages of convenience or residence anomalies <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l33063> (Accessed 17 October, 2014).

The policing of marriage migration have been numerously depicted in the cinema, too. Although the drama “Import Export” (2005) from a famous Austrian film director is focused on female labor migration and further exploitation, it does touch upon stories of transnational marriages “for papers”. In the film, a co-worker of Ukrainian immigrant Olga, who comes to Germany and ends up working as a cleaning lady in the hospital, has married a 60-year-old German man in order to regularize her resident status. In the end, her German husband started extorting money from her upon the pretext that she was his wife illegally and therefore was supposed to help. Olga herself is faced with the proposal from a German patient who offers her marriage that would allegedly give her “more chances” in Germany.

One more recent German movie dedicated to this topic is a documentary by Britt Beyer “Werden Sie Deutscher” (2013). It narrates the life stories of three immigrants who take an integration course at a *Volkshochschule* in Berlin, implicitly posing a question of whether full integration and being “German” is indeed possible after fulfilling all the legal requirements for *Einbürgerungstest* (citizenship test) such as completion of an intensive language course, passing exams and residing in the country legally for a certain number of years. A part of the movie is based on the life story of a Bangladeshi man Shipon who is married to a German woman. Although the couple are married, live together, and have a child, he is denied residence permit extension because of the suspicions in sham marriage. In order to appeal against the decision of the authorities and fight for Shipon’s right to stay in the country with his family, both him and his wife embark on a long bureaucratic process at a local *Ausländerbehörde*, or an Immigration Office. As the story evolves, it becomes clear to the viewer that Shipon’s case got into the file of “suspected” cases just because of his nationality and probably of his past history as an immigrant in Germany who came to the country at the age of 17. Had he been North American or Australian, he would most likely not have had to endure all the procedures of interrogation and fear of being deported. Bi-national couples where one of the spouses comes from an economically weak country are always under the suspicion of marrying each other with the sole purpose of providing one of the parties with a residence permit.

The policing of intimacy is deeply interwoven with the way the state approaches questions of citizenship and immigration policy. It is maintained that until recently international migration theory has paid scant attention to the role of states in causing, controlling and shaping migrant flows (Aleinikoff, 2011, p. 267). The policing of marriage migration is defined and determined by the prevalent state’s vision of migration control, or, in other words, by the holistic idea of who is welcome in the country and who is not. Marriage migration control can be executed at three levels: preventive level (through the actions of a civil registrar); repressive level (through the

practice of annulment); and through a possible criminal conviction with a fine or a term in prison (Foblets & Vanheule, 2006).

While a significant body of legal scholarship sheds light on current legislation regarding “sham” marriages and marriage migration control (Foblets & Vanheule, 2006; Kringlebach, 2013; De Hart, 2006, 2013; D’Aoust, 2013; Parkin, 2012; Müller, 2012), there is a lack of understanding of why the individuals engage in such marriages and how they cope with the punitive attitudes of immigration authorities. It is known that people involved in moving objects, people, and practices across state borders may or may not share the state’s categorization of their activities as criminal. If they consider their activities licit, they present us with yet another contradiction in defining il(licitness) (Van Schendel & Abraham, 2005, p. 25). Indeed, the individuals considered by law enforcement officials as lawbreakers or criminals might hold different views of themselves. In other words, “what state officials view as illegal and therefore criminal behavior may be considered well within the bounds of the acceptable by those who display this behavior and by the communities to which they belong” (Ibid, p. 25). Focusing on Ecuadorian labor migrants in Spain, Kyle and Siracusa (2005) approach undocumented migration through the moral reasoning of migrants and their powerful legitimizing discourses that challenge state point of view:

What has been lacking from most public debates and new reporting on migrant smuggling and human trafficking is the empirical reality of how migrants themselves view their actions... [...]. By understanding the political and moral reasoning of undocumented workers and those who aid them, we gain a better understanding of why so many non-criminals are choosing to collectively disregard some states’ immigration laws prohibiting unauthorized entry and work (Kyle and Siracusa, 2005, p. 155).

In a like manner, in the present chapter I pose the following sub-questions: how do marriage migrants who engage in fraudulent techniques such as sham marriage or sham fatherhood describe and rationalize their experiences and decisions? Do they associate themselves with lawbreakers, and if not, what are their points of view regarding their actual or perceived wrongdoing? The next case studies represent insights into Daniel’s, Ksenia’s, Natalia’s and Bruna’s stories that once again exemplify the complex relationship between licit/illicit and challenges the dominant state vision. Their narratives follow with the cases of Gabriela and Vatsana that, while continuing the subject of legitimizing discourses and binary of victim/lawbreaker, facilitates our understanding of marriages of convenience and sham paternity in the German context

### 6.1.2. “Remember, Ksusha, you only like blue”

I sip on a coffee while waiting for Daniel to show up on Skype. We have previously agreed to speak on a Thursday night, as I was curious to get updates about his life and his new romance with a Russian lady. He knew I had been writing a dissertation dedicated to bi-national couples, and was always eager to share information with me. At that point of time I was interested in what role websites played in transnational courtship and relationships. Daniel is a 38-year-old German citizen who had previously been married to a Colombian lady but during the last two years he has frequently been traveling to Moscow for business purposes, and because of geographical distance we had to speak online. I knew he did online dating on several Russian websites such as “Anastasia” and “Russia Cupid”. A few minutes later, the little circle below his Skype picture turned green, and I immediately receive a call. “Guess what” - he laughs - *“I got married again... After knowing her for a few months”*. My jaw drops, and I am wondering whether he is joking or not as he continues giggling. *“Congratulations!”* - I finally mumble and smile. *“No, wait”* - he interrupts me - *“It is not a real marriage. You know, not the one I am looking for. It is for papers. Her name is Ksenia”*.

Apparently, tired of applying for a Russian visa every time, Daniel decided to marry a Russian woman in order to obtain a permanent residency. Ksenia, on the other hand, was involved in tourism business and travelled a lot to the European Union. In addition, she was envisaging the possibility of settling permanently somewhere in the south of Europe – for example, in Spain or in Italy. The only obstacle for her was absence of permanent residency that would allow her to live in the EU. Daniel and Ksenia (also known as Ksusha) met each other on one of the international websites for dating where both listed their profiles, hoping to find a soulmate. Although a romantic relationship did not work out, the couple suddenly decided to strike a deal: to get married “for papers” which would be beneficial for both. I ask whether Daniel was not scared of getting caught. Neither him nor Ksusha knew each other well. What if the authorities started asking questions?

“When we came to the embassy to find out about our marriage, I was a little bit scared, as I had already inquired about marriage documents with another girlfriend... I was afraid they would recognize me and understand that our marriage was going to be fake... However, everything went smoothly... Ksusha wore a wedding dress that she had borrowed from a one of her Russian friends. We had also borrowed rings [laughs]. Of course, we discussed what happens if they start asking questions in separate rooms... What



if they ask about our favorite colours or other tastes? I told her: Ksusha, remember, you like everything blue.”

When a couple of weeks after this conversation, I finally got hold of Ksusha, a 29-year-old Moscovite, she didn’t seem as relaxed as Daniel. Her point of view was quite sceptical:

“I am not sure if it was a good idea. Yes, I am aware of the possible questions they might ask if I decide to move abroad. We have already spoken about it, and I have learned some Daniel’s habits and tastes, but what if they ask some intimate details? I’ve only known him for 3 months.”

Instead of rationalizing her actions, Ksenia rather maintains that her behaviour did not put anyone in danger:

“Yes, I know it’s illegal, but so what? It doesn’t harm anyone. It takes so much time to apply for visas. And the governments, regulations? Who cares about them. At least now I can have a German visa as Daniel’s wife. We haven’t discussed it in detail yet, but maybe later I could also apply for a passport to live in the EU.”

At the same time, she expressed some doubts:

“But then, you know... Now I am single, I can do this kind of things. But what happens when I meet someone? How do I explain him that I am married? Well I hope he will understand me.”

Though Ksenia was not as easy-going as Daniel, neither of them seemed to be scared or stressed out. It is important to point out that Daniel and Ksenia belonged to middle and lower middle class respectively, and neither was financially struggling. The sham marriage, instead of being an instrument of survival, was rather a means of convenience that facilitated international travel or business for them. This case study exemplifies how the theory of capitals and exchange theory work in the matrimonial field, and shows new variations in the theory interpretation. Although in the theory chapter I did take a note of the critique of Bourdieusian theory, here it is clear that both Ksenia and Daniel took advantage of the capitals they possessed, albeit not in the conventional way, as frequently suggested by academic literature (Glowsky, 2007; Farrer, 2010; Tseng, 2012). Ksenia utilized her political capital, or citizenship, as opposed to taking advantage of her erotic capital. By exchanging her political capital and obtaining freedom of mobility in Europe, her actions reinforce the idea that foreign wives from non-EU countries are not necessarily financially desperate individuals, and other factors might come into play.

Without any doubt, while discussing the subject of foreign wives, one needs to take a factor of class into account. Over the course of my research I have noticed that it is social class, and not racial, ethnic or national differences that mattered and created tensions between the spouses or subjected a person to certain risks. Natalia, another informant of mine, was faced with a

completely different situation prior to arranging a “sham” marriage, and her status was more precarious and vulnerable than Ksenia’s. Natalia is of Ukrainian origin. She left the country with a fake passport many years ago. Her aunt and uncle were working in the south of Italy, and she was thinking of joining them. Her family’s situation turned out to be different in Italy, and eventually she decided to go to Germany where she had a few friends. Since then she has been abroad as an undocumented worker before she managed to marry a German man “for papers”. She confesses that it was not easy time because she could not get any stable job due to her illegal status. She has been working as a domestic worker baby-sitting and cleaning houses. Things changed when she met Thomas, and the couple got married.

“I paid him around 6.000 EUR. We did not live together, but our mailbox was in the same name. Here it is the same as if you lived together. No one knew I lived in a different neighborhood sharing an apartment with a friend. If the immigration authorities wanted to check, my name was on his mailbox, and I received all my correspondence there.”

While telling her story, Natalia is proudly flipping over the pages of her German passport — we are speaking in the airport, and both are ready to take off to Ukraine. Natalia is now working at an elementary school as a teaching assistant for kids with special needs. Not only is she able to save up money and afford a separate apartment, she can also send remittances back home. Being a German citizen now, she does not want to spare details about her German husband — he is her “past”, and nothing more. Instead, she is preparing to file for divorce, as this time she wants to marry “for love”, as she puts it. She flies back home to a small village in the Carpathian mountains of Western Ukraine twice a year, every time she has a holiday or days off, to meet her new Ukrainian boyfriend. As with many other couples that I interviewed, low-cost airlines such as Wizzair are a necessary prerequisite for frequent travels abroad.

“I met someone else back home. He doesn’t know I married for papers. I hope I can get divorced soon and bring him over to Germany. But, at the bottom of my heart, I am a bit scared: what if he also wants to build a relationship with me because of my EU passport? These are funny thoughts that come to my mind [smiles bitterly].”

Regarding her law-breaking behaviour and her reflection about it, Natalia is adamant that she was entitled to do what she had done:

“Do you know what big corporations and companies do? They rob us, augmenting their profits. We are just “small people”, you know what I mean? We do not bother anyone. We

do not harm anyone. [...] I don't think what I did was morally reprehensible or... On the contrary, I would have done it again and again. This is the way to survive. It is not wrong."

Moreover, she claims that her actions were not illicit because "a lot of people act the same way". Plus, she points out that German nationals also engage in similar techniques but never get punished:

"I know a few friends who married Germans or other EU citizens for papers. There were so many who left to Israel or the USA with fake papers in the 1990s. I don't think it's new for anyone. In fact, Germans themselves get married for benefits. My German teacher got married to her friend to pay lower taxes. She told us about it once, and she did not feel scared or intimidated. And they never get caught."

The idea of lack of punishment of German nationals was a recurrent topic during my interviews. The logics of "why can they do what we are not entitled to" was the dominant motive while talking about the policing of marriages, welfare subsidies or tax evasion. Furthermore, it was pointed out that even if German nationals do engage in fraudulent marriages and there are some doubts, the registrars or police would never interfere and launch a fully fledged investigation, as happens in the case of foreign nationals.

### **6.1.3. Marriage investigations in action**

The process of investigation of whether marriage is "fake" or "genuine" sometimes involves interrogation of neighbors, search of personal belongings with the goal of finding any proof of whether it is "real" or not, such as signs of actual cohabitation, intimate correspondence, wedding pictures and other wedding attributes (rings, dresses, gifts). A similar investigation can be initiated also upon someone's denunciation to the police that the marriage was fraudulent.

Bruna is a Brazilian citizen who met her German husband while he was collecting data for his PhD project in linguistics in her hometown, Salvador da Bahia. The couple fell in love, and then decided to travel to Europe and get married there. Although Michael was keen on staying for some time in Brazil, Bruna was curious to discover a new life in Germany, and she was the one who took initiative and decided to move to Europe. After two years of marital life in the suburbs of Hamburg, Bruna was slowly learning the language, had a part-time babysitting job and overall represented a successful example of integration. Besides Germany, the couple managed to travel together abroad, too. They went to Barcelona and Paris, places that Bruna

dreamed about while living in South America. Bruna was quite satisfied with her new life, hoping that some day she would be able to invite her family members to visit her.

The problems started after someone denounced the couple to immigration authorities claiming that their marriage was fraudulent. Bruna herself found out about it accidentally: one of the neighbors told her husband that while they were at work, the police officials were inquiring about their marital life showing her pictures and asking information from the persons living in the houses nearby. The officials were interested whether Bruna and Michael were indeed cohabiting, whether they had a genuine relationship, and whether they appeared in public together. One of the neighbors who had friendly relationships with Michael informed him about the police visits one day. Once the immigration officials visited them in the evening. This is how Bruna described her first encounter with the police<sup>76</sup> in her house:

“Once they finally came when we were at home... I remember this unpleasant moment very well... It was a beginning of winter, and the streets were muddy... I remember it because the guys [police] did not bother to take off their shoes, and entered just like that, with dirty shoes... And we had a carpet on the floor... They started speaking to us implying that I was a criminal... Then we had to answer the interrogation in separate rooms... It was weird. And I had a feeling that I was a terrorist or I don’t know... someone dangerous. They were also politely asking Michael if he was indeed serious about continuing relationship with me.”

“Luckily, I am really into details. We have so many pictures from our European trips, and also from our wedding. Even though my parents could not attend, you know it’s difficult to arrange visa and everything, we did have a wedding with Michael’s family... Nothing special, not too fancy, we had no time for fancy things as my visa was about to expire, you know what I mean, but I wore a dress. [...] We have those pictures everywhere, and I still have my wedding dress in the closet.”

Eventually, the immigration officials realized that there were no suspicious signs about Bruna and Michael’s marriage. The couples did cohabit at the address where both were registered, Bruna was working and already finished her integration course, and the house had an impressive amount of “love marriage” proofs, including pictures of leisure time together, and material artefacts commonly associated with a “love” wedding. Their narratives were flawless, demonstrating full awareness of each other's characters and tastes. It is just the reminiscences of intrusion in their personal space that bothers Bruna, and the fact that one her friends turned out to be a traitor:

"I know who did that. I mean, I don’t *know*, but I suppose that it was another Brazilian who is jealous of me. She thought I had something with her husband, but it’s not true. She’s so stupid. She hates me. She thinks I’m more successful... If not her, who else? I’ve discussed it with my husband, and we definitely think it was her.”

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<sup>76</sup> Although most likely these were immigration officers from Ausländerbehörde, Bruna uses the word “police”.

“It's unfair that innocent people suffer. You know, it's like... You do everything right, and then they accuse you. And why? This is because someone who is supposed to be a friend calls them to denounce me. It's not fair.”

The case of Bruna exemplifies why the topic of the policing of bi-national marriages triggers a great deal of controversy in the framework of the debates on fraudulent vs. credulous or foreign vs. native. Furthermore, it shows how the individuals involved in the illicit activities situate their opinions in the overarching theme of societal debates in Germany. While the case of Bruna does not shed light on the way the capitals are represented, the interviews with Michael, Natalia and Ksenia help us to develop an understanding of the social capitals' value for a cross-border bi-national marriage. Natalia's insights are particularly valuable for this study. She confesses: “It was almost impossible to find a job before I got married to a German national. I used to do babysitting for a few acquaintances but how long can one live like that?” During our interview, she emphasized a few times how important acquisition of a residence permit (and then of a German passport) was for her future life and career advancement. In the case of Michael and Ksenia, besides the importance of capitals, we could see how the social exchange theory works. However, unlike a common exchange when beauty, youth, fertility attitudes or social skills are exchanged for a status, socio-economic or political stability, Ksenia and Michael both received a possibility of a wider array of carrier options and geographical mobility. Now Michael, as a spouse of a Russian citizen, can open his business in Russia without any restrictions, and Ksenia is allowed to travel around the European Union and possibly settle in one of these countries.

## **6.2. Solidarity marriage as a legalization strategy: Between kindness and crime?**

Physical, social and moral boundaries are constantly crossed in late modernity. As we have seen, they are transgressed because of individual movement, social mobility, the coincidence of values and problems both sides of any line and the tremendous incursion of the mass media which presents city-wide and indeed global images to all and sundry while creating virtual communities and common identities across considerable barriers of space

(Jock Young, 2003, p. 396).

### **6.2.1. Gabriela, irregular migration and marriage**

As we can conclude drawing on previous chapters, there are two critical narratives revolving around inter-marriages of bi-national couples: the fact that a woman can be victimized by a husband abroad and the fact that a marriage can be used for instrumental purposes such as acquiring citizenship or securing a residence permit. If the first point of view is voiced by human rights activists, social scientists and legal scholars (Belleau, 2003; Hughes, 2004; Lee, 1998; Chun, 1996) and has already been discussed in literature review and chapter 5, the latter perspective is at the heart of the policing of marriage migration carried out by the authorities.

Nevertheless, bi-national marriages can aim at emulating certain moral ideals. Although most of the well-known cases of sham marriages do include exchange processes and financial benefits received by an EU spouse (in the case of Daniel, he will receive a permanent residency in Russia, in the case of Natalia's husband he charge money), there are certainly exceptions. A sham marriage can be interpreted not as a criminal act, but as a humane behavior, a noble act of a "good Samaritan" seeking to help his proxy (Kücük, 2005). As a logical continuation of the previous sub-chapter, in the present case study through the story of Gabriela I pose the following questions: how do marriage migrants who engage in fraudulent techniques such as sham marriage describe and rationalize their experiences and decisions? Do they associate themselves with lawbreakers, and if not, what kind of legitimizing discourses do they generate regarding their actual or perceived wrongdoing? Furthermore, how is the issue of sham marriages framed in the context of Germany?

Gabriela, whom I met at one of the language courses of conversational German in Hamburg while conducting "snowball sampling", came to Germany 6 years ago from Ecuador with the main objective to work and earn money. Although most of her relatives and friends at that time chose Spain as a country where they would not have any language problems, she opted for Germany, as she heard it was a place with abundant economic opportunities coupled with personal security, which was lacking in her own country. Back home in Guayaquil, a coastal city in Ecuador, she managed a small business of a hairdresser's salon that caused more losses than profits. She describes it as a turbulent time, when once in while she would get robbed by local criminals. She had also been assaulted on the street in the middle of the day, and hence she never felt secure in her home city. The decision to move to Germany came quite spontaneously,

after one of her close friends moved to Bremen. She came to Hamburg as a tourist, and decided to stay. Having found a part-time job illegally cleaning a house of a German family via some of her Ecuadorian contacts, she was trying her best to remain unnoticed:

“In the beginning I took all the measures of precautions. I knew: if police catches me, I have no chance. I tried walking alone, as I knew there was a higher chance of getting caught while in a group. I also couldn’t send money to my family because I knew the police was vigilant. When Ecuadorians go to send remittances, that is when they get caught. Instead, I kept money home [...] Even at my own house I was quite frustrated, as I was afraid someone suddenly could enter and grab me. So I was hiding...”

While being under the constant fear of detection during her undocumented stay in Germany, Gabriela considered many options. One of them was to marry a German man or an Ecuadorian who had an EU passport. However, she could not afford to pay for it because the usual price of the “marriage deal” was 7.000 EUR at that time, and after paying her tickets to Europe she was completely broke. The marriage idea was a common one amongst the Ecuadorian community in Hamburg. Some had already managed to get “*papeles*” or came to Germany with a Spanish passport, and were eager to help the compatriots in exchange for a sum of money. However, Gabriela was reluctant to pay for a marriage, partly because she did not have enough money and partly because she did not trust people who offered her such a deal. One night, despite all the precautions she had taken, Gabriela was arrested while walking on the street with a couple of Ecuadorian friends and brought to prison.<sup>77</sup> She did not seem eager to share memories about her time in detention, except for the fact that she was dreading the idea of returning back home to Ecuador penniless. Since she did not have a valid visa to stay in Germany, she was threatened with deportation as soon as all bureaucratic procedures were over. Not having any alternative at hand, she decided to call Hanspeter, the only German she knew.

“When he heard about my troubles... He offered me to get married. Just like that, because he was against all the migration controls in his country, and he believed there shouldn’t be any borders. He was very sympathetic about us, people “*sin papeles*” (without documents). [...] Eventually, it was not possible for me to stay in Germany even though he was willing to marry me. I had to go back to Ecuador, apply for a spousal visa, and come back.”

After Gabriela left for Ecuador, Hanspeter paid all the visa paperwork. He went multiple times to the Alien’s Office trying to find out about the rules and inquire whether their spousal

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<sup>77</sup> According to Global Detention Project, unlike the vast majority of EU countries, Germany makes wide use of its prisons to hold non-citizens in administrative detention  
<http://www.globaldetentionproject.org/countries/europe/germany/introduction.html> (Accessed 1 March, 2014).

visa application was ready. In a bit more than one year, Gabriela received a clearance visa to re-enter Germany. According to Gabriela, in the beginning it was all “for papers”, but gradually they both re-evaluated their feelings, and now it is “for real”. The couple has a long-distance relationship, since Hanspeter works and lives with his elderly parents in Hannover, and Gabriela prefers Hamburg that is about one hour away by car. Both do not want to move in together, and instead see each other on weekends. Hanspeter mostly comes to Hamburg for a couple of days, since Gabriela does not get along with his parents. He has twice visited Gabriela’s family in Ecuador — the couple travelled there for a summer holiday. Despite being in possession of a valid visa, Gabriela still prefers working in “under the table”, since this way she can maintain a free housing and does not have to pay income taxes.

Unlike some of her friends, Gabriela did not face any strict interrogation or surveillance of her private life related to the enquiries of whether her marriage was “fraudulent”, even though the couple lived apart and, according to EU definitions, – it could be considered as a fraud. This is how she describes her experience of dealing with authorities:

“Last time I went to extend my residence permit in the Alien’s Office, and it was very easy. No one asked me questions. Except for one of the ladies who told me I had to put more effort into learning German. I have been here almost 7 years, but I still do not understand people well. I told her: yes, I will learn, I will learn [smiles]. I think it is really easy in Hannover because it is a smaller city. I have heard from other Latino friends that it is not like that in Hamburg or Berlin. They are confronted with all kind of questions. One of my friends also married for papers, and the Alien’s Office workers were quite suspicious. They called both of them for several interviews.”

As the immigration lawyer concludes when asked about sham marriages among his clientele:

“From time to time I have clients who seem to have a sham marriage, but we do not really discuss it, unless it has a direct link to the case. How do I know it? I see the couple is applying for divorce, but they do not speak a common language. Once I had a client who has married his best friend so that she did not have to go back to her country after completion of studies in Hamburg. At the same time, both had “real” partners. This does not surprise us any more.... [...] But I have never seen a case of sham marriage brought to the court in Germany, at least it did not happen in my practice” (Lawyer 1)

The right to join a spouse who is a legal resident in Germany is a basic right that is not only codified through international human rights conventions, but is also incorporated into the Constitution, as according to the article 6.1 of German *Grundgesetz* marriage and the family enjoy the special protection of the state (Aybek, Straßburger & Yüksel-Kaptanoglu, 2015, p. 24). Under German legislation, following a marriage to a German citizen, a spouse from outside of the



European Economic Area is legally entitled to a residence permit under Residence Act, or Aufenthaltsgesetz (AufenthG). The condition is that a spouse with German citizenship has his/her habitual residence in the Federal Territory. Notwithstanding the fact that there are criminal groups involved in organized crime linked to “marriages for papers” in the European Union and sham marriages are framed as a threat to the state, it also happens that marriage is contracted because of pure and idealistic motivations, such as the quest for equality regardless of citizenship status and the desire to help to undocumented migrants. My conversation with Hanspeter demonstrated that motivations for sham marriages can be linked to political ideals beyond visa regulations, and as an act of resistance against the existing governmental stance on immigration. Hanspeter belonged to a left-wing organization and volunteered in a non-profit organization that took care of refugees, and has long been sympathetic to rejected asylum seekers and undocumented migrants from Latin America. Speaking about his socio-political position regarding migrants in Germany, he underlines:

“I don’t believe in borders, they are artificial entities created by humans. I would do what it takes to challenge existing system. [...] They would have deported her [Gabriela] without any possibility of coming back to Germany, if not our marriage. I find it unjust and inhumane.”

“States are big machines to control our actions. [...] One needs to show resistance, some sort of resistance to support underprivileged ones, exploited ones.”

### **6.2.2. “Schutzehe” and German background**

On 1 May 2006, hundreds of thousands of people marched the streets of various cities in the United States to protest against the persecution of irregular migrants. The “Day Without Immigrants” protests were part of a series of events staged in spring 2006 as a grassroots political response to the plight of the growing number of non-citizen migrant workers in the United States (Heiskanen, 2009). In an “L.A. Weekly” article entitled “Make a run for the altar” Arellano describes how some US citizens of Latin American background residing in California take risks exercising their right to marry an undocumented migrant to protest against punitive migration legislation (2010). Such risk-taking through marriage can be understood as a kind of transnational activism. Recent research on transnational political activism suggests that its

effectiveness is related to networking and alliance building, nationally and transnationally (Piper, 2007).

In Germany, a new wave of political activism aimed at support and demonstration of solidarity with migrants and undocumented individuals emerged following Lampedusa events. On the 2nd of November 2013, a public demonstration was held in Hamburg campaigning for the rights of West African migrants who were denied asylum in Germany and were in danger of deportation. More than 10,000 people participated, and the event was followed by several other public initiatives that similarly gathered large numbers (Böhm, 2014). Squats, left-wing political organizations and even religious institutions, including St Pauli Church, opened their doors to host the refugees (Leurs & Ternieden, 2013).

In regard to fraudulent marriages and the policing of non-citizens, in Germany the topic of inquiries into bi-national families' private lives has received wide coverage by journalists and human rights activists after a German-Turkish couple, following immigration authorities' investigation, brought their case to the court in Bremen (Dernbach, 2012). The Alien's Office decided that it was a sham marriage, because it allegedly found some disparities and inconsistencies in the spouses' answers to questions about their private lives. The couples' lawyer maintained that interrogation and search of their home violated their fundamental right to privacy and "informational self-determination" (Gösner, 2012). German language has a term "*Schutzeh*" which means "protection marriage" and encompasses situations wherein a German national marries an undocumented person to help the latter avoid expulsion or necessity to leave the country when his visa expires.

Based on the media discourse analysis of Internet-based newspapers and other materials in German language regarding "*Scheinehe*", I argue that in Germany this question has recently been discussed in regard to human rights, migration and integration of migrants. The questions posed to the couples during the interrogation as well as the whole concept of surveillance of couple's intimate lives by government authorities are sharply criticized by human rights activists (Dernbach, 2012; Havlicek, 2010). Furthermore, the advocacy for the rights of undocumented migrants includes online resources such as the website <http://www.schutzehe.com> that publishes a guide on how to marry for the purposes of residential security and advises bi-national couples how to prepare for the interviews with the authorities.

Reflecting on the essence of the term "solidarity marriage", how can this concept be

explained in the German context? There are several reasons stemming from German history. Through a historical vantage point, Hollifield (1992) argues that the new federalism in postwar Germany and the conscious suppression of the nationalist and militarist ideals of the unitary Prussian state (which are held responsible for the conformism of prewar German cultures) have contributed to the development of liberalism in German politics (Hollifield, 1992). Furthermore, German political parties, in contrast to their French counterparts, have gone to great lengths to avoid politicizing immigration policy in order to repress nationalist sentiments and to avoid even the hint of the racist policies of the Third Reich (Ibid). In a similar vein, Ellermann (2006) contends that the history of the Holocaust has given rise to a political culture shaped by a particularly profound ambivalence about the state's use of coercion. Immigration bureaucracies thus operate in highly politicized milieus characterized by sustained grass-roots mobilization against particular deportation cases (Ellermann, 2006). Therefore, the historical legacy of the twentieth century has produced a complex ambivalence toward the use of state power and coercion in contemporary German society.

The other reason consists in the fact that the construct of “illegal migration” is relatively new in Germany, coinciding with the end of guest worker programs in the early 1970's (Castañeda, 2010). Even though “Überfremdung” and “Fremdkörper” concepts- have been circulating in German-speaking discourse during different historical times, they have also consolidated the left movement triggering grassroots responses in support of migrants. The quest for the protection of migrants' rights, particularly the rights of foreign spouses, bi-national marriages and potential simplification of legal obstacles linked to family reunification is not a new phenomenon. Its origins could be traced back to 1972 when IAF (Alliance of German Women Married to Foreigners) was founded by a group of German women married to Middle Eastern men. The main idea underpinning IAF's was that “women and foreigners have the same problem”, and emancipatory goals for women cannot be separated from German policies regarding foreigners (Woesthoff, 2013). Foreigners' rights advocacy regarding citizenship and bi-national couples has remained strong since then, this strength being exemplified by the activities of NGO's and networks created for migrants such as “*Verband Binationaler Familien und Partnerschaften*”.

According to the study commissioned by *Diakonisches Werk* Hamburg, one of the biggest non-profit service providers in Hamburg, as of 2009 there were between 6.000 and 22.000

migrants residing in Hamburg without a valid residence permit (Diakonie, 2009). The study has established that most of the paperless migrants who live in Hamburg come from Latin America and West Africa; the immigrants originally from Ghana and Ecuador are predominant. Social workers assume that these people tend to look for support within their own ethnic networks rather than from official sources or advice centers so that they are less visible. The latter fact was also confirmed in the interviews with Gabriela, since she mentioned a couple of times that before being detained she tried to avoid getting together with fellow Ecuadorians. As de Giorgi (2006) points out, irregular migrants are in essence not detained because of individual crimes or behavior, but because of their membership of a group that is classified as dangerous, or at least unwanted. In Germany irregular residence is a criminal offence that is usually punishable with



fines and detention (van Kalmthout et al., 2007, p. 64). However, even though irregular residence is a criminal offense in Germany, irregular migrants are not usually detained under criminal law (Düinkel et al., 2007, p. 377).

Hamburg turns out to be a city where it is common to spot the graffiti “*Kein Mensch Ist Illegal*” (“No Human is Illegal”)<sup>78</sup> on the walls close to the port, or to discover a wide array of initiatives supporting migrants without papers under the motto “*Papierlos heißt nicht rechtlos*” (“Paperless does not mean rightless”) such as protests, language classes, yoga courses or other empowerment practices or campaigning. Some claim that Hamburg has always been an arena for political resistance, which can be exemplified by the struggle against privatization and high rental prices (Wilde, 2014). Besides “Diakonie” and the network “Kein Mensch ist illegal”, many other organizations help to the undocumented migrants or to the migrants whose visa is about to expire.

As Amaya, one of the NGO workers told to me:

“At our NGO we are not supposed to help to undocumented migrants, since there are so many other organizations that provide assistance. And yet I do it. If a woman without papers asks for an advice, I do all my best, but don’t include in the statistics that she

<sup>78</sup> “Kein Mensch its Illegal” Network has its parallels with “Sans Papier” movement in France which emerged in the mid-1990s as a coalition among undocumented migrant workers and asylum seekers asserting the right to live in the country on the basis of cultural ties with France (McNevin 2006).

doesn't have a residence permit. I don't believe in borders" (NGO worker 3).

Hanspeter's ideas resonate with the above opinion expressed by the service provider in support of undocumented migrants. Gabriela's husband does not see himself as a lawbreaker but rather as a protector of the underprivileged and marginalized individuals. Whereas a criminal law system would classify him as a "wrongdoer", Hanspeter views his action as morally justified rather than deviant. I suggest viewing Hanspeter's behavior through the prism of labeling theory.

Cultural criminology attempts to explain why some groups develop criminal responses, when others continue to conform, through labeling theory or the concept of "thrill". In regard to the motivations of such lawbreaking behavior, as opposed to rational theory that draws on social control and lack of opportunities, Jock Young suggests that the motivation to commit crime is not mundane but the revolt against the mundane. In a like manner, rules are transgressed because simply because they exist, and risk becomes a challenge, and not a deterrent (Young, 2003, p. 391). Furthermore, "the creeping criminalization of everyday life" as Mike Presdee puts it (2000, p. 159) provokes transgression rather than conformity (Young, 2003, p. 391). Sharing the political bias of being on the side of the transgressor, cultural criminologists notice that "crime is seldom mundane and frequently now miserable" (Hayward & Young, 2004, p. 264).

Approaching the issue of "protection marriage" through the prism of labeling paradigm of criminological theory, it is essential to highlight the debates on contestations of criminality that informants in the present case study articulate. If "criminal" is more a social construct than natural category, then one could argue that the behavior of those labeled as criminals by state institutions is not morally reprehensible (Kyle & Siracusa, 2005; Coutin, 2005). Coutin (2005) in her research on Salvadoran irregular immigrants maintains that analyzing contestations of criminality makes several contributions to criminological theory. First, examining the instability of "the criminal" suggests that, when mapped onto individuals, demarcations between "offenders" and "non-offenders" are too sharply rendered. Second, examining how individuals contest their criminality makes it possible to delineate social processes that make the distinctions between law and illegality unclear. Third, contestations of criminality suggest that, rather than being an objective phenomenon or a clear-cut category of persons, "the criminal" is defined and redefined through societal processes (Coutin, 2005; Ferrell & Sanders, 1995).

"Who labels whom" is regarded as a political question by labeling theorists. Approaching the issue of "protection marriage" through the prism of labeling paradigm of criminological

theory, it is essential to highlight the debates on contestations of criminality that informants in this case study articulate. If the concepts of “transgression” and “criminal” are more products of labeling than natural categories, then one could argue that the behavior of those labelled as criminals by state officials is not morally reprehensible. Hanspeter would be labeled as a transgressor by state institutions but his own idea represents a mixture of rebellion and resistance, laying the ground for a strong rationalizing discourse and demonstrating a drastic difference between meanings attributed to deviant actions. Being a product of authorities’ negotiation, marriages of convenience motivated by political activism and moral intentions represent a site of resistance to the punitiveness of migration control.

The abovementioned case study demonstrated that logics of social control generates new strategies for challenging social exclusion and acquiring membership. However, a phenomenon of “solidarity marriage” poses a series of questions for a researcher. Besides theorizing how individuals circumvent migration law with the help of marriage, it is essential to examine how the main actors reflect on it and what kind of contestations of criminality they utilize since a thorough analysis “further destabilizes these categories, and provides an important corrective to those who would distinguish too sharply between law-abiding and criminal persons and acts” (Coutin, 2005, p. 24). Entering into a “bogus” marriage for the sake of saving a person from deportation, according to official definition, is a victimless crime such as prostitution, fraud, and blackmailing. While one can argue to which extent victimless crime can be considered as harmful to the society or state, neither Hanspeter nor Gabriela believe that it harms anyone. Furthermore, they present powerful rationalization discourses based on the political ideology of resistance and opposition to state determined by the necessity to legalize Gabriela’s immigrant status. Generating legitimizing discourses, Hanspeter contends that law itself is illegitimate, and “borders should be abolished”. In doing so, he reinforces his political vision and his position on illegal migrants, and uses marriage as a strategy to advance his political activism. Although civil activism in support of undocumented migrants is a universal movement aimed at protesting the lack of existing options for legalization of migrants, border surveillance and selective approach to political membership, there are several main points to be made in regard to the German context of research. Bi-national marriages and “protection marriage” movement in Germany are closely intertwined with immigration policies and left-wing political activism. I argue that “*schutzehe*” is a unique perspective typical for the German context which could be explained by the historical and socio-cultural reasons, as well as by German political culture that rejects use of coercion by state power, promotes self-governance and encourages critique of governmental

decisions. Likewise, Germany, compared with other EU countries, boasts a higher number of non-profit organizations focusing on the social services and public health that also greatly contribute to the civil activism in support of migrants and trigger rationalizing narratives of “protection marriage”.

### **6.3. Sham paternity and interrelations of victim and perpetrator**

What is blood? The many meanings of blood vividly attest to its polyvalent qualities and its unusual capacity for accruing layers of symbolic resonance. Life and death; nurturance and violence; connection and exclusion; kinship and sacrifice – the associations multiply, flowing between domains in a quite uncontainable manner

(Janet Carsten, 2013, p. 1).

#### **6.3.1. “Anchor child” and Germany**

As the case studies of Ksenia, Natalia and Gabriela have exemplified, cross-border transnational marriages or partnerships can be a powerful tool not just in terms of upward social mobility for the women concerned, but also in terms of them being allowed to legally stay in their new country. Although a large body of literature examines the experiences of migrant wives abroad and the allegations of trafficking and victimization, very little has been written about the children in such unions and what role they play for the mothers. Besides marriage as an avenue for migration, in everyday parlance one can sometimes refer to children in transnational couples as the so-called “anchor babies”. The term, mostly used in the North American context, is thought to originate in the related derogatory term “anchor child,” which was used in reference to the children of Vietnamese immigrants coming to the United States following the Vietnam conflict, and from the idea that the children of unauthorized migrants are dropped (like an anchor) in a new country, thus tying the child’s family to it (Maples, 2014, p. 50). While “anchor child” refers to a very young immigrant who will later sponsor immigration for family members who are still abroad, “anchor baby” refers to children born in the United States to undocumented migrant parents who are thought to have been conceived in order to improve their parents’ chances of attaining American citizenship<sup>79</sup> (Ignatow & Williams, 2011, p. 60). The term has pejorative connotations, and yet is frequently used in the mass media and political discourse, and mirrors legal regulations regarding citizenship rights conveyed by birth.

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<sup>79</sup> The term is considered by many to be racist and dehumanizing, as it implies that undocumented migrants are having children in the United States as a means of attaining U.S. citizenship, rather than as an end in itself (Ignatow & Williams, 2011). It is, however, used by the opponents of migration who argue that “anchor babies” are a planned, wilful action intended to sidestep the US immigration system (Maples, 2014, p. 51). Research by the Pew Research Center found that, in 2008, approximately 8% of babies born in the USA were born to unauthorized migrants (Ibid).



The debate on “anchor children” is not so prevalent in Germany as in the United States because of its naturalization laws. At the same time, the issue of migrants’ children is usually discussed in regard to “drop and leave” children of asylum seekers or undocumented migrants. According to the statistical data as of 2013, children joining their parents in Germany make up 22.0% of family migrants (11,877 children) and migrating parents joining their children make up 7.3% (3,949 parents), most of whom have care and custody of a German minor child. The share of other dependents is 0.4% (228 persons) (Bundesministerium des Innern 2013, pp. 105f).<sup>80</sup> In line with *jus sanguinis*, a principle of nationality law by which a child’s citizenship is determined by the parents’ citizenship, for women with insecure immigration status in Germany it can be crucial who the father of the child is. If a woman can prove that her child has a German father, she can apply for a residence permit as a mother of a German child. But how can this regulation be misused by migrants navigating a new country? Or, on the contrary, how can it endanger them? What role does “blood” play while choosing a future spouse in the expectations of migrants, and how does the idea of “anchor baby” permeate their imaginaries?

### **6.3.2. The case study of Vatsana**

Vatsana is a 23-year-old Lao woman.<sup>81</sup> She grew up in a small village close to the border with Thailand, in a family with 5 siblings. She was the youngest daughter. Her father abandoned the family and disappeared when the girl was only 4 years old, and she has very vague recollections of him. “We know that he found another woman, and had a family with her.” Her mother passed away a couple of years later, and Vatsana was brought up by her aunt who was very domineering and abusive. As a child, she had to work in the household performing daily chores such as fetching water from the well, sweeping the house or washing clothes. Saddened, she recalls being treated more like a maid than a relative in her aunt’s house. The biological children of her aunt received preferential treatment, and as a child she really suffered while noticing these differences:

“She beat me for everything I did wrong.... Once she beat me really bad, and I dared to run away. I went to the social centre telling them I had been mistreated. When a social

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<sup>80</sup> Cited in Lücken-Klassen (2013:13).

<sup>81</sup> Because of highly sensitive content of information revealed, I decided to change, besides her name, also her place of origin. The case study is composed of several conversations with Vatsana. She spoke basic English and very basic German, insufficient for interview purposes, so I relied on the help of a colleague who spoke the same language.

worker caught a glimpse of me, she said: “My child, no need for words. Just by looking at you I know you have been treated terribly”. After that other members of my family took care of me...”

Although Vatsana did attend school in her village, she had to drop out when she started working in farming together with her "distant" relatives. At the age of 17, like many other Lao and Thai girls from rural areas, she decided to go to Bangkok to work in garment-making factories. Although the new conditions were very tough for Vatsana with long working hours, monotonous duties of seaming endless sews on jeans and shirts, and having to share a dormitory room with other girls, she appreciated new opportunities, running water, public transport, and other amenities of a big city. A few of her friends from the same village were working either in the same factory or in domestic services. Vatsana herself opted for factory work because it offered a higher salary. But she has always dreamed about something bigger.

Once Vatsana found out that one of her elder sisters got married in Germany:

“She got married to a Lao man who went to Germany without papers many years ago, and then asked for asylum. Finally he managed to arrange the papers, and could sponsor my cousin to join him, too. She wrote some e-mails to me describing her new life in Germany, and asked if I wanted to come and visit them. She told me I could get lucky and find a husband there [laughing]... Of course, it was more a joke.”

Approximately one year later Vatsana applied for a one-month tourist visa, and arrived in Hamburg as a tourist. Her “sister” had to support her financially, and send her money for the flight and visa costs. It would not have been possible otherwise, she says:

“Some friends of mine applied to go to the UK. They never got their visa. I was lucky... In the beginning Hamburg was great. Clean streets, buses always on time, children playing on the streets... It was spring when I arrived here. It was a bit cold so I needed a warm coat but I liked it... So different from my village and from bustling Bangkok.”

When her visa was about to expire, she decided to not go back to Thailand and stay in Germany instead. The decision was not easy, as she was afraid of being deported:

“I wanted to apply for asylum, but I doubted that I would get it. It is not easy in those days. A friend of mine applied, but was rejected. She had to leave the country. My sister told me the only way for me to stay in Hamburg was to get married to a German man or to get a baby with German blood [smiling].”

While talking to Vatsana for the second time, we sat in a cozy coffee place located in Altona, a vibrant multicultural neighborhood of Hamburg. It was a beautiful spring day, and locals were outside basking in the sun. Unlike the passers by, my interlocutor was visibly distressed and nervous, glancing at the street where couples passed by. She recalled how uneasy she felt when her visa expired, and she still did not have a viable reason to stay in Hamburg. So much has changed since that time. Now she is a single mother who has to take care of her child

and to figure out what life has in store for her. Vatsana showed me her pictures on the cell-phone: this photo was when she arrived in Germany, and this one is when her child was born. Despite giving birth, she looked unbelievably thin and tiny. She constantly checked her messages - she had left her child with a Thai friend for few hours in order to meet me and convey her story. She took a moment to make a call, while I keep writing down the notes - she asked me not to record the conversation for the safety purposes.

From Vatsana's story it looks clear that it was complicated to get a “marriage for papers”, as she did not have any documents that are normally required to marry someone in Germany, and could not afford going back to Laos or to Thailand, and then return with a new visa. Eventually, Vatsana got pregnant, but the father of the future child was not German. Following her sister's advice, she paid a German acquaintance of her cousin to recognize the baby as his own a couple of months before the birth (in other words, to undergo the procedure of *Vaterschaftsannerkennung*).

“My friends told me I had to have a baby with German blood... They know what they are talking about, they have been in this country for a while. What do I know?”

“He was just a friend of a friend in need of money. He doesn't have a job himself. He receives HARTZ IV, or what do you call it. Actually, I did not know him very well. You know, my German is not good at all. We have trouble communicating”.

Being entitled to take care and custody of a German national gave her a right for a legal residence. The couple struck a deal: Vatsana had to pay 3,000 EUR to the “father” plus all the *Kindergeld* every month (money issued by the government that is supposed to help her support the child). However, troubles started after her daughter was born, and the legal “father” realized he could take financial advantage of Vatsana. He started blackmailing her threatening to report that the child had no relation to him and had a different DNA. He demanded more money. I spoke to Vatsana for the first time when she came to the counselling centre with her daughter to ask for legal assistance. Desperate, she was scared that if the “father” of the child denounced her, her residence permit would be revoked, and she might have to return to Asia.

As we can conclude, Vatsana was trapped in a situation of blackmail, which is deemed by legal scholars as “the veritable puzzle surrounded by mystery” since it consists of two legal on its own things: a threat or an offer coupled with a demand or request for funds (Block and McGee, 1999). The paper entitled “Verification of Legality and Genuineness of Marriage and Validation of Paternity” issued by the European Migration Network (2012) provides the following explanation of possible consequences for Vatsana in case of immigrants in Germany: “...the deliberately false statements made in order to procure, either for the individual making them or

for another, a residence document, constitute an offense punishable with a custodial sentence of up to three years or with a fine” (Section 95, para. 2, no. 2 of the Residence Act). Furthermore, this offense also constitutes grounds for expulsion, at the discretion of the relevant aliens’ authority (Section 55, para. 2, no. 2 of the Residence Act).

Were Vatsana’s fears of losing her German residence permit and her child’s German citizenship justified? Before answering these questions and moving further with the discussion, one has to understand the meanings of parenthood in German legislation. Parenthood has two meanings in German family law and in residence regulations: on the one hand, it refers to the biological father of a child, and on the other hand it implies acceptance of responsibility for the child (Müller, 2012). The crucial factor in legal terms is the formal acknowledgement of parenthood rather than who the actual biological father is, and parenthood is deemed to be acknowledged as soon as the mother agrees to the declaration of paternity issued by the father (Ibid). However, the parenthood of a child can only be recognized once.

The answer to the aforementioned question of whether Vatsana could have been penalized by getting her residence permit and her child’s citizenship revoked lies within the new amendments of the nationality law of 5 February 2009,<sup>82</sup> which was primarily been a reaction to decisions of the Federal Constitutional Court and the Federal Administrative Court on the legal requirements for withdrawing German nationality due to fraud or deceit. Heilbronner (2012) points out that a second ruling of the Constitutional Court dealt with the retroactive loss of German nationality of a child as a result of a successful judicial appeal determining that the applicant was not the father of the child. The Constitutional Court declared the retroactive loss of German nationality of the child as constitutional since the minor child was at an age at which it could normally not develop legitimate trust on the existence and continuity of its status as a German national. However, the Constitutional Court warned the legislator that this decision could not be generalized and that the circumstances of each case would determine whether a retroactive loss of German nationality in such cases would reach constitutional limits (Heilbronner, 2012, p. 14).

A parallel question arose with regard to the withdrawal of a residence permit as a result of fraud with legal consequences for the *jus soli* — acquisition of a child of the person deceiving the authorities. The problem of the legal effects of withdrawal of naturalization — that is, loss of

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<sup>82</sup> Until February 2009, no provisions were laid down in the German nationality law relating to the withdrawal of German nationality or the legal effects of a loss or a renunciation of nationality for descendants. While the new legislation clarifies the situation, it produces negative consequences in residence law: According to the higher courts the retroactive loss of nationality does not lead to a revival of the former residence permit and thus leaves the people concerned in a situation of legal uncertainty (Heilbronner, 2012).

German nationality for descendants — has been solved by introducing a five-year-requirement. Children may only lose German nationality until they are five. The legislator in imposing the five-year age-limit relied upon the constitutional argument that in general children below the age of five have not yet developed their own consciousness of their German nationality and therefore the constitutional prohibition of renouncing German nationality (Section 16 para. 1 of the Basic Law) did not apply. According to Section 17 para. 3, the five-year rule is also applicable with respect to administrative decisions on the basis of other laws with retroactive effect on German nationality of third persons. The law explicitly mentions the withdrawal of a settlement permit, the withdrawal of a certificate according to Section 15 of the law on expellees of German decent and with respect to the non-existence of fatherhood according to Section 1599 of the Civil Code (Ibid).

### 6.3.3. German “blood” and “*jus sanguinis*” as the symbols of political membership

During the interview with Vatsana and service providers, the concept of “blood” caught my attention as the notion embodying and symbolizing political privileges and opportunities for third-country nationals. According to Vatsana, “*Germans have something we do not have.... So by having a child who is part-German makes us entitled to it, too*”. “Blood” is also mentioned in “*jus sanguinis*”,<sup>83</sup> a political principle of acquisition by descent that determines child’s citizenship by the citizenship of one of the parents, and shapes the citizenship rights of men and women who enter into mixed-nationality marriages. Indeed, by determining whose children would be recognized as citizens, the law helps regulate the actual reproduction and racial composition of the citizenry (Collins, 2014). This law has not always been inclusive in Europe or North America. According to Collins, well into the twentieth century officials charged with policing membership in the American polity consistently relied on the gender and marriage-based regulation of *jus sanguinis* citizenship to help enforce racially nativist nationality policies and to avoid Ameroasian children (Ibid). It has been mentioned in chapter 4 that until 1975 German women could not pass their nationality to their children born out of marriage to foreign fathers.<sup>84</sup>

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<sup>83</sup> “Right by blood” in Latin. The term was derived from Roman law. It is maintained that for Roman law it was necessary to rely on *jus sanguinis* in the determination of citizenship because Roman society was based on slavery; since a slave could not be a citizen, only the children of free citizens could acquire citizenship at birth (Ross, 1972, p. 4).

<sup>84</sup> In addition, for children born before January 1st, 1975 to parents who were married to each other at the time of the birth, it was mandatory that the father was a German citizen in order for the child to acquire German citizenship. For a comparison on international level: according to US law, *jus sanguinis* citizenship followed the

How does the state envision similar naturalization policies and why does it enact them? There have been attempts to compare political organization of a state in terms of conferring citizenship or residence rights through the concept of “kinship”. Walzer compares states with clubs, families, and neighborhoods. Political communities are analogous to clubs because they are able to exert a fully autonomous decision regarding whom they admit. As suggested by Walzer (1983), contemporary immigration practices tend to incorporate a “kinship” principle recognizing special claims on the part of people who are closely related by blood to members of the political community. Walzer maintains that nation-states are the political expression of a national entity morally comparable to a family.

Germany has a very distinctive concept of citizenship<sup>85</sup> based on ethnocultural dimensions and closely linked to the historical process of constructing a German identity as opposed to the more universalistic and expansionist systems of the United States or France. The nationality law of the Federal Republic (1913) used to confer citizenship solely on the basis of kinship or blood relation emphasizing the importance of ethnicity. Unlike France, where the construction of a unitary state under the French kings occurred long before the flowering of the Republic, in Germany pan-Germanism and *Volksgemeinschaft* preceded the building of the unitary state under Bismarck (Hollifield, 1992). Indeed, Germany represents a paradox of high levels of immigration, comparatively liberal refugee policies, and exclusionary citizenship laws. However, major changes took place when a new Nationality Law entered into force in 2000. Signifying the result of a highly controversial debate between the major political parties in 1998, the new nationality law (*Staatsangehörigkeitsgesetz*) has followed the trend of some of the more recent European nationality laws by: substantially facilitating naturalization; including a stronger toleration of dual nationality; replacing discretionary regulations with individual rights; introducing new modes of acquisition; and, in particular, introducing a *jus soli* element into German nationality law (Hailbronner & Farahat, 2015).<sup>86</sup> Nevertheless, it still remains a country

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male line: the foreign-born children of American fathers, but not mothers, were recognized as citizens until 1934, provided the couples were married. Even after 1931, when Congress recognized American women’s right to retain their citizenship upon marriage to a non-citizen, regardless of his race, women’s organizations had to fight for several more years to secure citizenship for American women’s foreign-born children (Collins, 2014).

<sup>85</sup> Although in the present dissertation I use the term “citizenship”, I am wary that German nationality law refers to the term *Staatsangehörigkeit* (nationality) rather than *Staatsbürgerschaft* (which could be translated as “citizenship”).

<sup>86</sup> Children born on or after 1 January 2000 to non-citizens acquire German citizenship at birth if at least one parent has been legally residing in Germany for more than the past eight years and has an unlimited right of residence.

where *jus sanguinis* principle dominates, and which values “blood” and ethnicity in terms of naturalization.

From an anthropological point of view, the concept of “blood” can encompass a plethora of different symbolic meanings depending on the cultural context and historical timeframe. Because of its referential complexity, Hanson (1993) argues that blood qualifies as an example of what anthropologist Victor Turner calls a “dominant ritual symbol.” Turner identifies three attributes of such symbols: condensation of meaning, unification of disparate significata, and polarization of meaning (Turner, 1967, p. 19). Carsten discusses the meanings of blood ranging from biblical notions of being sacred and bound to miraculous vitality of Christ’s blood” in the Middle Ages to becoming a part of the mundane “fluid economy” of agriculture for peasants in the north-east of Brazil that can be replenished and depleted (Carsten, 2013, p. 5). Since medieval times, due to biblical notions, blood has been considered capable of revealing the inner state of a person and showing the level of his or her moral purity. However, it was not until the 1920s when the modern system of classification of blood groups discovered by Austrian biologist Karl Landesteiner enabled blood transfusions and identification of maternity or paternity by scientific matching of blood types between the child and (alleged) parent.

Some ethnic groups such as Native American must constantly prove their identity, and reliance on blood quantum becomes one of the main methods of proving one’s tribal belonging. Blood quantum, a physiological construction for tracing ancestry (Schmidt, 2011), can determine inclusion or exclusion from a certain tribe. Hamill (2003) points out that for Native American tribes in Oklahoma, blood carries a heavy symbolic load and constitutes, along with community, land and descent, one of the main premises of Native American identity. Despite being a European construct (Fogelson, 1998), through the 19<sup>th</sup> century blood became established as a means to calculate a degree of “Indianness” in the USA. Blood quantum laws required individuals to prove a certain amount of tribal ancestry to be granted tribal membership, and such laws continue to guide classification to Native American tribes to this day, although specific blood quantum levels vary by tribe and scholars point out that tribal membership is a legal category that has never been based solely on biology (Wilson, 1992; Roth, 2013). Though methods of genetic and biophysical tracing of descent are deemed to be quite reliable, there is a recent trend of identity fraud linked to CDIBs (Certificate of Degree of Indian Blood). As noticed by Hamill, in recent decades the status of Native American identity has undergone major shift: “When in earlier times Indian people were considered inferior savages, today they often are seen as deeply spiritual, noble, indigenous environmentalists that worship Mother Earth” (Hamill, 2003, p. 280). The above-mentioned shift has given a rise to attempts at identity fraud, as more

and more people (the so-called “wannabees”) are willing to embrace this identity in order to be eligible for some financial benefits, such as scholarships. Hamill comes to conclusion that CDIB “has become a kind of currency in the state” as many Native American people in Oklahoma today view this document as a way to make bogus claims to Native American identity. This is yet another example how the notion of “blood” can be manipulated in order to be accepted in a group and reach some materialistic gains.

The so-called “fictive kinship” describes forms of kinship or social ties that are based on neither consanguinal (blood ties) nor affinal (marital) ties, and can be one of the aspects of identity fraud. Jacob (2012), exploring illicit activities related to organ transplants in Israel, argues that a kinship can be performed and replicated. Since only biological family donations are allowed in Israel, the patients are encouraged to find strangers and pretend they are connected by blood to pass through medical committees so that the aid is classified as a “family donation”. Jacob further maintains that, if kinship can be reproduced, it cannot really be false; moreover, ‘bureaucratic and legal enactment of kinship has its own, rich autonomous existence, that is not encompassed within the real versus pseudokinship binary’ (Jacob, 2012, p. 96). Indeed, anthropologies recognize that parenthood and kinship in a broader sense are both culturally constructed, and that parenthood:

...has to do with the symbols, meanings and beliefs by which life is thought to come into being. It provides a view of what life is, how and by what or whom it comes into being and for what purpose, what the person is (both male and female), how persons are related to each other, the non-human world and the cosmos (Delaney, 1986).

Whereas anthropologists argue whether kinship could be “fictive” or rather constitute a mouldable cross-cultural construct, Western states have long ago elaborated effective strategies to control human mobility through the policing of family ties between visa applicants or incoming migrants. DNA parental testing is among the techniques used to determine biological parenthood, and I believe it is important to shed light on its practices in Germany, as the idea of a possible parental testing was Vatsana’s greatest fear.

#### **6.3.4. Policing of the intimacy: “Biological” citizenship**

State policies on family reunification, although meant to tackle illegal migration and migration misuse, can sometimes generate completely opposite outcomes for third-country nationals. Schaeffer in her research on marriage migrants from Central and Latin America argues that the state plays a critical role in shaping how foreign marriage migrants express intimacy and



move across the borders as potential citizens rather than second-class subjects (Schaeffer, 2012). Indeed, besides romantic love as a compulsory sentiment for migrants to prove their potential for modern citizenship or residence, being a mother of a “German baby” can be a legitimate reason to stay in the country, as demonstrated by the present case study. Moreover, for the newcomers the notion of “German blood” circulates through day-to-day interactions with other migrants who have already been in the country for while and learned about legal regulations. Vatsana pointed out that it is through the interaction with her sister and her sister's friends that she got a better grasp of German laws and how one could possibly circumvent them.

Vatsana's case study has commonalities with Fleischer's study (2011) wherein he explores how increasingly restrictive immigration and integration policies in Germany force Cameroonian migrants to develop family-related practices for acquiring legal residence and obtaining an essential work permit. Fleischer posits that the few options of legalizing status in Germany makes Cameroonian men increasingly dependent on sustaining a marriage to a German wife for at least three years. At the same time, Cameroonian women try to obtain residency permits, and thus access to the social welfare system, by bearing a German child. According to Fleischer, distribution of marriage and parenthood over space and time becomes a means of securing the right to stay and work in Germany (Fleischer, 2011).

In regard to the latter arguments one has to mention the term “biological” citizenship. The notion of biological citizenship has been in the focus of academic debate during the last decades (Petryna, 2002; Rose & Novas, 2005; Heinemann & Lemcke, 2014) while discussing medical aspects of belonging to the “state” or immigration and asylum policies in Western Europe. Rose and Novas (2005) contend that biological ideas and prejudices have always shaped concepts of citizenship. By implicitly or explicitly specifying rules of membership, conditions of participation and criteria of access, they defined whom and on what biological grounds could be a candidate for citizenship on the basis of differences. At the same time, Rose (2007) underlines that modern Western democracies do not take a racialized approach any more. Contesting Rose's assumptions, Heinemann and Lemke (2014) argue that the current concept of biological citizenship is still informed by policies and practices within the nation-state, and that the concept of genetics guided by racial concerns does not entirely belong to the past (Ibid).

In regard to increasingly restrictive policies regarding family migration, today at least 20 countries around the world (including 16 European countries) have incorporated parental testing into decision-making on family reunification in immigration cases, and Germany is one of

them.<sup>87</sup> As pointed out by Heinemann and Lemke (2012), in an attempt to limit fraudulent family reunification immigration, the use of DNA analysis in the context of immigration policies in Germany can be traced back to the end of the 1990s, but it was not until a few years ago that DNA testing became a subject of a heated public debate. Although the authorities point out that DNA analyses are only used as a last resort to establish family links, other sources suggest that it is a frequently used tool of verification (Ibid).<sup>88</sup> Vatsana's cousin and friends suggested to her to "get a child with a German blood", or lie about having one, as being entitled to custody of the German child would allow her to stay in the country. This regulation emphasizes the idea of family and parenthood as solely biological concepts when it comes to the right of residence for non-EU citizens and contrasts with the legal framing of kinship in Germany. Moreover, it draws a clear demarcation line between EU citizens and third-country nationals. The requirement of proof of a biological link between family members is diametrically opposed to family recognition policies that apply to EU citizens, which emphasize the establishment of social ties rather than genetic links.<sup>89</sup> Indeed, the administrative practice of family unification in Germany and in other host countries displays a substantial legal and social difference between and contradictory treatment of native citizens and immigrants (Heinemann and Lemke, 2012).

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<sup>87</sup> Australia, Austria, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Lithuania, Malta, the Netherlands, New Zealand, Norway, Switzerland, Sweden, the UK, and the USA (European Migration Network, 2008, 2009).

<sup>88</sup> According to the European Migration Network, the authority nominated as responsible for this procedure by the respective German Federal Region has the right to challenge any assertion of paternity in the family court (Section 1600, para. 1, no. 5 of the German Civil Code). In order to apply for such a procedure to be initiated, it will be sufficient for there to be a well-founded initial suspicion to the effect that neither a biological lineage nor a social-familial bond exists between the child and his or her father. The decision in respect of the issuing of residence document will then be deferred until the conclusion of the procedure, or until the decision taken by the court comes into force (Section 79, para. 2 of the Residence Act). When making its decision in respect of a right of residence, the aliens' authority will be bound by the conclusion(s) reached by the court. [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/ad-hoc-queries/family-reunification/190.\\_emn\\_ad\\_hoc\\_query\\_verification\\_of\\_legality\\_and\\_genuineness\\_of\\_marriage\\_\\_validation\\_of\\_paternity\\_\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/family-reunification/190._emn_ad_hoc_query_verification_of_legality_and_genuineness_of_marriage__validation_of_paternity__en.pdf) (Accessed 1 February, 2014).

<sup>89</sup> Vanderbilt points out that the European Court of Human Rights (ECHR) would find that DNA parental testing for immigration purposes violates the right to family life under Section 8 of the European Convention on Human Rights, because it creates a dual standard of family recognition for EU citizens and immigrant families seeking to be unified in a particular country <http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/murdock.pdf> (Accessed 2 February, 2014).

In a similar vein, Vanderbilt argues that in France, the notion of family used in civil family law is not based on blood, but instead on recognition of a child as one's own.

### 6.3.5. Victim-offender overlap<sup>90</sup>

Vatsana stopped paying the “father” of her child after she had a consultation with a migration lawyer and the latter assured her that he would not be able to denounce her, as denouncing her fraud would also potentially hinder him. When I followed up on her for the last time, she was enrolled in a German integration course trying to learn the language. Nonetheless, the case study and above-mentioned examples, besides prompting a discussion on immigration policies in Germany and “performance” of fictive parenthood, represent one of the ambiguous situations wherein a lawbreaker simultaneously becomes a victim, and the binaries between illegal/licit produce multiple kinds of “criminal space” prompted by manipulation techniques. Although acknowledging that using the term “offender” might be considered too harsh in relation to the current case study, I nevertheless introduce the legal point of view to the discussion and look at Vatsana's actions from the state's perspective, according to which she engages in fraud and therefore could be labelled as an offender or a lawbreaker. At the same time, I am wary that the relationships in the present case study (and generally in all case studies where individuals from economically weak countries are involved) should be analyzed through the prism of power dynamics and political inequalities, as Aihwa Ong points out: “An anthropology of the present should analyze people’s everyday actions as a form of cultural politics embedded in specific power contexts” (Aihwa Ong, 1999, p. 5).

From ethnographic studies on sex trafficking, it is known that a binary image of victim/lawbreaker is quite dubious: victims can become perpetrators or facilitators by taking an active role in the trafficking processes, and women who started off as victims later become recruiters to pay off debts (Siegel, Oude Breuil & Roos, 2010). It could also be the other way around: a woman who is involved in immigration fraud is victimized by her “partner in crime”. In the present case, both parties are the accomplices of a crime and can be subject to administrative sanctions of crime control. However, while being a lawbreaker, the initiator of the agreement can become a victim in case of further financial extortion, domestic abuse, blackmail or intimidation. While at the beginning of the “deal” both parties can be deemed guilty, it is the woman who appears in a vulnerable position if being blackmailed.

This is when a demarcation line between a victim and an immigration offender is quite blurry. On the one hand, Vatsana and her German friend alike are responsible for deceiving the *Ausländerbehörde* and getting involved in contractual fraud. On the other hand, it is Vatsana who

is being threatened and put in a precarious situation. Her status is furthermore exacerbated by power dynamics stemming from political and socio-economic inequalities:

Criminogenic asymmetries subvert orthodox conceptions of legitimacy that demarcate the conventional boundaries between the “legal” and the “illegal”. The mimetic effect produced by the criminogenic is that legal and illegal actors begin to imitate, and even appropriate, the reasoning and behaviour of the other (Passas and Nelken, 1993; Quoted in Hall 2012: 293).

Research on criminal victimization and offending more generally demonstrates that victims and perpetrators of crime are not necessarily distinct groups. Rather, there is considerable overlap in these populations (Jennings, Piquero & Reingle, 2012). It is pointed out that in the situations of violence occurring between intimate partners, the feeling of hostility, anger or negative emotionality play a significant role (Skubak, Tillyer & Wright, 2014). Although the finding of victim-offender overlap is quite apparent in criminology, the theoretical mechanisms of this correlation are not so clear. It is possible that an underlying trait – such as impulsivity, risk taking or negative emotionality – conducive to both victimization and offending accounts for the overlap (Lauritsen & Davis Quinet, 1995). The “principle of homogamy” (e.g., Cohen, Kluegel & Land, 1981) implies that people are more likely to be victimized when they come into contact with other offenders and that offenders are more likely to become victims because of their disproportionate contact with offenders. It is also feasible that victimization and offending may change an individual’s future risk of certain behaviours, such as subsequent victimization or offending (Lauritsen & Davis Quinet, 1995).

The way in which a crime victim is usually portrayed in public discourse is through the concept of the “ideal victim”: sufficiently weak and adequately respectable (Heber, 2013; Christie, 1996). In crime policy field, “the ideal victim” is supposed to be the opposite of a “perpetrator” in terms of experiences, characteristics and needs. It is pointed out that there are many instances, however, where the roles of crime victim and offender coincide and where “us” cannot be distinguished from “them” (Heber, 2013). Scholars are concerned with the dilemma of how crime policy is being enacted in situations where a victim turns out to be simultaneously an immigration lawbreaker, just like in the present case.

Some suggest that fraud victimization is unique because it requires the person targeted for victimization to cooperate with the offender to some extent, for example, by providing personal information or, in the present case, by making an agreement (Holtfreter et al., 2010). Likewise, there are attempts to connect fraud victimization and victim-offender overlap with a low level of self-control, using Gottfredson and Hirschi’s self-control theory (1990), proving that this link has received a substantial empirical support (Ibid). In a fraud context, self-control theory predicts

that offending and victimization exposure both result from the habitual tendency to ignore the long-term consequences of decision making. Because those with low self-control are impulsive and lack future orientation, they will view engaging in fraudulent activities as attractive and will also be more likely to act on opportunities that expose them to fraud victimization (Ibid). It could be that several factors also contribute to the victim-offender overlap in this particular case, or similar cases of financial extortion or psychological violence. Since Vatsana was the one who initiated the agreement with her German friend, she demonstrated an example of a person who breaks the law using creative strategies and believing it is a harmless and victimless act. Under normal circumstances, Yann would most likely not have thought about charging money for “sham” marriage or recognition of a child, but it is known that involvement in crime (whether as a victim or as an offender) generally increases an individual’s risk for offending and victimization (Lauritsen et al., 1991). He quickly realized that such a way exists, and it worked out without any consequences or retribution for both of them.

Another factor to consider is a socio-economic profile of those individuals who would marry or recognize a child “for money”. Based on my observation and interaction with women trapped in a similar situation, it is very often low-qualified men who are unemployed and receive benefits from the state. Some of them already have debts or lead a life that might cause debts (such as gambling or drug abuse). They have “nothing to lose”, because they understand that in case of governmental suspicion, they might be fined but never deported or severely punished as they are EU passport-holders. If the story becomes public, it is the other party’s responsibility to arrange everything in order to secure a safe stay in the country, since in criminal law literature it has been reiterated that immigrants frequently receive a “double punishment” (Yiu, 2013), and therefore are at higher risk after committing an offence.

## **Chapter 7: Beyond trafficking discourse: Barriers and obstacles to bi-national marriages**

### **7.1. Challenging the binary of wife or worker: Business among foreign wives in Germany**

The gendering of skilled migration does not only occur through a differential division of labour in the global economy but also through prevailing normative gender orders in European states that still too often represent women as being out of place in scientific and technological professions (Eleonore Kofman, 2012, p. 80)

In contrast, foreign intimacy offers a coded political language for privileging marketplace values of equality, democracy, and an entrepreneurial spirit as well as entrance into global dramas of belonging (Felicity Schaeffer, 2012, p. 9)

#### **7.1.1. Phayloon's business**

While volunteering for the women's rights advocacy movement, I used to join my colleagues conducting "street work" in the massage parlours and brothels of Hamburg. Our task consisted of going to places where women offered sex services, and distributing condoms and flyers prepared beforehand by the social workers. That day my colleagues and I visited a massage parlour that operated as a brothel. We were warmly welcomed by both the owner and her staff, and then invited to proceed to the living room where a couple of women were sitting and chatting. Showing the best example of hospitality, they rushed in offering us food, drinks and fruit. While they kept chatting and listening about changes in migration legislation, we tasted tangerines and Thai green curry, carefully glimpsing around but trying to be as discreet as possible. It was a small room equipped with a CCTV camera, a screen, a TV and all other office utilities such as phone and diary. Another "must" of the massage parlour encompassed a full bag of make-up ranging from lipstick, mascara and eyeliner to hand creams, sanitizer gels and sore throat pills.

The women were wearing a homely style robe and some cosy outfits. They looked quite relaxed and good-humoured, yet well-groomed with carefully applied make-up. One of them was comfortably sitting on the floor, whereas the other two girls took a place on the sofa and chairs. Suddenly someone rang the doorbell, and all the girls rushed to the corridor instantaneously getting rid of their robes and revealing fancy underwear accompanied by high heels. After one

of them was selected by a client, the others returned to the room, and the conversation regained its previous pace. The owner kept offering us food with the smile, and all the other girls were smiling as well. It felt that there was a good spirit in the massage parlour: nice food, clean bathroom, pretty Thai-style decorations and adornments. It was curious that the massage parlour was also equipped with a nice kitchen. Apparently, the “madam” herself cooked and provided food for the workers. It seemed like a nice gesture, especially knowing about dramatic cases of exploitation and abuse in the sex trade.

I was curious about the story of Phayloon, a lady who owned the brothel. How did she come to have this kind of business? What was her job before coming to Germany? To my great surprise, Phayloon came to Germany 10 years ago from the north of Thailand after marrying a German man. The couple met in Thailand while her husband was on holiday. Thinking about ways of earning money after arrival to Hamburg, Phayloon wanted to open a small Thai restaurant, but then gave up on this idea. Eventually, after calculating all the costs and benefits, she thought it would be a good idea to open a massage parlour that would operate as a brothel for those clients who wished to have sex. There were already some massage parlours in Hamburg but her idea was to make the place really cosy and nice for the customers with a bit of “luxury flair” (as I saw later, the other massage parlours looked quite dirty and unorganized in comparison to Phayloon's). Meanwhile, Phayloon's relationship with her German husband started to deteriorate, and she was happy she did not depend on him so much economically. She had to take a loan to get the business running, but slowly and slowly it proved to be successful. Her friends from the Thai community helped her to solve the issues of German bureaucracy that she was not familiar with. In the end, she invited her 24-year-old daughter from Thailand to Germany. The daughter was sitting right in front of me on the sofa. She spoke English, and confessed me that her dream was to study medicine. However, since she did not speak German, she would apply to the universities in the UK. Phayloon was willing to pay for her degree abroad.

I wondered if the massage parlour was generating a significant profit. “No, she said, not as much as I envisaged before... The rent is very expensive. But it is really enough to live and pay my bills, and to send money to the family back in Thailand.” I complimented her on being such an entrepreneurial woman. In reality, I had many more questions to ask and to ponder about, but I did not want to embarrass her or the sex workers with my sudden curiosity as a researcher. After the visit I asked a social worker specialized in South-East Asia whether her example was unique, or there were many women like that who marry Germans and then start their own business. “Actually, it is not unique at all. Most of Thai women who come here try to find a job... The

problem is their language skills. They do not speak German. So what kind of job can they get? In the restaurant or in sex work - there are not many choices”. Apparently, Phayloon was a sex worker a long time ago in Thailand, and moved on from the point of view of career after settling in Germany, as her husband was the one who helped her establish her business.<sup>91</sup>

While some feminists could argue that work in the sex industry proves the victimization of the newly arrived women in Germany, I thought that managing a massage parlour exemplifies the opposite: a woman who struggles for independence, both psychologically and financially, and contributes to a local economy in a foreign country. In fact, Phayloon was not the only one among my interviewees trying to open her own business. In this chapter I delve into the ideas and imaginations of my informants regarding the job market in Germany and possibilities of starting their own business.

### **7.1.2. De-skilling as opposed to “trafficking” discourse**

Statistical data demonstrates that in Germany migrants differ substantially from natives in terms of their labor market outcomes, despite the high participation rate in both groups, and the gap is much wider when labor participation of German women is compared to that of migrant women. In 2008, while the employment rate of German women was 70 per cent, the rate of comparable foreign-born women was only 55 per cent. Looking at the unemployment situation of both groups, the situation is again less favorable for migrants. Overall, the unemployment rate of migrants is two times higher than that of their native counterparts (Platonova & Urso, 2010, p. 129).

Labor participation of women is viewed as an important way to expand women’s access to resources, to realize a sense of choice, self-actualization and empowerment. Through the acquired education, women translate their self-worth and agency by participating in the labor market (Kabeer, 2009). The interviews with my informants have demonstrated that one of the main obstacles faced by migrant wives in Germany were not concerns voiced by a “trafficking discourse” that projects a potent language of exploitation demarcating women’s “lack of choice”,

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<sup>91</sup> It is noted that, speaking about the profile of Thai migrants in Germany, many of the women were at some point involved in the sex and entertainment industry in Thailand. Usually there are two scenarios of former sex workers coming to Germany, or two factors that facilitate it: genuine interest of a German man in making a sex worker his wife, or offer of a pimp who intends to make the woman work in the sex industry after she arrives in Germany. Sometimes these two roles (the one of a pimp and of a husband) coincide (Mix & Piper, 2003).



but a process of de-skilling.<sup>92</sup> According to the IOM and OECD Development Centre, the poor labor market integration of highly skilled migrant women is linked to issues of foreign degree recognition, emphasis on host country work experience and a preference for local accents in relation to language skills. The latter is shown to disadvantage women particularly considering their concentration in relational work such as support, service, and caring labor, in contrast to male-dominated technical occupations.<sup>93</sup>

Man (2004) contends that the de-skilling of Chinese women in Canada is exacerbated by the contradictory processes of globalization and economic restructuring, with its polarizing effects along axis of gender, race, ethnicity, class and citizenship. Gendered and racialized institutional processes in the form of state policies and practices, professional accreditation systems, employers' requirement for "Canadian experience" and labor market conditions marginalize Chinese immigrant women. It is noted by Kofman (2012, p. 64) that in terms of migrant women most of scholarly attention has been drawn to migrant women in the sex industry (Agustín, 2007; Kempadoo, 2004) and domestic work (Piper & Roces, 2003; Yeates, 2004; Kofman & Raghuram, 2010), without analyzing how family migration contributes to processes in the labor market. Indeed, there is very little research on the labor participation of spousal visa dependents in Europe, perhaps because following a widespread narrative foreign wives are viewed as a homogenous category lacking skills and financially reliable on their husbands.

Wren and Boyle (2001, p. 40) describe deskilling as "a downward mobility and potential loss of skill due to failure to recognize, skills and qualifications gained during previous educational and professional background." This phenomenon is also called "brain waste" or "brain abuse" (Bauder, 2003; Brandi, 2001), wherein skills or credentials a migrant possesses are drastically devalued following migration. De-skilling triggers disempowerment for migrant wives in a host country, who often find themselves unemployed or trapped in positions that do not correspond to their level of education. This phenomenon is particularly typical for migrant women in comparison to their male counterparts. If males to a larger extent possess easily

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<sup>92</sup> According to the IOM and the OECD Development Center, women with tertiary degrees are at least 40% more likely than men to migrate to OECD countries, according to the UNDP's Human Development Report. Such trends are found in several OECD countries. According to Dumont et al. (2007), highly skilled women migrants outnumber skilled men in a number of countries such as the UK, Sweden, France, Germany, Italy and Switzerland.

<sup>93</sup> "Harnessing Knowledge on the Migration of Highly Skilled Workers" <http://www.oecd.org/dev/migration-development/Harnessing%20knowledge%20on%20the%20migration%20of%20highly%20skilled%20women%20-%20overview%20of%20key%20findings.pdf> (Accessed 10 May, 2014).

transferable scientific or technical skills, women move within fields such as medicine, law or teaching - qualifications that can be more difficult to transfer (Liversage, 2009).

Following “gendered circulations within the global economy” (Kofman, 2012, p. 80), there are two major outcomes from de-skilling. Firstly, professional women are working in sectors other than their original training. Secondly, they work at levels below their qualifications within the occupation (e.g. nurses working as nursing aides), both of which point to barriers that female migrants face independent of their individual education and the number of children they have (Rubin et al. 2009). I would add that in the case of women who go through the family reunification route in Germany, there is a third option: staying home without a job, or taking a mini-job that does not correspond to their level of education. De-skilling was one of the main complaints of my highly skilled informants, particularly among women trained as lawyers, journalists or teachers. This concern is at odds with the typical narrative of feminist and human rights scholars who view marriage migration through the prism of inequalities and socio-economic differences between spouses.

Donna Lee, writing about sexual exploitation of Asian women in “mail-order” marriages, maintains that the biggest motivation behind these marriages is economic considerations, and therefore cross-border marriages with women from poor countries closely resemble exploitation:

The mail-order bride business rests on the same historical, social, and cultural institutions that have been and continue to be the genesis of prostitution. In fact, the mail-order bride industry is but one specific manifestation of the international prostitution of women and a direct outgrowth of that institution [...] Regardless of how one characterizes the mail-order bride business, the fact remains that women who decide to enter into mail-order bride marriages are generally seeking to escape adverse home-country socioeconomic circumstances through one of the few avenues open to them (Lee, 1998, p. 141).

A number of authors have seconded Lee on this position (Hughes, 2004; Kusel, 2014; Belleau, 2003), bringing our attention to structural inequalities and economic disparities in cross-border marriages. In Germany TV shows such as “*Auf Brautschau im Ausland*” (“On a romance tour abroad”)<sup>94</sup> frequently portray potential wives as economically desperate and very young, particularly those from the Philippines or Thailand. As opposed to the latter depictions, my research shows that a contrasting tendency exists as well. The women I have spoken to through the NGOs, language school and websites in Germany all come from different socio-economic and cultural backgrounds, reflecting the diversity of lived experiences of foreign wives. Out of

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<sup>94</sup> A popular TV show broadcast on the TV channel “Sat.1” <http://www.sat1.de/tv/auf-brautschau-im-ausland/video> It mostly documents German men’s endeavors in seeking a bride abroad, either through following their online correspondence or by accompanying them to the country of residence of a chosen woman.

25 informants I interviewed, 12 women had a university or college degree, and 7 women were older than 40, defying a stereotypical picture of a foreign bride being a “virginal” creature. Many of the women had already made advancements in their career back home, and moving to Germany meant a decrease in their socio-economic status and job opportunities.

As Jennifer, a 30-year-old highly skilled Filipina whom I met on one of the websites for expats in Germany, confesses to me on e-mail:

“I finished B.S. in Chemistry and I was a licensed chemist back home (chemists are regulated by the government to track down our practices). However, as chemists, we are usually underpaid back in the Philippines, that's why I tried my luck in a quite different field of work. I undertook trainings on ISO and started Six Sigma training too, for me to fit as documentation engineer. That's how I met my husband who was also working for the same company. I can say that I am among those Filipinos who are earning fairly well back home. Honestly, there is no reason for me to leave the country, like other Filipinos do. But because I fell in love (cliché as it may sound), I risked giving up everything and moved here in 2011 for good.”

Jennifer seems to take pride in coming from the middle class in the Philippines and holding a tertiary degree as opposed to those Filipinas who run away from poverty: “I am privileged enough that during my parents' younger days, they were able to send me to a private school and helped me get into one of the top universities afterwards.” She also comments on the “moral criminalization” that Filipino wives are subjected to in Germany:

“There was this neighbor of ours who asked me before I got married why I chose a foreigner when I don't need money anyway. I told her, I love him and I don't need his money. When my husband came and he got to talk to her, he told her jokingly: “Actually, I am the one who is need of money, that's why I wanted to marry her. I wanted a house by the beach and she can buy it for me because she's a chemist.” He then told me we should avoid those types of people, for, he said, these people are those who learn from the media and not from the real world, believing every stories shown in the TV series and movies to be real.”

Jennifer is not the only example of a highly skilled foreign bride who suffers from the stereotypical images that surround the notion of a female marriage migrant from a developing country. The reality is twofold. Although many women do come to Germany every year using family reunification as a pathway to socio-economic mobility, the motivations of women who marry Germans cannot be limited to the financial factors. Both Constable (2004) and Schaeffer (2004) make an observation about the high qualifications of women subscribed to marriage agencies and willing to find a partner abroad. While Constable takes a note of her middle-class Chinese informants registered on marriage websites, Schaeffer-Grabriel (2004) highlights a similar observation during her ethnographic work in Mexico where she attended bridal tours and

interviewed women subscribed to a marriage agency in Guadalajara. She contends that it is not possible to understand the motivations of women to marry American men through the concepts of poverty and desperation, despite the claims of sensationalist media:

The majority of women were well educated and from a small burgeoning professional Mexican middle class. They were confident, savvy, and cosmopolitan in their familiarity with U.S. culture through film, television, the Internet, encounters with tourists, stories from family living in the United States, and through their own travel abroad (Schaeffer-Grabel, 2004, p. 34).

Instead, “foreign marriage translates as protest, or the refusal to abide by traditional gender roles and opportunities at home” (Schaeffer, 2012, p.10). But how do these “confident” and “savvy” highly skilled migrant wives who frequently opt for unconventional gender roles cope with the perspective of de-skilling after moving to a new country? And how do the migrant women without a tertiary education envisage their possibilities in the labor market in Germany? The next section, drawing on the interviews with women, underscores a deep concern of my informants regarding the process of de-skilling, and aims at exploring their economic strategies and aspirations.

### **7.1.3. Ethnic entrepreneurship, career endeavors and imaginations**

According to Erel (2007), the presence of skilled women is largely ignored in most migration literature. Instead, much emphasis is given to male migrants and their problems in the labor market. While speaking to Thai women in the brothel, I recalled a Brazilian woman, Maria, who I interviewed some time ago at a language school. Similar to Phayloon, Maria came to Germany from Brazil some years ago as a result of marriage with a German spouse. De-skilling was the factor that pushed her into looking for alternative ways of generating income. Back home she had completed a degree in marketing in the north of the country, Salvador da Bahia, and therefore she had certain career expectations. However, Maria quickly realized that in a foreign land it is a tricky to find a decent job without perfect skills in German, a degree from a German university and contacts. She applied for some jobs, but the potential jobs were either too far from home, or poorly paid, or did not correspond to her educational profile. She stayed at home for the first three years learning German and getting to know her new country. But at a certain point she decided she could not take this kind of life anymore.

“I was thinking what I could do so that I could work and also take care of my small daughter, and then it became clear to me: I can work with the Brazilian hair products! Why don’t I try selling some hair products with keratin since they are also popular in Europe?”

Now Maria owns a Brazilian shop selling hair products and other Brazilian goods such as groceries or colourful bikinis. She has a website where the products are advertised, and her own Facebook page.

“I also sell guaraná, cachaça, feijão in cans, Brazilian sugar, and all those exotic for Germans products that are difficult to find here. At first, I went to Brazil and brought with me some creams, shampoos and hair oil... Now I have them regularly shipped from my home city to Hamburg. My clients are mostly fellow Brazilians who live in Hamburg... All Brazilian women call me if they need a hair-relaxer or something of this kind. However, there are also Germans who order food or products from my store. Many of them have travelled to Brazil or lived there before.”

Ethnic entrepreneurship, exemplified by Phayloon and Maria, is “a set of connections and regular patterns of interaction among people sharing common national background or migration experiences” (Waldinger et al., 1990, p. 3). A definition provided by Ulla-Kristina Schuleri-Hartje while analyzing Turkish, Italian and Russian businesses in the German context describes “ethnic businesses” as the independent work of people with a “migrant background” or as a dependent work/employment in businesses run by people with “migrant background”. Migrant businesses have been viewed as a solution on a micro as well as on a macro level. On the macro level, entrepreneurship amongst immigrants has been seen to contribute to decreasing levels of unemployment as well as creating and sustaining economic growth. On the micro level it has been seen as a means to enhance integration (Hjerm, 2004).

Lidola (2014), conducting an ethnographic research of Berlin-based waxing studios managed by Brazilian women, found out that women comprise about two-thirds of the Brazilians officially registered in Germany, and “the motives of a considerable number of Brazilian women were and still are closely connected to a relationship with a German man” (Lidola, 2014, p. 236). It is pointed out that in the German context the mainly male-oriented guest worker programs have dominated both public and academic discussions since the 1970s, while the entrepreneurship of migrant women, particularly its intersections with an actor-centred perspective, has rarely been an object of inquiry (Lidola, 2014).

There are many reasons for migrant wives to become an entrepreneur: generating profit, adventurous spirit and the urge to take risks, the desire for creativity and innovations, or simply a way of escaping from a forced domestication. However, some individuals may have no other option but to choose self-employment. This is an argument for business entry frequently

advanced in the context of immigrant entrepreneurship (Basu & Altinay, 2002). Disadvantage hypothesis highlights the fact that discrimination and marginalization force groups of immigrants to become entrepreneurs since this is the only way to make a living (Light, 1979). Nevertheless, very often the business of migrant wives is not just based on ethnic ties as opposed to the classic definition of “ethnic entrepreneurship”, but is also transnational. According to Drori et al., “the process of transnational entrepreneurship involves entrepreneurial activities that are carried out in a cross-national context, and initiated by actors who are embedded in at least two different social and economic arenas” (2009, p. 1001). I argue that imagination is crucial for migrant wives in terms of starting their own cross-border business. Arjun Appadurai has previously reflected on the social imagination:

The imagination has become an organized field of social practices, a form of work (both in the sense of labor and a culturally organized practice) and a form of negotiation between sites of agency (“individuals”) and globally defined fields of possibility... The imagination is now central to all forms of agency, is itself a social fact, and is the key component of the new global order (1990, p. 5).

Besides Maria and Phayloon, the ideas of small-scale entrepreneurial activities in Germany seemed attractive to other informants as well. One of the Peruvian ladies whom I met at another language school, Daniela, had just launched a small online company of cleaners and babysitters for Spanish-speaking families in Hamburg. A proud holder of a bachelor's degree from the USA and a career-oriented woman back home in Peru, she was disappointed after facing the same issue of unemployment after she joined her German husband in Hamburg:

“I came to Germany with a promise that I would not work here. I wanted to stay home and take care of my 3-year-old son, as back home in Lima I never had time for him, and we used the services of a nanny. Now it is different. But always asking for money is not an option, too. That’s how Belinda and I [a Mexican friend also married to a German man] came up with an idea of opening our own company. At the moment we are only hiring and creating our own database of Latino women, but hopefully very soon the business will start running. We are interested in both German clients and Spanish-speaking expats in Hamburg.”

I followed up my conversation with Daniela 6 months later by visiting the fan page of her business on Facebook, and realized it was already running since there were some clients signed up for the service. Furthermore, Daniela and her friend were thinking of other projects that they could potentially launch in Hamburg.

Many more women dream about having their own business, usually one that has links to their country of origin or somehow connected to their ethnic communities in a new city capitalizing on famous products or services. Not all of them happen to be successful or to be

transformed into real life. For instance, another informant, Olena from Ukraine, shared her idea of launching an online marriage agency (inspired by the fact of meeting her current German husband online) specializing in introducing Eastern European women to Germans. She viewed it as a way of having her own income without a need to compete on the German labor market:

“I am working now for an elementary school teaching Russian. But it is not a stable job. My employer only gave me a 6-month contract. Back home I was a journalist, working for one of the local newspapers in Ivano-Frankivsk. Writing is my life, but I am used to writing in Ukrainian, and not in German. It is next to impossible for me to get a job in journalism here, and so I have to think of some other options.”

As tempting as it seems, Olena understands the difficulties with the marriage agency business - the niche is virtually non-existent. There are too many marriage agencies on the market in Germany and abroad that all promise correspondence with beautiful women and honest affordable service. “It wouldn’t be easy to kick it off, I know... Perhaps I should think of some other options” - she laughs.

The possibility of becoming an entrepreneur depends on the human factor and the ability to raise formal or informal equity. Some businesses such as webpages with services do not require a high initial contribution, whereas other ideas necessitate a large financial capital investment. It is suggested that the disadvantage hypothesis is not a necessary factor by itself pushing migrants to try self-employment if there is a lack of resources such as education and money (Light, 1979). Financial constraints are crucial when it comes to a business outside of Internet start-ups. For some of my informants the idea of self-employment will always remain a dream. Maryam, a 36-year-old Nigerian, regretfully comments:

“My dream is to start business selling second-hand German cars in Nigeria. Many Nigerians who live in Hamburg do this. When a friend of mine transfers cars from here to Africa, I always ask him to carry a small parcel for my sisters and mother in the trunk... so that I don’t pay for sending costs... and he never refuses. It is a highly lucrative business, I have heard. Plus both my husband and I are interested in cars. When we got married in Lagos, we thought we could have a family business someday... But the years go by, and it looks like it is not so easy to get it working here... We just don’t have money to invest.”

I do not ask why. Maryam is still struggling with legalizing her status, even though she is married to a German national, but the marriage is not recognized in Germany, and the woman is under constant fear of deportation. Her husband, who used to work as a cameraman in Thailand, now only has occasional work as a freelancer. Although several studies emphasize that migrant entrepreneurs often rely on family networks to acquire resources (Au & Kwan, 2009; Flap et al., 1999), my informants did not have any family networks to rely on besides their husbands. Most

likely it has to do with the fact that these studies are only applicable where there is a large population of immigrants from a certain area such as the Turkish community in Germany or the Moroccans in the Netherlands. By contrast, Hamburg does not have a significant population of Brazilians, Nigerians or Thai migrants to support my informants' endeavours.

Women in ethnic businesses are known to be quite "invisible" in academic literature, as the latter mostly concentrates on male entrepreneurs and ignores the role of gender in business practices (Bruni et al., 2005). Female entrepreneurship, specifically entrepreneurship of those women who come to Germany following a marriage, is a highly underestimated phenomenon, since it is widely believed that women from the lower-income countries married to citizens of wealthier states focus on the household and family, rather than on career. In countries of emigration, marriage migrants are primarily constructed as dependent women, who become 'foreign men's wives', rather than as emigrants (Belanger & Linh, 2011). Therefore, a certain dichotomy is being constructed regarding the fact that a woman is either a "bride" ("wife") or a labor migrant (Piper & Roces, 2003).

The literature on ethnic entrepreneurs, being mainly focused on male entrepreneurs, suggests "push" factors as the reasons for starting a small- or medium-sized business in a foreign country: unemployment, language barriers and ethnic discrimination. The "pull" factors make self-employment more attractive to migrants because they can find more opportunities in their ethnic enclaves. It is noticed that female ethnic entrepreneurs differ in their motivations from their male counterparts: they report that their business entry decision was influenced by "pull factors", such as the need to be creative, take control of their life and not only be performing the stereotypical roles of "wife" or "mother" (Piperopoulos, 2012).

For my informants it was both "push" and "pull" factors that made them think of self-employment strategies. All of the women who expressed an interest in launching a small business had already been living in Germany for some years; some of them were struggling with German language and could not imagine working full-time in German. Others simply could not legalize their certificate from prior education in Germany and so be able to work as lawyers or economists in Hamburg. All of them felt an urge to adopt a role other than the one of a caring wife or a mother, and having an independent income. In fact, de-skilling pushed them to look for other ways of self-realization as a possibility to get away from the gendered identity of "housewife" imposed on them by the restrictions they had encountered in Germany. One of the informants, 45-year-old Soledad from Peru, seemed to be quite satisfied with her life when I interviewed her for the first time. She was about to take her B1 exam in German, which would allow her to look



for at least a “mini-job”. When I followed up on her situation 6 months later, she was, however, close to desperate:

“It has been 2 years here in Germany, and I don’t do anything except for cooking and cleaning for my husband and son. Both come back home around 6-7 pm, we have dinner, and then go to sleep. This is my life. Well, I have a garden here, and I spend lots of time there. But that’s it. [...] Back home I used to be a professional; I worked as a lawyer. And here my diploma is not valid, and I cannot think of any other job that I could do. I feel like going back to Peru, at least in a couple of years. Maybe I should start some business? But what kind of business?”<sup>95</sup>

Liversage (2009), conducting research among Eastern European highly skilled migrants in Denmark, concludes that “women found little contentment in the repetitive chores of housewifery. Furthermore, they feared losing both their newly acquired Danish skills and claims to their professional identities” (2009, p. 131). Soledad, just like Liversage’s informants, was frightened by the idea of unwanted domestication. The prospect of limiting her life to cooking, cleaning the house and taking care of her German husband and a son from his first marriage seemed daunting to her. Soledad believed the situation could have changed within 2 years, but as of today there has not been any progress with her job applications, partly because of her age, language skills and unrecognized credentials.<sup>96</sup>

Since a theoretical scholarship on victimization and agency debate necessitates operationalization of main terms, I suggest using entrepreneurial attitudes as one of the indicators of agency of a female migrant, whether she came through a “mail-order bride” route or met her husband offline and then travelled to Germany as a part of a family reunification program. Entrepreneurship is an economic activity that guarantees woman her own income that she doesn’t necessarily have to share with the husband and report. The same cannot be applied to regular employment, which can be used in an exploitative way. Several informants reported that upon arrival to Germany their husbands asked them to find a job regardless if they wanted to work or not in order to contribute to the family budget. Rose, a 28-year-old Filipino woman who arrived to Germany one year ago after joining her husband, shares her own story:

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<sup>95</sup> I followed up on Soledad’s story one year after our last conversation. I found out that, following my recommendation, she started volunteering at the legal department of one of the local NGOs thinking that it could help her to find a job. However, the volunteer commitment did not lead to a full-time paid job because the NGO was not hiring. Despite having successfully passed her German exam in October 2014, she still does not have a job. As a “plan B”, the couple is considering moving back to Peru in 3 years time, when Soledad’s son has finished high school and started university, and her husband has retired.

<sup>96</sup> According to Büttner & Stichs (2013, p. 8), only 15% of marriage migrants manage to get their foreign diplomas recognized in Germany.

“I got a “mini-job” here in Hamburg because Robert [her husband] told me I had to earn money. I got lucky. One of his students was looking for a cleaning lady in his office to work part-time, and I fit the requirements. I am paid hourly. Robert takes all the money for household expenses, and doesn’t leave me anything at all... So I have to hide some money. I don’t tell him how many hours I work exactly. But last week he saw 20 EUR in my wallet that I hid from him... He got very mad at me”.

For Rose, a part-time job offered her an opportunity to send remittances back to the Philippines, where she left behind 2 sons of 8 and 10 years old. She was lamenting the fact that her husband did not really understand the caring responsibilities she had back home. Having worked for many years as a single mother in the Philippines, she would have appreciated the opportunity not to work in Germany, at least until she improved her German.<sup>97</sup>

In assessing the effects of women’s labor force participation, some studies observe that employment can increase women’s bargaining power and control over resources. In turn, it is claimed that this can be the basis for more personal freedom and egalitarian relationships within the home (Menjivar & Salcido, 2002). Other studies demonstrate that participation in the labor force does not always translate into increased status for women or, for that matter, a decrease in domestic violence (Bui & Morash, 1999; Menjivar, 1999). In an ethnographic project dedicated to Vietnamese women married to men overseas (Belanger & Linh, 2011), the authors highlight the notion that migrant spouses are emigrants who aim to contribute financially to their natal families through remittances. This conclusion goes against a stereotypical depiction of female marriage migrants on the global scene viewed either as wives or domestic workers. Likewise, out of 25 women interviewed for this study, almost everyone showed an ambition to have a job in Germany, or do the necessary schooling in order to acquire new qualifications.

Currently there is a need for a definition that would allow for a “happy medium”, taking into account both skilled and unskilled marriage migrants, and their entrepreneurial ambitions. The representation of women as victims has been a crucial point of feminist literature while analyzing questions of sex work, female circumcision, traditional dressing habits and labor or marriage migration from the Global South. Although it is true that women’s victimization and agency are very often interrelated due to structural constraints, I argue that female entrepreneurship activity upon arrival to a new country can be considered as a sign of exercising

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<sup>97</sup> Criticizing the fact that regular employment is viewed in feminist literature as a “liberation” for migrant women, Constable highlights the fact that to some working women from China and the Philippines the idea of only working at home taking care of the household constitutes an attractive “modern” arrangement as opposed to hard work in the factories or rice fields in their countries of origin (Constable, 2003, p. 66-67). Therefore, Constable criticizes the conventional idea that regular employment always brings empowerment for the foreign brides, describing alternative ways of gendered division of labor.

agency, as it allows women to generate an independent income, facilitates self-realization and regaining of status that is frequently lost after migration.

## **7.2. Litigating Bi-National Parents: International Child Abduction and Custody Claims**

### **7.2.1 Divorce and child custody abroad**

As I mentioned in chapter 4, divorce is sometimes considered one of the indicators of whether mixed marriages work. I have already argued in favor of stability of transnational marriages putting forth the data provided by “Verband für Partnerschaften und Binationaler Familien” that there is virtually no difference between divorce rates in exogamous marriages in Germany in comparison to German-German marriages. At the same time, there is one important difference that manifests if the couple has children and that marks further socio-economic inequalities and the notion of political membership. This difference is how marriage migrants with lower power resources are treated during court litigations in the cases of bi-national marriages, particularly if a marriage ends with conflicts, and the parents initiate a litigation process.

Divorce and further custody fights are always complicated and sensitive processes, let alone when the partners speak different languages, belong to different religions and wish to live in different cities or countries. Furthermore, the situation can be exacerbated by differences in power resources. It is known that the most difficult cases of parental custody are in countries governed by Islamic law because they are not part of any international convention that imposes rules on returning a child. Over the course of my research I have come to conclusion that the most heated debates and problematic stories in regard to bi-national couples arise in cases of divorce and maintenance or custody litigation. Among the women I have interviewed and talked to either through personal networking, “snowballing” or my cooperation with the counselling centre, four were going through divorce proceedings accompanied by child custody trials. Unlike their husbands, none of them was familiar with the German laws governing child custody, spoke fluent enough German to be able to follow the process independently, or generated enough income to afford an attorney.

In this sub-chapter, drawing on the stories shared by two of my informants (one of them preparing for the court hearing, and another one has already lost it), I discuss the issue of international child abduction and child custody of bi-national couples’ children in Germany. As in the other sub-chapters, I am particularly interested in how marriage migrants navigate the judicial system while fighting for custody of their children, and what kind of discourses of motherhood

and defence mechanisms they try to evoke in order to achieve their goals. At the same time, my objective is not to verify or sustain their claims (e.g. narratives related to abusive behaviour or their “rights” to keep a child), but to explore how and why they are constructed. As in the previous chapters, following the constructivist perspective, what is more important to me is the way my informants perceive and narrate information, and not whether it is factually true or not.

### **7.2.2. The case of Lesli**

Lesli arrived at the counseling centre after having booked an appointment with one of the service providers over the phone. After hearing her arrive, Eileen, another volunteer, rushed to tell me the news in a quick whisper: *“Have you heard about her story? It is insane... She was married to a German who lived in Norway, and then ran away from him... Now the man is accusing her of having kidnapped their daughter and secretly bringing her to Hamburg”*. Imagine, *“Entführung”* [kidnapping], Eileen continued, repeating this new German word for me. This was a serious accusation. *“She has no chance of winning the case”* – another colleague shrugged shoulders.

I found Lesli and her daughter after the consultation in the room for kids. Her daughter Milagros was collecting a puzzle under her mum's supervision. Lesli was instructing Milagros not to make too much mess, and to my big surprise, was addressing her exclusively in German. Lesli is a dark-skinned Peruvian woman from the south of the country. If I hadn't known Lesli's ethnic origins, I would have mistakenly assumed she was a South Indian or Sri Lankan. Looking at me and fixing her daughter's garments, Lesli kept commenting: *“See, how naughty she is... One needs to have so much patience with a child. Her father would not be doing what I am doing now. He wouldn't have taken care of her. I just want him to leave us in peace. I just want the custody over my child”*.

Lesli comes from Arequipa, the second largest city in Peru, in the south of the country. In 2008 she met her German husband in Peru, and decided to return to Germany with him. The couple got married and lived in the Munich area, and then moved to Hamburg. Because she already was fluent in English prior to her arrival to Europe, Lesli learned German very fast. It only took her 6 months to start speaking German to her neighbors and her husband's friends. A few months later she was already working, which she seemed very proud about. She values job opportunities that Germany offered to her in comparison to Peru, and laments that not all migrants from Latin

America are able to take advantage of them because of their low level of education and their ignorance. Lesli commented in regard to her career ambitions:

“I am not an immigrant like the majority of *Latinas* here... For me it is very important to get integrated in the society, and I am convinced one cannot achieve it without speaking German. That’s why it was so important for me. The language is a key to a new society.”

I asked Lesli how they she met her husband. Was it through a marriage website? Or just through friends? She responded that he was traveling in Peru with his friends. “Oh really.” I comment. “I have spoken to many Latin American women who have met their husbands while the latter were on a holiday. What a coincidence”. “Obviously, I am not surprised,” Lesli smirked, wrapping her daughter with a scarf, “Germans love *Latinas*”:

“We are feminine, we cook, and we stay home. We are more traditional than German women. I know now why he decided to marry *una india* [an Indian]... To abuse her, that is why. To take advantage that she is a foreigner and does not know anything. But I am not like this. He won’t have it easy with me.”

The term “Indian” sounded a bit confusing at first, but then I realized that Lesli did not mean an Indian from India, but rather “an indigenous” woman from South America. “*Some of them think,*” Lesli continued with an evil smile, “*I cannot abuse a German woman, let me abuse an Indian... They go to Latin America to find a wife. It makes sense, the women are more submissive there. And it works sometimes.*”

Apparently, the couple lived a few years in Germany, until Lesli’s husband got a new well-paid job in the north of Norway, and they decided to move because of financial considerations. Her husband said that if they were to have kids, Norway was a better place in terms of education and social services. The same year Lesli gave birth to Milagros while they were still in Germany, and few months later they moved to Norway. Milagros had both Peruvian and German passports. However, Lesli was not happy in Norway. She mostly stayed at home taking care of the child, and her husband turned out to be very controlling and abusive. When I asked what exactly was wrong, Lesli lowered her voice to just above a whisper:

“Why did I not like it there? Well, because he was mistreating us. He did not give us food [She took a long pause, looking at me expressively]. There were days when we stayed hungry at home, both Milagros and myself. We went hungry, yes... Our life there was terrible... Terrible. I felt very frustrated.”

While it was the first marriage for Lesli, her husband has already been married twice: once to a German woman, and the second time to a Thai woman. Both marriages did not work out, and ended in divorce. He also had two grown up daughters. In fact, one of them tried to suicide herself

because her mother, his second wife, was allegedly abusing her. While speaking to Lesli, I realize that there is a reason behind the fact that she prefers communicating to her daughter in German, and not in Spanish. While being in Norway, she already knew that as soon as possible she would be heading back to Germany, as this is the place where she spoke the language and knew some people:

“I only speak German to Milagros at home. Even in Norway I have always been speaking German to her, and never Norwegian or Spanish. I already had a feeling that we would return to Germany, and I wanted my daughter to have more links with this country, so that she could stay here instead of going back where her father works. It is better here than in Norway”.

Lesli sounded very bitter and sarcastic, especially when I ask some questions about her husband. She was going through a stressful situation. She took Milagros without her husband’s permission, and flew back to Hamburg where she had a few friends. She was planning to stay with them for a while, until she found new accommodation. Meanwhile, her husband had decided to sue, hoping to obtain sole custody of Milagros. Milagros was his third and the youngest child, and he was determined to fight for her in court. Lesli told me regretfully:

“Why does he need a girl? He is not going to take care of her. He already has 2 grown up daughters and he never pays attention to them. It is pure revenge, just because I dumped him. He is a very vindictive man. But I don’t want anything else, not even his money. Although I don’t have a job in Germany, I am receiving Kindergeld every month. So just let them leave me in peace. I have my own income. Let them grant me a custody of my daughter”.

Although Lesli was set on fighting for her daughter in court, her situation was not easy. According to the official definition, she had kidnapped her daughter, and her husband’s abusive behaviour was yet to be confirmed. Even though in the circumstances of “grave harm” applicants are allowed to withdraw the child from his or her habitual household, Lesli did not have any witnesses to abuse, and even in conversations with me the only objection she voiced was the fact that her husband did not treat them well, but could not give any examples of the latter except for the absence of food in the house and adequate clothes for Milagros. Likewise, the service providers were quite hesitant about her situation. Lesli’s husband had all the rights to claim that the child had been wrongfully removed from Norway, the place of Milagros’ habitual residence. At the same time, because Lesli was fluent in German and did have some connections in Hamburg, she looked quite confident and self-sufficient, trying to prove the strong links her daughter had in Germany. She did not look like one of the terrified victims by any means. She was determined to win the case, armed with the legal assistance offered by the counselling centre.

### 7.2.3. The Hague Convention and international child abduction

The international abduction of children is the subject of the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention)<sup>98</sup> which defines the term and aims at helping parents whose partners abduct their children and take them to other countries. Being an international multilateral treaty, the Convention seeks: “...to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for the rights of access.”<sup>99</sup> It provides for immediate return of children who are taken from their country of "habitual residence" in violation of "custody rights."<sup>100</sup> It is not concerned with substantive custody questions or even with jurisdiction; its purpose is to send children back to their primary residence, where they came from, after making a determination about a very limited set of factual questions. At the same time, it is mentioned that a child should be returned as soon as possible to the “familiar culture”, which is why Lesli had only been speaking German to her daughter. She knew that in this case Germany would have been recognized as country where Milagros had most familiar ties, and not Norway.

The idea behind the Hague Convention is quite one-sided. Child abduction is considered to be a transgression of parental behaviour that leads to negative consequences for the child’s development and wellbeing. It is believed that a prompt return of the child to the place of his or her habitual residence represents the best interests of the child. However, some women might use child abduction to flee situations of abuse or mistreatment, and seek safer conditions for them and their children.<sup>101</sup> The latter argument has given rise to discussion among legal scholars and social scientists. Among other pitfalls of the Convention, Weiner (2000) notes that the it was drafted with

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<sup>98</sup> The Convention has been ratified by fewer than one-sixth of the world’s countries, only eight of which are non-European. No Middle Eastern or North African country, except for Israel, is a part of the Convention. The latter situation creates a gaping hole in protecting the rights of internationally abducted children (Schnitzer-Reese, 2004).

<sup>99</sup> Preamble of the Convention.

<sup>100</sup> Its substantive provisions are Articles 3, 12, and 13. It provides that children under 16 shall be returned to their country of habitual residence “forthwith” if they have been “wrongfully removed or retained,” unless they were abducted more than a year before the petition was filed.

<sup>101</sup> It has also been maintained that the Hague Convention may work against securing safety for battered or abused mothers and their children who have fled from abusive partners (Shetty & Edelson, 2005).



a stereotypical male abductor who takes children from their mothers abroad in mind, and does not take into account the possibility of mothers being abused and fleeing this situation.

The Hague Conference currently has 80 Members: 79 states and 1 Regional Economic Integration Organization. Germany is one of the members, having joined in 1955, and is therefore willing to enforce foreign custody orders.<sup>102</sup> Peru is also one of the members, so taking her daughter there would not have saved the situation for Lesli. Furthermore, since 2005, within EU states it is necessary to apply not only the Convention but also adequate provisions of the Council Regulation No. 2201/2003.<sup>103</sup> The main difference introduced by the regulation is that the courts of the member state of the child's habitual residence have the final say in deciding where the child should stay. The term "habitual residence" has certain legal difficulties for it could be interpreted ambiguously. Also in the case of Lesli it represented a problem. According to Glogarová, Kulhánková and Suchá (2008), in some complex cases such as relocation of the family before wrongful removal or retention, it could be questionable whether the habitual residence should be determined from the child's point of view or whether the emphasis should be on the intentions of the parents. Lesli would clearly argue that even though Milagros had been living in Norway, her home is in Germany, where her roots are and where she was born.

Lesli also tried to build her defence along the lines of how being with her would benefit her child, as opposed to Milagros staying with her father who "would not take care" of her. In doing so, Lesli used the discourse of a "caring and loving Latina": *"We, Latinas, know how to take care of kids. I would not leave her in the day care just to work and make money. His German wife did that with his older daughter, but I am not like that"*. Her rationalizing discourse bears resemblance to the discussion on the capitals in the matrimonial field and stereotypical depictions that marriage agencies use to market women and attract foreign customers, as I discussed in the literature review. It also reminded me of what Juvelyn and Patricia were claiming about the cultural notions surrounding Filipinas and Brazilian women in chapter 5. Both women maintained that their German husbands chose to marry women from Asia or Latin America to take advantage and exploit them, knowing that with a German woman it would not have been possible. Another factor that Lesli was trying to use in her defence was the argument of emotional abuse connected with the absence of care for their daughter from the father's side. In fact, fertility and caring practices

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<sup>102</sup> Hague Conference on Private International Law Website  
[http://www.hcch.net/index\\_en.php?act=states.details&sid=41](http://www.hcch.net/index_en.php?act=states.details&sid=41) (Accessed 1 April, 2015).

<sup>103</sup> 27 November 2003, concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.

could be considered as another element of erotic capital that is unique women since men are not able to bear children. In certain cultures this element carries huge additional weight, automatically giving women an advantage over men (Hakim, 2011). I argue that my informants' emphasis on "care practices" voiced throughout fighting for the custody reflects a general debate on the social capitals as expressions of resources that individual actors have in social relationships. Hence Lesli draws a line between her being "*Latina*" (and thus being able to exhibit an extraordinary caring and affectionate behavior in relation to her family member) and her husband coming from a different cultural milieu (assuming he would lack these characteristics).

The "care" narrative and "best interests" of her daughter were components of Lesli's main argument in fighting for the sole custody. At the same time, the Hague Convention is not about "the best interests of the child" but rather about returning the child to the jurisdiction that should hear the custody matter (Chiancone, Girdner & Hoff, 2001). This is something Lesli did not know about, because her main arguments revolved around the fact that her daughter would have a better life in Germany, a country whose language she spoke and understood very well, with a mother who knows more about child-rearing responsibilities and has a more "nurturing" character.

#### **7.2.4. The case of Dao**

Dao comes from the Philippines, where she worked in one of the tourist agencies in Cebu catering to American and Northern European tourists. She met her husband through one of the international dating websites, but it was not a marriage agency. It was a website to make friends from around the world, as she puts it.<sup>104</sup> Her future husband, who works in Hamburg in the oil and gas company, visited her a few times in the Philippines, and they even traveled to other islands together for a vacation. He met her family and received a unanimous approval from her parents, even though he was 19 years older than Dao. As she comments, when I ask about their age gap:

"Older men just seem to be so much more interesting, more knowledgeable... You fall in love right away [...]. And they take care of you, at least that's what I thought. My first husband whom I met at the age of 16 never took care of me. We were too young".

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<sup>104</sup> In the Philippines, international marriage agencies are illegal, and instead are called "pen-pal agencies". The Philippine congress enacted Republic Act 6955 (the Anti-Mail-Order Bride Law) on June 13, 1990 as a result of stories in the local media about Filipinas being abused by their foreign husbands.

The couple had an engagement in a traditional way. I look at the engagement pictures on her phone, where both are sitting on a colourful carpet adorned with flowers. Dao is wearing a long traditional turquoise outfit with horizontal golden straps carefully draped around her body. Although in daily life she wears her long black hair loose, in the picture it is tucked up in a sophisticated hairstyle. Both bride and groom are smiling. She tells me that they decided to get married a few months after his last trip, and Dao applied for a spousal visa. In preparation to depart to Germany, she had to attend a basic German course in Manila, which was one of the legal requirements of entry. While being in Hamburg, Dao applied for family reunification for her son who was already 7 years old and lived in the Philippines with his grandparents. One year later the son was able to join them in Hamburg, and the following year Dao gave birth to a daughter, called Sonia. The problems started when Dao got pregnant, and it turned out that she had an HIV infection. Her husband was furious. At the same time, he was the one who wanted to have kids in the beginning:

“He really wanted to have a child as he used to say that all his friends already had kids, and he was the only one in his social circle without children. We have been trying to conceive my daughter for 6 months, and then I got pregnant. But when he found out I had HIV... His behaviour changed.”

Some months after the birth of their daughter, Edward told Dao that he would move out from the house as he had another girlfriend. The couple did not officially divorce but decided to separate. Since Dao and Edward were dividing time with their daughter, Edward took Sonia as usual one Friday night in February 2013, promising to return her back on the Sunday. But he never showed up on the Sunday and never answered the phone. On the Monday, Dao started alerting authorities claiming that he had kidnapped the daughter. The authorities' answer was that “he could not do such a thing because he was a father”. In the end, Edward and Dao spoke on the phone after 7 days. Edward filed the petition to the court requesting to strip Dao of her right to Sonia's custody. A special consultant (*Gutachterin*) was appointed that was supposed to evaluate the quality of Dao's household and her relationship with the daughter. Following the report (that was 80 pages long)<sup>105</sup> and court's decision, the girl was taken at first to a foster family (*Pflege Familie*), and then to the house of her grandparents from the father's side. Dao was only allowed to have Sonia on the weekends. Because Dao did not speak German, she could not read the report and asked social workers to help her with it.

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<sup>105</sup> Although I could not make a copy of the report, I did read many parts of it, and asked Dao questions about it.

Dao claimed that the whole report was biased and comprised of lies, and the decision of court was prejudiced against her. The report labelled her as an unstable mother with depression and problems with her mental state. She clearly saw the signs of conspiracy behind the report:

“It is not fair that they are taking sides with a man who mistreated us. It is the system against me. [...] They take Sonia from me and put her with the grandparents. But they are elderly people... They are around 70-75 years old. They can pass away any time, and then what? Her dad won’t take care of her as I did.”

When I ask her why the couple decided to separate, Dao suddenly came up with a similar complaint expressed by Lesli:

“He mistreated us so badly. We went hungry for many days. There was no food in the house. When I went to the Philippines to visit my family, and my son stayed in Hamburg, he also treated him very badly. My poor child did not want to tell it to me on the phone, as he forbade us speaking Tagalog... We had to speak English in front of him. He was so rude to us, especially after he found out I was HIV positive... I did not know I had HIV before I got pregnant the second time.”

Dao claimed that her husband used her to have a biological child, and then decided to get rid of her:

“It was his decision to have a child. He asked me many times for it. From the very first meeting he asked me if I wanted to have children, and I replied: it is up to you. I already had a son back home. But he really insisted...”

She also claimed that the court decision was very biased and based on lies of her husband and his lawyer. Besides a distorted picture provided in the report by an expert, she claimed that court decided in favor of her husband solely because he is German, he is better off financially and has relatives here in Germany, whereas she is here all by herself and does not have a job.

Unlike Lesli, Dao looked very distressed and not confident at all. Not speaking German and not having any friends in Hamburg except for a few women from the Filipino community (which is quite small in Hamburg), it was a tremendous challenge for her to navigate the German laws:

“Yes, for the first time they appointed an interpreter who was able to do a simultaneous interpretation. I was very thankful to her. It was during the first hearing in June. Then in July they appointed a lady who should have been retired a long time ago! She missed half of the information, and I felt like she was falling asleep during the hearing. I was thinking: Oh God, they cannot do this to me...”

Her visit to the counseling center was her last resort to restore justice. Dao was agitated. She looked like a person who, besides legal help, was in need of someone to talk to and to confide her sorrow. She went on and on recounting her life back in the Philippines, her husband’s attitude,

and her unhappy life now in Germany. Instead of giving facts, she was full of emotions. Instead of appealing to reason, she was indulging in feelings and kept recapturing past memories. I sat close to her and listened to her story. At the same time, the social workers were trying to persuade Dao to calm down saying that the court had already ruled against her, and there is no point in appealing at the moment. It would be too pricey and ineffective. It would be best if she could find a job and prove she is a stable person and a good mother.

“But how can I do such a thing? [She bursts in tears] When my daughter grows up, she will ask me: mummy, why did you not fight for me? What would I answer her? And then, I am sure my in-laws are manipulating the girl and teaching her to hate me...”

Again, Dao’s testimony sheds light on the capitals circulating in the field of cross-border unions. She clearly states that it is her husband who wanted to have a child, and that is why Dao’s age and reproductive capabilities were appealing to him. Indeed, the interviews confirm the hypothesis that reproductive attitudes could be considered as a part of erotic capital, or even as an independent capital on its own. Thus low fertility rates in some countries could trigger a new interest for a fertility and reproductive capital. It is known that Germany has one of the lowest birth rates in the world. According to the study by German auditing firm BDO with the Hamburg Institute of International Economics (HWWI), Germany has now dropped below Japan to have not just the lowest birth rate across Europe but also globally.<sup>106</sup> In this context a woman with a desire or a possibility to have a child is valued more than in other cultural contexts.

#### **7.2.5. Child custody in bi-national couples with abuse history**

From these two stories, we can conclude that Lesli and Dao alike were using the narratives of emotional abuse and “best interests” for their child, rooted in the cultural explanations, in order to construct powerful discourses of motherhood and support their legal claims. In fact, it was previously found that gendered categories like “male perpetrator” and “female victim” were central components in the mothers’ accounts of their court claims, serving to support their claims of fearing the fathers of their children (Ingrids, 2014).<sup>107</sup> It is known that the litigation process

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<sup>106</sup> BBC, “Germany Passes Japan to have world’s lowest birth rate”, May 29, 2015  
<http://www.bbc.com/news/world-europe-32929962>

<sup>107</sup> According to Jaffe and Crooks (2004), in the past decade, the family courts have found themselves in a heated debate about the role and recognition of partner violence in determining child custody. On one hand, domestic

requires the parents to produce: “extreme allegations about their ex-spouses to ensure victory” (Weinstein, 1997, p. 87). Moral categorizations that invoke certain norms are of the utmost importance in the case of disputes, and membership categories represent crucial discursive resources deployed by speakers while performing a variety of social actions such as accusing or allocating blame (Ingrids, 2014).

Speaking about moral categorizations, Dao’s ex-husband claimed that she was “mentally unstable and depressed” and therefore not capable of taking care of a child, and Dao, in turn, sustained that she has suffered emotional abuse. At the same time, one could argue that many of these culturally familiar allegations of domestic violence are false and are constructed in order to contest and reinforce custody claims. In the case of Dao, the latter narrative and gendered categorizations of motherhood did not succeed as even despite “abusive” court testimony she was denied sole custody.<sup>108</sup> It was very unlikely that Lesli’s arguments rooted in the same narrative would have helped her to accomplish her aims within the institutional settings of the courtroom, considering that in her case various other factors such as the allegations of kidnapping were clearly against her. Moreover, it is noted by Ingrids (2014, p. 132) that women who diverge from normative ideals of motherhood, by being “mad” or “abused”, risk losing their children when the fathers contest custody. In both cases, one could claim that the women were “transgressors”, as seen from the point of view of the Hague Convention or domestic laws.<sup>109</sup>

Similarly, other prevailing questions in debates on domestic violence and child custody disputes are if and how notions of gender affect the legal process. It has already been maintained that child custody trials could be gender-biased (Ingrids, 2014; Collier, 2009).<sup>110</sup> One more point to take into account is whether gender coupled with migration or citizenship status could affect the process and decision-making of the judges. Dao, dependent on governmental welfare and not having relatives or friends to support her morally or financially, repeated several times that, in her

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violence victims' advocates have pointed out the failure of family courts to recognize the plight of abused women. On the other hand, fathers' rights groups have bemoaned what they perceive as gender bias in favor of mothers receiving custody (Jaffe & Crooks, 2004, p. 920).

<sup>108</sup> In fact, this case study reiterates the claim that “violent” husbands are viewed as “good” fathers by the judicial system. In other words, there is no correlation between a man exhibiting abusive behavior and lower chances of getting custody rights in Germany. Similar problems have been examined by Eriksson and Hester looking at English and Swedish examples (2001).

<sup>109</sup> Dao has been labeled as a “transgressor” in a more subtle way: she was deprived of the custody on the grounds of being “mentally ill”, “depressed”, and therefore not being able to perform care responsibilities.

<sup>110</sup> Usually the allegations are that mothers are more favored by the courts in terms of legal custody.

point of view, the German judicial system had discriminated against her because of her immigrant status, lower economic opportunities and gender: *“You see, the court believes every single bad thing Edward tells about me... They even believe I am mentally unstable and unable to take care of Sonia. But they don’t believe when I say bad things about my ex-husband. It is unfair.”*

When I asked one of the social workers whether she had seen similar cases in her practice and whether state agencies take sides, she replied:

“It is true that many judges are prejudiced against immigrants, especially against Asian women. Many German men go for sex tourism purposes to the Philippines or Thailand, and German female judges automatically assume that all Thai or Far Eastern women come to Germany in order to “steal” someone’s husband. I know some judges who hate Thai women just because they come from that country.”

Another social worker expressed a more neutral point of view, doubting that gender or citizenship play a role in the legal process:

“It is true that some *Gutachtern* (consultants) responsible for reporting about families’ situations make horrible mistakes. Sometimes they are not careful enough or take insufficient time to describe the situation in the house. All these factors make their reports dubious. It could have happened to Dao as well, but the truth is that we will never know if happened because she is a Filipina migrant.”

Lesli, who had been abroad for a longer time than Dao, and who spoke fluent German, Spanish, English and a bit of Norwegian, knew that her migrant background could have been turned as an argument against awarding her full custody: *“They might say, she is an immigrant. [...] But I am not like other Latinas here. I studied. I worked. I am receiving governmental help now, but I can earn money myself”*. Lesli consciously chose to emphasize her educational status, work experience, strong linguistic ties with Germany, and indefinite permit to stay in the country. At the same time, Lesli was the one who violated international law, and most of the social workers agreed that it would be very challenging for her to win the case without first taking her daughter back to Norway.

While it is beyond the scope of this sub-chapter to determine whether courts or other state agencies unduly consider immigrant background or gender in their decision-making, I attempted to trace how gender discourses manifested in my informants’ stories, what kind of discourses they evoked while fighting for the custody, and how they reflected on the court’s decision or legal counselling. Although their claims could have been fabricated, it was, however, important here to analyze what kind of leverages and tools they, as clearly powerless individuals in court litigation,

used in their favor. The “care” narrative and cultural claims were used by two of my informants to try to achieve their goals in custody-related legal proceedings. Also, claims of interpersonal violence were brought up as defence mechanisms.

On the one hand, the movement to give partner violence significant weight in the law has now extended to child custody proceedings in family court, and judges in many countries are being mandated to consider partner violence as a significant factor in determining the appropriateness of a violent spouse becoming a custodial parent (Jaffe & Crooks 2004, p. 918). On the other hand, Lesli’s and Dao’s stories demonstrate that partner violence is still viewed as a separate issue that is not relevant to the determination of child custody after divorce. At the same time, I argue that the factors of gender and migration status could also influence the decision about the custody. More research should be conducted into how the factor of previous interpersonal abuse contributes in the case of bi-national marriages or in cases when one spouse has a migrant background. In the two case studies discussed in this chapter, neither Dao nor Lesli managed to convince the judges of the necessity of awarding them sole custody, despite presenting a narrative of domestic violence.





## Chapter 8: Conclusion

Happy families are all alike; every unhappy family is unhappy in its own way

(Leo Tolstoy, “Anna Karenina”)

“Happy families are all alike; every unhappy family is unhappy in its own way” – this is how Leo Tolstoy starts his first chapter of “Anna Karenina”, an internationally acclaimed story of a married aristocrat Anna and her affair with affluent Count Vronsky that led to tragedy. The narrative of Anna Karenina unravelled against the backdrop of the themes of hypocrisy, jealousy, passion, moral norms and social progress in the Russian society in the latter half of the nineteenth century. In the study “Modern Loves: The Anthropology of Romantic Courtship and Companionate Marriage” edited by Wardlow and Hirsch (2006, p. 4) the authors disagree with this famous quotation, arguing that every society offers its own recipe for happiness, and therefore every happy kind of kinship across the globe will be characterized by different achievements and expectations. Interestingly, I have been thinking of Tolstoy’s quote throughout my work, and if someone asked me to summarize my findings with one phrase, there could not be a better and a more precise one. Indeed, whereas all joyful and enthusiastic cross-border couples’ stories resembled each other and seemed to repeat a similar pattern during my fieldwork in Germany, it is the dramatic stories that differed in their complexity and unresolved dilemmas, and necessitated further policy suggestions.

Although Anna Karenina was considered as a pariah by the nobility of that time for wanting to marry a man who she was in love with and thus breaking a seemingly respectable marriage, her behaviour would soon would be viewed as more acceptable among well-to-do individuals – until becoming to embody a norm. Starting in the eighteenth century, slowly more and more people began choosing their partners based on romantic love, and marriage has gradually been transforming into “a central life experience from which people could derive happiness and forge satisfying personal bond” (Celello, 2009, p. 17). Following the evolution of liberal understandings of marriage over the past centuries, emotional satisfaction and spiritual affinity based on romantic love has become among the foundations of a successful “bona fide” partnership in Western democracies, and any kind of relationship that allegedly deviates from

these standards has come to be regarded as “exploitative” or “suspicious”. It is bi-national marriages, still representing a minority among the general population worldwide, that often become the targets of such claims among general public and governmental bureaucrats.

I began my research being concerned with the images of victimhood circulated by feminist academic writers, investigative journalists and women’s advocacy campaigns. My idea was that there was a significant gap in the criminological literature regarding the issues of female marriage migrants (moreover, thus far criminology has almost neglected the issues of marriages and family), and my study was aimed at filling this gap by investigating the main risks that women from economically weaker countries subjected themselves to by marrying foreigners. Among other questions, the term of “mail-order” bride that sounded scandalous *per se* and led to many stereotypical images was of the utmost importance to this research. However, my preconceived notions of linking marriage migration from developing countries to Western Europe with human trafficking, exploitation and gender biases proved to be completely wrong. Not only were many of my informants whom I met in Hamburg self-conscious educated women with professional achievements in their home countries, but they also reflected on many experiences in Germany – such as education, work, motherhood, social welfare benefits or future schooling for their kids – as new opportunities that opened doors for them and, despite a number of obstacles and hardships, were eventually empowering in many ways.

That is not to say that marriage migration does not pose any risks for the migrating spouses. In principle, all marriages or relationships encompass a certain degree of risk-taking and involve a possibility of divorce, and one cannot claim that only cross-border mixed marriages are menacing or treacherous for women. At the same time, one has to acknowledge that there are certain factors that make marriage migrants involved in transnational partnerships more susceptible to victimization. This happens, as my research has demonstrated, primarily because of their migrant status and practical problems connected with it (and not only because of patriarchy or institutional racism): absence of a permanent residence permit, lack of language skills, no reliable network of social contacts or general familiarity with a new place or its legal system. Another decisive factor that partially determines whether a marriage and life in Germany will last or will lead to divorce is the fact of belonging to a certain class. Women from middle and upper-middle classes in their countries of origin experience less difficulties in adapting to German life and finding social contacts because they are more mobile, speak foreign languages, use Internet resources, and are able to interact through professional networks. On the other hand, these are the women who usually react more bitterly to their failures on the job market and their

inability to continue building a career abroad. As a contrast, women from economically lower classes in their countries of origin are less frustrated by the absence of job opportunities, but are more likely to experience situations of social isolation and psychological abuse. The latter, though it can seem trivial, can pose a big problem for foreign spouses in Germany.

Arguing against a trafficking discourse, I have discovered a whole new array of problems linked to marriage migration, most of which were, alas, quite mundane and certainly not so “catchy” as the claims of trafficking and female servitude reiterated by women’s rights defenders and mass media outlets. The main idea of the empirical chapters was to identify, discuss and analyze these problems. My interviews with women and participant observation at the NGO demonstrate that there are many more challenges for foreign wives beyond the trafficking discourse such as language acquisition, risk of interpersonal violence, blackmailing and social isolation, visa paperwork and moral criminalization, and the quest for labor rights and recognition of foreign credentials. Furthermore, child custody in the case of divorce was one of the most complicated problems encountered by my informants. Chapters 5, 6 and 7 effectively demonstrate how women face these challenges, how they perceive and adapt (whether passively or pro-actively) to the new circumstances and generate new opportunities, not only changing themselves but also affecting the host society with their entrepreneurial, pliable, creative or sometimes opportunistic responses.

## **Contributions**

This study contributes to the following academic debates: the link between gender, migration status and vulnerability, female empowerment and the role of capitals, the social construction of interpersonal violence, the policing of marriage migration, and the overlap between victimization and offending.

Speaking about the policing of marriage migration and sham marriages, this study expanded the criminological scholarship on policing non-citizens by questioning inner motives and rationales that my informants presented and constructed during the interviews. Conducting in-depth interviews with foreign spouses and bi-national couples in the EU, and also doing participant observation at the non-profit organizations and language courses in Hamburg, I interviewed several informants who either had consciously gone through a sham marriage for the purpose of obtaining of residence permit or EU passport, or had been under the suspicion of having a bogus marriage in the framework of governmental investigations. Based on my analysis of the interviews,

I conclude that it is more common to be classified as a couple that married for “convenience” if a wedding takes place in Germany, or inside any other EU country. None of my informants who married outside of the EU in their countries of residence or who have arrived to Germany via a fiancée visa had a similar issue. At the same time, individuals who came to Germany on a different type of visa, and decided to get married while living in Germany, faced some problems regarding collection of necessary documents or proving that their union is not “fake”. The story of Bruna mentioned in chapter 6 is a good example of this tendency. By analyzing these case studies, I argue that increasingly restrictive state policies regarding the policing of intimate spheres of non-citizens’ lives can generate negative outcomes for the migrants, and further place them in the situation of vulnerability.

Indeed, marriage enables a privileged and, some might claim, “respectable” (Pascoe, 2009; Schaeffer, 2012) entry to Germany, a right to move across borders and to receiving a residence permit. At the same time, while Western idealism that views marriage through the prism of romantic sentiments and dominates discourse in regulating marriage migration governance, and fears of “citizenship for sale” available to third nationals trigger stringent immigration surveillance, the bi-national couples elaborate their own ways to circumvent the system. In this research I argue that it is crucial to look beyond official discourse attempting to “think outside conceptual and material grasp of the modern state” (Van Schendel & Abraham, 2005, p. 10) approaching the subject of sham marriages through the personal narratives of the individuals involved in them. It is through ethnographic approach that we are able to better grasp the complexities behind the phenomenon of marriages of convenience and the way various forces and rationalization discourses coalesce.

The main critique of the policing approach consists in the assumption that it is inhumane and poses threats to family integrity and security of personal information, since the legal core of family reunification is among the recognized human rights. Policing of marriage migration perpetuates the commodification of intimacy by downplaying the mass media stereotypes and attributes of popular culture associated with a “right” wedding. By taking into consideration wedding rings, dresses, pictures, neighbors’ rumors and honeymoons as a proof of love marriage, immigration officials reinforce normative principles of a credulous vs. fake marriage. Ironically, those bi-national couples that contract marriage knowing that it is only for the instrumental purpose of securing visa or obtaining nationality are fully aware of possible monitoring of their life and further interrogations. We could see it from the narrative articulated by Natalia, Daniel and Ksenia mentioned in chapter 7. Being prepared for a possible intervention in their private life, they

elaborate adequate strategies in order to conceal the truth. On the contrary, the couples that marry without strongly defined materialistic gains might suffer.

While acknowledging the force of legal regulations, it is critical to understand the difference between the state approach to crime and the responses of the individuals who engage in illicit or deviant behaviour. I argue that it is crucial to look beyond official discourse attempting to approach the subject of sham marriages through the ethnographic narratives of the individuals involved in them. It is through this perspective that we are able to better grasp the complexities behind a phenomenon and the way various forces and rationalization discourses coalesce. Similarly, in this dissertation I also situate my case studies in the German context, reflecting in chapter 6 on how political and historical background of the German state contribute to the general perception of the policing of marriage migration and reinforce critique of the state policies.

Another contribution of this research consists in attempting to demonstrate a certain degree of relativism with regards to the labels attached to the foreign spouses and transnational marriages in general. A great deal of scholarship on foreign brides and female migrants in the West examines their position through the prism of victimization risks and identifies them either as victims or as potential gold-diggers and individuals who engage in immigration fraud. At the same time, I demonstrate that these two roles can converge, especially for women with low power resources. Through the case studies analysed in this dissertation I challenge the binary images of a victim/lawbreaker and citizen/alien, demonstrating that these two roles are not necessarily mutually exclusive, and can be intertwined.

Examining the capitals and gender aspects of the study, my ethnographic research provides an empirical basis for altering the popular misconception of foreign wives in Germany as docile, economically desperate, exclusively home-centred and even subservient. In this research I have argued that “erotic capital” should be treated as an empowering resource as it could contribute to the social advancement. The women in my research were able to exchange their beauty, education, reproductive attitudes and other resources for a new status in Germany and socio-economic and political stability. Because there is no single form of erotic capital, its currencies are quite variable and can include even fertility and care practices. At the same time, erotic capital is closely tied to social class. As my research demonstrates, it becomes an important resource for women from disadvantaged socio-economic backgrounds. The analogy between sex workers and “mail-order” brides represents a fallacy because it is founded on the feminist assumption that sex work and marriage represent only economic choices, and this perspective does not take into account other non-material or even irrational considerations that might become driving forces

behind many women's decisions.

The current study represents an attempt to argue against the latter feminist perspective, uncovering the aspects of female agency and empowering practices but also considering possible risks for the marriage migrants. Unlike a typical feminist representation of women from economically weak countries who migrate to join their foreign husbands, many of the interviewed women were very assertive and ambitious individuals, aware of the opportunities that life in Western Europe could possibly offer them and ready to fight for their rights if there was any dispute with the German husbands. Many of them had an adventurous spirit that led them to travels overseas or to navigate cyberspace, which resulted in them meeting a foreign husband. Moreover, some of them were quite conscious of their "erotic capital" that attracted German husbands. Lesli, Dao and Patricia, while being very critical and sarcastic about their "exotic flair" and relevant media representations that might have led to exploitative connotations, do acknowledge possessing and utilizing it prior and after coming to Germany.

Although not all of my informants took a formal job in Germany, in many cases it was a conscious decision that allowed women to fully dedicate themselves to their hobbies or motherhood (which would have probably been impossible in their countries of origin). As one of the Peruvian informants who had previously completed a master's degree in the USA explained to me: "I came to Germany with a promise to be a full-time mother. I was tired of working in Peru and seeing my son with the nannies." Moreover, I have also been able to conclude that cross-border mixed marriages contribute to shifting gender relations, especially in the cases of many Latin American informants, as women seek more egalitarian relationship patterns that European men allegedly offer them.

While debunking stereotypical depictions of women, my attempt to move away from traditional simplistic and disempowering images of transnational marriage was represented by my insight into women's entrepreneurial ambitions explored in chapter 7. My research has revealed that, unlike traditional allegations voiced by the authors from the "trafficking" perspective, one of the main concerns of migrant wives in Germany is not a fear of abuse or trafficking but a situation of de-skilling, especially for highly educated women. Downward trajectories are often the norm for migrant women in the labor market. At the same time, I have argued that the portrayal of migrant wives in public discourse and mass media outlets alike are highly stereotypical, depicting foreign wives as uneducated and financially dependent on their husbands. My interviews with Jennifer, Maria, Phayloon, Daniela, Olena and Maryam, and informal conversations with other women, completely debunk this statement. Not only are some migrant wives highly skilled but by

embarking on a journey of entrepreneurship or dreaming about establishing their own start-up business, the women demonstrate attitudes contrary to the universalized concept of a passive “dependant”.

Although my informants recruited through the counseling center generally lack certain social capitals (e.g. knowledge of the German language, wide social network, or citizenship of a highly industrialized developed country) compared to their German husbands or their German counterparts, many of the interviewed women possessed an advanced set of educational capitals that excelled their husband’s educational achievements. 12 out of my informants had a tertiary degree, and some were even quite successful in terms of career in their countries. Despite the common situation of de-skilling, education is another capital that female migrants could use to their advantage and derive benefits from it. In fact, my findings confirm the validity of the status exchange change theory of mate selection discussed in the literature review. Indeed, women and men both exchange their own advantages such as education, beauty or status maximizing their rewards in the matrimonial field.

Speaking about how women navigate new country’s socio-economic realities while adjusting to a new life, it is important to note that among my informants it was not only highly skilled migrant wives that demonstrated entrepreneurial attitudes. However, it is the highly skilled women who were able to transform their ambitions into reality, by opening a start-up company or a web-shop or launching an Internet-project. Although some women without a tertiary degree also demonstrated entrepreneurial ambitions, most of them because of financial, personal or family reasons could not fulfil these dreams. Some of my informants pointed out that it was because they were mothers of small children, and could not work or think of any career endeavours. In fact, it is suggested that having a child immediately after migration (and marriage) might reflect poor employment prospects of marriage migrants and their desire to strengthen their position in a traditional family setting (Kulu & Milewski 2007). Among highly skilled women who were not able to find a job or to start their own business, the main concern was the “unwanted domestication” and becoming a permanent housewife in Germany. The unrecognized credentials, incompatible training, low level of German skills and absence of local experience have been pointed out as the main barriers to success on the job market. This situation was exacerbated and partly caused by the fact that foreign wives do not possess the same capitals as their German counterparts do, as I have already argued elsewhere.

On the other hand, those women who have succeeded in launching their own businesses fully benefitted from the concept of “ethnic entrepreneurship”, catering to their native communities and



drawing on their immigrant identity in a productive way. Importing local products from Brazil, capitalizing on the network within Spanish-speaking communities for a care start-up, opening a Thai massage parlour or trying to launch a marriage website to market Eastern European women - all these endeavors represent empowering strategies for the women aimed not only at generating profit, but at self-realization and going beyond the role of a “wife”. Engaging in creative practices following their “social imaginations” and triggered by “push” factors, very often it is a woman who insists on keeping the enterprise running. As German owner of one of the Asian restaurants in Hamburg pointed out when I asked who the restaurant belonged to: *“It is more her thing [referring to the business]. After 30 years of working, I would have easily quit. But my wife just cannot stay home. So we keep it running”*. At the same time, regular employment and entrepreneurship do not trigger the same outcomes in terms of empowerment and self-satisfaction. Regular employment is not always beneficial for a female migrant, especially when a decision to work outside of the home is not her own initiative but purely a strategy to make ends meet and a result of pressure exercised by her husband. The discussion in chapter 7 regarding women’s employment opportunities is important to current academic debates and to the victimization-agency dilemma because three interconnected dimensions are significant in order to conceptualize empowerment: resource, agency and achievement. Consequently, “women’s access to education/skill and job opportunity enhances their capacity to exercise agency” (Kabeer 2009, p. 451).

Finally, yet another contribution of this study consists in the fact that it provides further analyses of foreign wives’ beliefs, aspirations, opportunities, and failures. Although I note that a particular kind of subjectivity is inevitable in the ethnographic method, and as a social scientist I have also interpreted some situations from the point of view of my own socio-cultural background, age and experiences, I attempted to give voice to women and to listen to their stories the way they had chosen to narrate them. Narratives were important for this study because women were not only telling stories about their relationships and life in Germany but were also constructing themselves and significant others with the help of their narratives. Through evoking their stories and reflecting on them in the cases studies I hope to break the stereotypical binaries that regard women from non-EU economically weaker countries as victims and men from the West as perpetrators. Besides the critique of a stereotypical depiction of foreign wives, my study also suggests critique of the academic narratives of post-colonialism. While some cultural criminologists tend to approach the problem of victimization through the post-colonial lens and the issue of race (e.g. Cunneen & Stubbs, 1997; 2002; 2004), I maintain that in many cases my informants’ hardships stem from the

lack of socio-economic and political capitals in Germany: their migrant background, precarious residence status, and absence of certain skills or social network. I argue that my informants' victimization cannot be solely reduced to post-colonial attitudes. Furthermore, the latter perspective leads to an oversimplification that does not account for other factors such as the position of Eastern European women and their precarious status despite the absence of any racial differences with Germans, and frequently undermines women's agency. Hence it is the lack of certain capitals that contributes to my informants' possible situations of abuse, mistreatment and victimization.

Furthermore, in this thesis I confirmed the idea that certain regulations and enactments of law regarding family reunification could "misfire" by creating circumstances in which the law does not do what it says or may create processes that undermine some of its expressed aims, reflecting a complex reality of performativity of law (Race, 2012; MacGregor, 2015). A right to family reunification and a right to take care of a minor are embedded in both domestic legislation and international human rights conventions. However, it does not mean that these legal regulations always protect and benefit the individuals. As Petersen (2013, p. 4) points out, human rights may also be used as a "counter discourse allowing marginalized and excluded groups to employ the language of rights to advance their socio-political positions". By juxtaposing how migrant women use the legal and social facilities available in a host country (e.g. counselling available through the non-profit organizations in Hamburg, residence permits or legal regulations on paternity) to their benefit, and how these lead to either victimization or empowerment, I examine tensions inherent in current policies. First, residence permits in the European Union could be compared to what Hanna Arendt once called "the right to have rights" (Arendt 1968, p. 299). In Germany, "the right to have rights" is closely linked to the notion of "biological" citizenship or obtaining a residence permit through marriage. The immigrants who cannot fulfil these requirements are sometimes constrained to engaging into immigration fraud using legal regulations on parenthood recognition and *jus sanguinis* principle of conferring citizenship. As an important marker of membership and political inequalities, "blood" becomes a powerful symbol for inclusion contributing to the interplay of desires connected with an EU residence permit. In fact, in the German context "blood" becomes a social capital in the eyes of my informants from the non-EU economically weak countries, as it was exemplified by the case study presented in chapter 6.

Additionally, following a criminological logic of inquiry, this research also contributes to the academic scholarship on interpersonal violence that migrant women experience after moving abroad. While the stories of abuse are not exclusive to bi-national couples and do not constitute a

general tendency of such marriages, in many cases women from non-EU economically weak countries do not dare to initiate the procedure of separation or divorce due to fear of being deported or not having a residency permit extended, and this is why marriage migrants can be vulnerable. The fear of being expelled from Germany is augmented by the controlling and domineering behavior of the husband, who prefers not to disclose the information on the functioning of the legal system, financial help or counseling opportunities in the wife's new country. Therefore, the women become victimized, among other reasons, because of their status as a foreigner. Throughout this study I have argued that a residence permit could be viewed as a socio-political capital that either gives women more opportunities and flexibility in terms of their choices or places them in a precarious situation. That is why one of the research questions revolved around the role that a German residence permit played in the bi-national marriages.

In this dissertation, while analyzing the complexities of the social construction of abuse, I have argued that understanding of violence is determined not only by individual perspectives but is further shaped by everyday communication with third parties such as reference groups or experts: communication with NGO practitioners, contact with social workers or interaction with criminal justice system. It is known that the structures are grounded in individual biographies but reflect and perpetuate culturally promoted and shared understandings of and orientations to everyday experience (Hollstein & Miller, 2003, p. 153). At the same time, it is through locally available and acceptable resources that interpretations are made, and their further layers of meanings are produced. Therefore, an interactional perspective should be taken into account while analyzing narratives of those women affected by IPV and considering who takes part in the social construction of abuse. Brick by brick, the notion and discourse of abuse is built up from daily conversations with neighbors, family members, service providers or health practitioners, and is shaped by day-to-day activities of women. Yet at the same time the counseling of migrant women is determined by risk assessment. The service providers evaluate possible threats that a migrant woman in an abusive relationship might face, and carry out counseling taking into consideration these risks. Although rendering a positive change by empowering women and raising awareness about legal or administrative matters, NGO counseling might have other implications for marriage migrants, such as undermining their moral confidence. As this research has demonstrated, there is no universal way of counseling or approaching the instances of IPV: even in the same organization colleagues might not share the same approach. The array of perspectives and methods differ generating different discourses through which women might look at the situation. Some social workers by deliberately putting attention on potential risks for women in a cross-border marriage

where the women have an inferior status, generate a victimization discourse. Far from being beneficial, the discourse constructed by victim advocates hinders women's membership and undermines their self-assurance and self-respect. The ideology of victimization might have latent consequences for women in terms of making choices regarding their family life, and aiming for divorce and economic independence rather than searching for a solution to their marital problems via family mediation.

While combining criminological and anthropological perspectives, the study questioned the subtle aspects of the social construction of abuse that is shaped partly by the NGO workers. Although during this research only one informant reported the case of physical abuse, the feeling of emotional abuse was quite widespread among my informants. It is known that emotional abuse can be even more detrimental than the physical one leading to self-doubt, confusion and depression (Sackett & Saunders, 1999) and verbal aggression early in the relationship is a frequent precursor of physical aggression later (Murphy & O'Leary, 1989). However, the question is not whether marriage migrants are trapped in abusive situations, but rather how they perceive and manage them, and whether they are able to generate opportunities and make strategic life choices using the facilities offered by the German state. Indeed, "empowerment is defined as the ability to make strategic life choices and disempowerment is to deny those strategic life choices" (Kabeer, 2009, p. 436). Facing abuse, my informants nevertheless adopt their own coping strategies such as participation in volunteer activities, widening their social circle via diaspora activities, learning a new language or applying for jobs.

Analyzing the main legal hurdles that migrant wives experience in Germany, following my interviews I was able to conclude that court litigations over child custody in the case of divorce seemed to be the most complicated cases. The disputes between the couples in bi-national relationship are never easy to solve, but when it comes to court litigation over children, the problems multiply and trigger a great deal of emotional distress. Here we could see very well how the theory of capitals is manifested in my informants' narratives. Lesli emphasizes on the caring and nurturing attitudes of a "*Latina*", and Patricia mentions similar notions linked to femininity and care exhibited by a "*brasileira*". Indeed, femininity and care linked to reproductive attitudes could be considered as additional elements of erotic capital that is unique women since men are not able to bear children.

Last but not least, by focusing on Germany rather than North America, this dissertation explores the unmapped terrain of female marriage migrants' experiences in continental Europe. Unlike North America, Germany is not the easiest destination for marriage migrants precisely

because German, unlike English, is not taught all over the world, and therefore women have to cope with more linguistic challenges while mastering the German language and then looking for a job. At the same time, even despite a general tendency of restrictive policies, securitization and criminalization of migration in the Western states, Germany remains a welcoming country with strong welfare state traditions, high levels of political activism in support of migrants, and a vibrant network of integration and confidential supporting facilities for migrants that ensure women at risk of victimization are not left all alone with their worries. Because of these reasons, Germany is viewed as the most preferred country for all kinds of migration, including migration through marriage. Additionally, Germany has recently been named the best country in the world, in a new report launched at the World Economic Forum's Annual Meeting in Davos in January 2016.<sup>111</sup> Germany is highly regarded around the world for its robust economy, influence on global flashpoints such as the conflict in Ukraine and its leadership role on Europe's refugee influx and the Eurozone debt crisis. The country also gets high marks for its worker training schemes and corporate innovation, and people view it as the best place for fostering entrepreneurship (Hutt, 2016). As Manfred Schmidt, Germany's top migration official, underlines when asked about the reasons migrants choose Germany among the other EU countries: "So word gets around that Germany is the economic engine of Europe, that workers are being sought here and that it is a safe and orderly place."<sup>112</sup> This rock-solid belief makes Germany extremely attractive for all kind of migrants as a place to build a future life.

In fact, the abovementioned ranking of countries announced on the World Economic Forum in Davos in January 2016 includes citizenship, among other factors, as one of the attributes that defines how a certain country is viewed by the outside world. A highly ranked citizenship is defined as an ability to provide safety nets for their people and offer inclusive society. This definition confirms my reflections on the theory of capitals in this research. German citizenship, or a permanent residence permit, is a capital that potentially offers "safety net" and guarantees membership of an inclusive society. Some of my informants found themselves in precarious

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<sup>111</sup> The rankings and analysis project is a joint initiative by US News & World Report, ad agency WPP's BAV Consulting and the Wharton School of the University of Pennsylvania. It is based on a survey which asked more than 16,000 people from four regions to associate 60 countries with specific attributes. It aims to show how nations are perceived on a global scale and forms the centerpiece of a new web portal <http://www.usnews.com/news/best-countries>

<sup>112</sup> Interview with Manfred Schmidt published in Spiegel <http://www.spiegel.de/international/europe/top-german-immigration-official-on-influx-of-syrian-refugees-a-1050685.html> (Accessed 2nd of September 2015).

situations of victimization precisely because they did not have this capital, and could not count on a “safety net” in a new country.

Against the background of the current refugee crisis in Europe, Germany has so far accommodated the highest number of Syrian refugees and economic migrants.<sup>113</sup> It is estimated by the UNHCR that from January to July 2015, Germany received by far the most asylum applications in the EU (188,486), with many more applications are yet to be received.<sup>114</sup> Many people will be applying for the family reunification for their spouses who stayed elsewhere for the time being but will try to join their families very soon. From the vantage point of family-related migration, sociology and political science, it would be interesting to monitor the developments of the family reunification laws and attitudes in Germany in the next years in regard to Syrian migrants and their families, reflecting on whether there are new policies introduced, and if yes, what kind of system of social stratification, social dynamics and political narratives they reinforce. From the criminological perspective, it would be pertinent to inquire into the nature of the policing that such unions might face, including how they are perceived in the framework of the discourse on arranged and forced marriages, and how they are portrayed by government officials, the mass media and human rights defenders alike in terms of the victimization-agency debate. Although currently there is no such term as a “mail-order” husband in public discourse, one more question for further research would be to analyze the trends of bi-national marriages between German women and men from third countries, focusing on female sex tourism, masculinities, capitals and other gender dimensions.

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<sup>113</sup> The distinction between economic migrants and refugees, according to the Dublin Regulations, is quite vague.

<sup>114</sup> Syria Refugee Regional Response, UNHCR <http://data.unhcr.org/syrianrefugees/regional.php> (Accessed 2 September, 2015).

## Appendices

### Tables with the informants' data

**Table 1. Women interviewed**

	Name	Country of origin	Age	Original occupation	Time residing in Germany <sup>115</sup>	Date and place of interview
1.	Patricia	Brazil	56	Architect	6 months	10.02.2014, 02.03.2014 Hamburg 10.05.2015 (follow up via e-mail)
2.	Marina	Kazakhstan / Russia	43	Housewife	2 years	22.11.2013, 18.12.2013 Hamburg
3.	Juvelyn	The Philippines	61	Housewife	8 years	7.10.2013, 25.11.2013 Hamburg 16.09.2014 (follow up via e-mail)
4.	Elisa	Brazil	27	Student	3 years	15.10.2013, Hamburg
5.	Ksenia	Russia	30	Travel agent	N/A	18.12. 2013,

<sup>115</sup> At the moment of the first interview

						via skype
6.	Natalya	Ukraine	41	Teacher	6 years	08.01.2014, Hamburg
7.	Bruna	Brazil	29	Student	2 years	10.03.2014, Hamburg
8.	Gabriela	Ecuador	42	Hairdresser	6 years	25.09.2013, 17.11.2013 Hamburg
9.	Vatsana	Laos	23	Factory worker	2.5 years	20.01.2014, 16.03.2014 Hamburg
10.	Phayloon	Thailand	44	Sex worker	10 years	07.12.2013 Hamburg
11.	Dao	The Philippines	29	Working with her ex-husband	4 years	20.02.2014 17.03.2014 Hamburg
12.	Lesli	Peru	36	Flight attendant	2 years, then 3 years in Norway	15.03.2014, 17.04.2014 Hamburg
13.	Jennifer	The Philippines	30	Chemist	3 years	02.02.2014 – 28.02.2014 (e-mail exchanges)
14.	Maria	Brazil	29	Sales person in a supermarket	5 years	05.01.2014, Hamburg
15.	Olena	Ukraine	30	Journalist	2.5 years	18.08.2013,



						Berlin
16.	Daniela	Peru	34	Marketing	2 years	10.09. 2013, Hamburg
17.	Soledad	Peru	48	Lawyer	3 years	12.09.2013, 07.12.2013, 07.07.2014 Hamburg
18.	Kitty	Laos	21	Sex worker	1 year	06.10.2014, Hamburg
19.	Svetlana	Russia	34	Accountant	5 years	17.09.2013, Hamburg
20.	Ana	Ecuador	23	Unemployed	6 years	18.11.2013, via e-mail
21.	Mali	Thailand	23	Sales person	2.5 years	07.09.2013, Hamburg
22.	Sofia	Ukraine	29	Human resources IT company	2 years	15.07.2013, Hamburg
23.	Isabel	Brazil	26	Unemployed	5 years	07.01.2014, Hamburg
24.	Rose	The Philippines	32	Self-employed (Internet start-up)	7 years	07.11.2013 Hamburg
25.	Zhenya	Ukraine	31	Linguist	3.5 years	18.09.2013, Hamburg

**Table 2. Men interviewed<sup>116</sup>**

	<b>Name</b>	<b>Country origin</b>	<b>Relation to the female informants</b>	<b>Date and place of interview</b>
1.	Diego	Spain	N/A	01.11. 2012, 03.02.2013, 29.06. 2013, via skype
2.	Daniel	Germany	Ksenia's husband	03.12.2013, via skype
3.	Ulrich	Germany	Elisa's husband	15.10.2013 Hamburg (interview together with Elisa)
4.	Hanspeter	Germany	Gabriela's husband	17.11.2013 Hamburg (interview together with Gabriela)
5.	Michael	Germany	Bruna's husband	10.03.2014 Berlin (interview together with Bruna)
6.	Robert	UK	Rose's husband	02.11.2013 Hamburg (interview Together with Rose)
7.	Paul	Germany	Soledad's husband	07.12.2013 Hamburg (interview together with Soledad)
8.	John	UK	N/A	01.12. 2012, London

<sup>116</sup> Although interviewing men was not my original intention, I did speak to some of the men registered on the online dating websites during my pilot research in the UK when I was trying to understand the logics of the online dating techniques. Furthermore, I got a chance to speak to more men involved in transnational courtship or transnational marriage during my ethnographic research in Germany. Most of them were my informants' husbands, and I met them while visiting my informants and conducting interviews with them.

9.	James <sup>117</sup>	UK	N/A	09.01.2012, London
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## Experts interviewed

**Table 3. Social workers specialized in migration**

	<b>Name</b>	<b>Date and place of Interview</b>
1.	Elena	03.02. 2014, Hamburg
2.	Amaya	03.02. 2014, Hamburg
3.	Jane	12.02. 2014, Hamburg
4.	Yara	17.02. 2014, Hamburg

**Table 4. Lawyers specialized in migration law**

	<b>Name</b>	<b>Date and place of interview</b>
1.	Lawyer 1	03.02. 2014, Hamburg
2.	Lawyer 2	11.02. 2014, Hamburg
3.	Lawyer 3	20.02. 2014, Hamburg

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<sup>117</sup> Interviews with John and James were a part of the pilot research in 2012.

**Table 5. Marriage agency workers**

	<b>Name</b>	<b>City where the marriage agency is located</b>	<b>Date and place interview</b>
1.	Alina	Kharkiv	27.06. 2013,  Kharkiv
2.	Lisa	Kharkiv	25.06. 2013,  Kharkiv
3.	Oleksandra	Kiev	12.09.2013,  via skype
4.	Anna	Kiev	10.11.2013,  via skype

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