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## **Transnational divorce in binational marriages: the case of Portuguese-Brazilian and Portuguese-Cape Verdean couples**

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**Abstract:** While academic research has focused on binational marriages (i.e. marriages between partners of different national origins), transnational divorce is still under-researched in the field of migration and family studies. Drawing on qualitative data, this paper analyses the testimonies of Brazilian and Cape Verdean migrant women concerning their experiences of marriage and divorce from Portuguese partners. We adopt an intersectional approach to highlight how some central categories – gender, social class and migration status – influence their agency and consequences of marital disruption. Contrary to studies in which migrant women are victimized after divorce, our results reveal that, for

these women, marital dissolution is an empowering strategy to end up their unhappy marriages.

**Keywords:**

binational couples, transnational divorce, intersectionality, agency, migrant women

## **1 – INTRODUCTION**

In contemporary times, the intensification of migration, transnationalism and globalisation has increased the possibilities for individuals of different national backgrounds, cultures, religions and social classes to meet and fall in love, leading to the internationalisation of intimacy (Charsley, 2012; Constable, 2003). In Portugal, the number of binational marriages<sup>1</sup> has grown considerably since the dawn of the 2000s, prompted by increasing flows of migrant communities into the country. While binational unions (i.e. marriages or cohabitation between spouses of different national origins) has been the subject of several studies both in Europe (Flemmen, 2008; Fresnoza-Flot, 2017; Webster & Haandrikman, 2016) and in Portugal (Gaspar, 2010; Ramos, Gaspar & Ferreira, 2015), less attention has been paid to marital disruption. This is somewhat surprising, as transnational divorce (marital breakdown involving partners of different national origins, in which the process transcends national borders) is becoming more visible within transnational families (see other contributions in the present Special Issue). According to official data in Portugal, out of a total of 20,766 divorces registered in 2018, 5.4% were between binational partners (INE, 2018).

In this paper, we combine intersectional and transnational approaches (see Fresnoza-Flot & Shinozaki, 2017; Fresnoza-Flot & De Hart in this Special Issue; Mahler, Chaudhuri & Patil, 2015) to study divorce among Brazilian and Cape Verdean migrant women with Portuguese-origin male partners in Portugal. These women were chosen for

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<sup>1</sup> The term “binational” refers to the partners’ national origin before the marriage.

this study due to the high number of binational marriages in Portugal involving them and Portuguese men. We adopt an intersectional approach (Crenshaw, 1989) to illustrate how gender, social class and migration status impact upon these women's agency in the decision to divorce and in a post-divorce context. At the same time, we pay attention to the transnational dimension of their divorces to acknowledge the multiple cross-border interactions that are taking place (Faist 2010), and their changing nature after marital dissolution.

In migration research, the role of agency among migrant women has been extensively explored (Kitcharoen, 2007; Parreñas, 2011), even in the most vulnerable and extreme situations (Lévy & Lieber, 2008; Sandy, 2007). In contrast to the idea that women are constantly suffering from gender oppression and exploitation in migration settings, these studies reveal several examples in which migrant women demonstrate agency and power. Although some prior works (Fresnoza-Flot, 2017; Webster & Haandrikmann, 2016) have contested the portrayal of migrant women as powerless in binational marriages and show their active practices in negotiating their marriages, the idea that agency is also a coping strategy for divorce remains relatively unexplored. Hence, contrary to the view that divorce in binational marriage disempowers women and weakens their social position in receiving countries (Kim, Park & Shukhertei, 2017), we argue that divorce can be an important tool of empowerment for migrant women, and an opportunity to redefine their lives and reposition themselves in a transnational space. In taking this perspective, we pose the following questions: how does intersectionality contribute to clarifying the realm of actions Brazilian/Cape Verdean migrant women develop during the process of divorce? What is the meaning of their agency at the moment of divorce and in a post-divorce context? And how does their agency determine – and change – their transnational family relations after divorce?

We begin by analyzing approaches to intersectionality, migration and transnational divorce, and by describing our data-gathering methods. We then draw on the narratives collected to explore how the interconnectedness of gender, social class and migration status act to shape women's agency after divorce. In particular, we examine how divorce is used as a coping strategy in unhappy marriages, and how agency in post-divorce helps women rebuild their lives.

## **2 – INTERSECTIONALITY, MIGRATION AND TRANSNATIONAL DIVORCE**

Scholars have been addressing for some considerable time how gender influences migration flows and patterns (Kofman, 1999; Piper, 2006). There are various motivations (marriage-related, political, educational and employment-related; all flavoured by gender) that inform women's decisions to leave their home country (Killian, Olmsted & Doyle, 2012). The relationship between gender and migration needs to be placed around questions that try to understand the logics of individuals' migration, the gendered impact of this migration upon receiving and origin societies, and particularly, how new interactions flourishing from this movement reconfigure and change migrants' transnational social spaces.

Feminist researchers have contributed substantially to theoretical debates about women's migration by revealing that many women move to escape oppression, poverty, domestic violence, arranged marriages and sexist/racist structures and relationships. These debates have moved their foci from the victimization of women towards increasing attention being paid to their empowering strategies and actions, even in harsh situations (Lévy & Leiber, 2008; Parreñas, 2011; Kilian, Olmsted & Doyle, 2012; Sandy, 2007; Wright, 2014). The view now is that women find ways to cope and to choose the best options to overcome vulnerable and difficult situations, and migration can then be a (positive) strategy to act upon in their lives. As such, victimization can then be the trigger that pushes women to use the available structural resources (legal protection, women's associations, personal networks) in order to move away from harsh and vulnerable situations in receiving countries. For instance, Lévy and Lieber (2008) show how in situations like prostitution, irregular Chinese migrant women in Paris develop self-empowering strategies to face their daily lives and plan their marital future in the country; for some of these women, prostitution is a temporary strategy until they find a French husband who can allow them to acquire French citizenship and achieve financial security.

Likewise, migration scholars view the agency of migrant women in binational marriages as an expression of their resilience (and resistance) to difficult situations in receiving societies (Constable, 2003; Williams & Yu, 2006). Webster and Haandrikman (2016), for instance, demonstrate how, unlike common discourses in the media that portray migrant women as victims or powerless wives, Thai women in Sweden are active agents in their transnational marriage despite facing several social structural inequalities. These migrants constantly renegotiate their power to create opportunities for themselves (self-

employment and learning Swedish) in order to adapt to local social structures and search for autonomy. Also, Fresnoza-Flot (2017) examines the practices of migrant Filipinas in binational unions, and how gender and social class determine their transnational ties with their origin families. The author explains that gender expectations on motherhood in the Philippines obliges a constant linkage through material remittances of migrant women from a lower social background, who constantly need to fulfill their family's economic needs within a transnational space. Those Filipino women of privileged background do not feel constrained in conforming to the traditional gender ideology of their home country by sending regularly money or other material goods. Instead, their transnational caregiving practices are performed via regular visits made to their home country, or voluntary symbolic presents sent back home. These studies suggest the need to nuance the understanding of migrant women's lives in the context of binational marriages, by acknowledging and exploring their motivations, agency and power in their efforts to position themselves in host societies. Migrant women frequently find creative ways of taking social, economic and personal opportunities to adapt to structural factors and control their lives (Wright, 2014).

However, while existing work shows the positive role of migrant women's practices in marriage, almost none consider their agency in transnational divorce. Studies of marital dissolution involving binational couples mostly examine legal and institutional structures regulating marriage and family in transnational contexts (Fresnoza-Flot, 2018; Kim, Park & Shukhertei, 2017). An exception is the work of Raposo & Togni (2009) on binational marriages and divorces in Portugal involving Brazilian women and Portuguese men. This study shows that divorce can represent the full integration of migrant spouses into the receiving society (socially, economically and emotionally). Successful integration can be expressed by demonstrating know-how in various domains (language, economic, cultural and logistics), and using these resources in transformative actions capable of empowering and changing one's life. As such, asking for divorce can be an indicator of the empowerment of the migrant woman, who decides to end an undesirable marriage.

One of the consequences of divorce is household mobility. Often ex-partners find in their parental home (or country) a temporal location to re-start their lives and childcare support (intergenerational co-residence). Das and colleagues (2017) show how intergenerationally linked lives between mothers and their divorced daughters in The Netherlands influence the latter's mobility patterns after marital dissolution. Albertini and

colleagues (2018) report that the moving out of one of the ex-partners from the common household contributes, in some cases, to a return to the parental home in Sweden immediately after marital breakup. In transnational divorce, the “cultures of intimacy” – shared meanings and practices about intimacy and emotional support that are performed during transnationalism (Walsh, 2009: 428) – frequently need to be reconfigured and re-adapted. Emotional and material support are normally activated by the parents, family and friends of divorced migrant women (or men) to help them start a new life. However, Kim and colleagues (2017) challenge this idea by revealing how return Vietnamese and Mongolian marriage migrant women have faced the dual stigma of being failed wives and failed migrants in their home communities.

Using an intersectional perspective, we aim to advance this debate by looking into the agency of migrant women during the process of transnational divorce. Intersectionality is defined as the interconnectedness and overlay of specific structural categories or variables that arise from the social context in which agents are positioned (Crenshaw, 1989). For a while now, family and marriage (Flemmen, 2008; Fresnoza-Flot, 2017) and migration and transnational studies (Bürkner, 2012) have been adopting an intersectional approach. Some authors (Flemmen, 2008; Fresnoza-Flot & Shinozaki, 2017; Mahler, Chaudhuri & Patil, 2015) criticise the essentialised view of families moving in a transnational space, arguing for the need to use combined categories to consider the articulation of different power structures in shaping their experiences and agency. Mahler and colleagues (2015) call special attention to multi-scalar intersectional analysis – investigation of the multiple standpoints that a family or an individual simultaneously occupies on different social scales – when studying transnational families. Fresnoza-Flot and Shinozaki (2017) critically reflect on the cross-fertilisation of gender, social class and generation, as flexible categories, arguing that this should be considered in transnational studies. Similarly, Flemmen (2008) questions the uniqueness of the characteristics of “Russian-ness” and “Norwegian-ness” that is frequently associated with Norwegian-Russian couples in Norway. The author shows that under particular conditions the meaning of gender changes when associated with nationality, and how the meaning of nationality changes when compounded with gender and social class.

As a step in this direction, we focus here on the intersection between gender, social class<sup>2</sup> and migration status to examine whether the (post-)divorce experiences of Brazilian and Cape Verdean migrant women are linked to their social position when part of a couple (in terms of relative earnings and job position), considering how these different structural factors combine to shape their agency during and after the marriage. Against some views that theorize transnational divorce as a way of perpetuating women's dependency on receiving countries and legal systems regulating marriage and divorce across borders (Kim, Park, & Shukherte, 2017), this study goes beyond these perspectives, arguing that divorce, in some cases, can be interpreted as an empowering action, strategically planned by women in binational couples, to redefine and assume control of their lives and their children. The number of examples provided here seek to illustrate how – even in precarious and extreme marital situations like in cases of domestic violence – these women develop positive actions to move forward. Understanding how the empowerment strategies of migrant women are developed through their personal, social and financial resources, as well as how their transnational links are used (or not) to negotiate their social position during marriage dissolution processes, is therefore, crucial. Moreover, an intersectional approach focused on transnational divorce enables us to comprehend how these women relate to and negotiate with their families across borders, and how the way they deal with divorce and life post-divorce depends on different social factors. In short, the fundamental issue is to demonstrate how different women's agency can be located situationally (Webster & Haandrikman, 2016), and how such demonstrations of agency can work through several dimensions simultaneously within transnational social space (Fresnoza-Flot & Shinozaki, 2017).

### **3 – DATA AND METHODS**

The empirical material collected for this paper is from the explorative project “Evolution and profiles of divorces in binational couples in Portugal”, conducted between 2014 and 2015. Although the main goal of this research was to analyse the evolution of and socio-demographic patterns linked to binational marriages and divorces, complementary

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<sup>2</sup> Social class has been defined according to both the women's educational qualifications (all obtained abroad and validated by the Portuguese educational system) and their current job (see Fresnoza-Flot & Shinozaki 2017 on how social class should be conceptualised in transnational studies).



qualitative data was also gained to expand knowledge on the life stories and experiences of divorced migrant women living in Portugal.

Taking a snowball approach, and with the help of migrants' associations, public representatives and personal contacts, the first author of this paper conducted ten in-depth interviews with migrant women: six Brazilians and four Cape Verdeans. These women were living in the Lisbon Metropolitan Area (in the city center and urban peripheries) and divorced from Portuguese-origin male partners.<sup>3</sup> Three additional interviews were carried out, with informants linked to migrant associations, to help contextualise the phenomenon of migration and conjugality within the migrant population. All interviews were conducted in Portuguese and recorded with the informed consent of the interviewees. They took on average two hours, and interview locations included interviewees' houses, coffee shops and migrants' association offices.

A life-course perspective was used in the interviews (Webster and Haandrikman, 2016) to freely give voice to these women's discourses on their migration pathway, the formation of the couple, marital life dynamics, the context motivating the marital disruption, and the personal, familial and legal situation after the divorce. These were, indeed, the main issues covered during interview. In common with other research in this field (Akpinar, 2003: 429), we felt the informants took the opportunity provided by the interview to retrospectively reflect on their lives and marital experiences, and to think about issues that until then may not have considered on their life path. Their discourses were, therefore, reflexively elaborated during the time of our conversation (see Wright, 2014). The researcher-participant interaction was nuanced by gender, as it was possible for the female interviewer to create an environment of confidence in which the interviewee could develop her thoughts and feelings around sensitive issues of marital life and divorce; this would probably have been more difficult to achieve had the researcher been male. Finally, the interviews were fully transcribed, and anonymity was maintained by assigning pseudonyms to participants. To examine the content of the interviews, and identify core discourses on the themes included in the interview guide, an interpretative thematic analysis was used (Pettersson, 2017).

As found in similar studies (Fresnoza-Flot, 2018), one of the main constraints in recruiting informants was the difficulty in locating subjects prepared to be interviewed.

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<sup>3</sup> "Same-origin binational partners" (Brazilian women with Portuguese men of Brazilian origin, or Cape Verdean women with Portuguese men of Cape Verdean origin) were excluded from the pool of interviewees.

Some women declined to participate due to confidentiality issues or doubts about the usefulness of the research for their personal situation. While the initial goal was to interview both ex-partners separately, so that their two discourses could be analysed in relation to each other, this proved to be problematic because many women had difficulties in communicating with their ex-partners.<sup>4</sup> It was therefore necessary to recruit informants both through personal contacts and through migrant associations and institutions whose social welfare services are directed towards providing personal and legal support to these populations. Although we cannot say that the women interviewed represent all Brazilian and Cape Verdean migrants, it is reasonable to assume that their life experiences and agency facilitated reflection on important issues around divorce and migration. Certainly, it was the intention to include among the potential participants women with both happy and unhappy marital stories, in order to prevent potential bias in the kind of discourses on which the study focused.

- Insert Table 1 here -

As Table 1 shows, the women interviewed were aged between 28 and 55, and only three had not acquired Portuguese nationality (one Brazilian and two Cape Verdean)<sup>5</sup>. These three women clarified that they had applied for citizenship, but the process of naturalization did not proceed due to the divorce. The seven who had naturalized, migrated prior to the beginning of their binational relationship for work or tourism, and had been living in Portugal for ten years on average. The remaining three had moved to Portugal to follow their Portuguese partners. Four of the respondents had a university degree, three had attended secondary school, and the remaining three had a basic elementary education. Accordingly, four of these women had white-collar jobs, two worked in administrative occupations, three worked in domestic service and one was unemployed. In terms of social

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<sup>4</sup> It was extremely difficult to identify and convince male ex-partners to participate in this study due to the conflictive communication existing between almost every couple.

<sup>5</sup> Portuguese citizenship gives the individual the same rights as any other Portuguese citizen. According to the participants, the acquisition of Portuguese citizenship is far preferable to seeking a residence permit. The acquisition of Portuguese citizenship by a foreign citizen (Law n°37/81, 3<sup>rd</sup> October, and later updated by DL n° 71/2017, 21 June) can be asked according to one of the following criteria: if the applicant has been born in Portugal; if the applicant lives in Portugal for 5 years, uninterruptedly; if the applicant is married to a Portuguese citizen; or if the applicant has Portuguese parents or grandparents. On the other hand, Long Term Resident Permits (Law 23/2007, art° 125, 4<sup>th</sup> July, and later updated by Law 28/2019, 29<sup>th</sup> March) also give the same rights to the applicant, except, importantly, political and voting rights, but need to be renewed every 5 years.

class, four were defined as middle class, with the remainder working class. Eight women had an average of two children, and the other two were childless.

#### **4 – MARRIAGE FORMATION AMONG PORTUGUESE-BRAZILIAN- AND PORTUGUESE-CAPE VERDEAN COUPLES**

In Western countries, the idea that genuine marriages are based on love (Eggebø, 2013) has been contested by some authors who have shown the complexity of factors behind transnational family formation, in which love is only one of the reasons for getting married, among property, status, economic and financial considerations, stability (including for children) and future security (Charsley & Benson, 2012; Fresnoza-Flot, 2017).

Our informants' narratives about intimacy indicated the existence of an affective relationship prior to formal (civil or religious) marriage. Love and family formation were, then, reported as the main impetus for marriage, even if other factors like economic and legal security has also contributed to their decision. Unlike other national groups who had migrated in order to marry – so-called “marriage migrants” (Charsley, 2012; Constable, 2003; Kofman, 2004) – most Brazilian and Cape Verdean women met their former husbands after migration to Portugal, to where they had moved to improve their economic situation and financial security. A common language, similar cultural background and shared social networks helped to stimulate transnational mobility flows between these countries. All informants met their ex-partners in social spaces that they shared in everyday life (work, leisure, or neighborhood).

Our results showed that, even if forming a long-term relationship was the main reason for conjugality for our informants, in some situations, formal marriage a short time after the beginning of the relationship (as opposed to cohabitation) represented the most direct strategy for simplifying and accelerating the administrative procedures required to obtain a residence permit or acquire Portuguese citizenship. More concretely, although Portuguese migration law does allow a foreign spouse to obtain a residence permit through cohabitation, the bureaucratic procedures required to prove the relationship are extremely complicated, can take longer, and, at the end of the process, it might not even be considered eligible for approval. This is why formal marriage is the faster and safer strategy for a non-Portuguese partner to obtain a residence permit. As Juliana, a Brazilian woman in her 30s, explained:

*We married because we lived in a constant state of insecurity – what if I had a problem with SEF [Border and Foreigner Office] or if I wanted to leave the country and could not find a way to come back because I was in an illegal situation? [...] And he suggested I marry him. Marriage was the only way to become legal, to obtain my visa, because I did not have a job contract [...] Although I didn't know if marriage was something I really wanted to do, because he was my first boyfriend and I wasn't sure about that decision, but I thought it would be an act of love from him to help me on that [...] and we get on well with each other and we had an excellent relationship.*

This testimony illustrates the complexity of transnational marriage formation, when love is accompanied by other factors intervening in the decision to marry (Charsley & Benson, 2012; Fresnoza-Flot, 2017). The steps that binational couples need to take in order to secure residency for the migrant partner contribute to the production of prejudices and social representations that binational marriages are synonymous with convenience marriages.<sup>6</sup> As found elsewhere (Flemmen, 2008), some of the respondents said they frequently receive comments and remarks from Portuguese natives who consider their unions marriages of convenience. Such prejudices are often accompanied by social discrimination and negative stereotypes that are aimed mainly towards specific ethnic national groups, with Brazilian women tending to be the most targeted (Raposo & Togni, 2009). In fact, women from this national group are generally perceived as sexual and are eroticised, compared to women of Portuguese or other national origin:

*Brazilian women are more affectionate with men than Portuguese women. They are more feminine, more sensual, more vain. They are always well dressed, and they take care of their body all the time. They have this erotic image, you know? And I believe Portuguese women are nowadays much more pretty than ten or fifteen years ago. And this is because they now have more contact with Brazilian women... (Rita, Brazilian)*

As this quote illustrates, the reproduction of the stereotype of Brazilian women as sexualised beings can be both internalised and reproduced by Brazilian women themselves, as well as being circulated in society as a whole. In this case, gender and nationality intersect with each other to construct a female Brazilian identity that will be constantly

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<sup>6</sup> So far, little empirical evidence has been found on the existence of marriages of convenience in Portugal (Gaspar, Ferreira & Ramos, 2017; Raposo & Togni, 2009) and elsewhere (Charley & Benson, 2012). This subject has been problematised as a central topic of the state regulation of marriage migration (Bonjour & de Hart, 2013; Charsley & Benson, 2012; Eggebø, 2013; Flemmen, 2008).

demanded and negotiated through daily interactions in the marital and labour market, as well as in social relationships; these negotiations of female identity can involve prejudice and social discrimination, as the stereotype of Brazilian women is frequently associated with opportunism:

*I remember being 7 months pregnant and going to renew my citizen card [...] The employee did not want to authorise the renewal [...] He looked at me and said to my husband, “Do you really know her? Are you sure this baby is yours? Because this happens a lot here. [...] Many Portuguese men come here with Brazilian women saying they are husband and wife, and after a while they come here saying they are not married after all! Are you really married to her?” (Suzana, Brazilian)*

This episode shows an explicit discourse within Portuguese public institutions that echoes social discrimination related to the stereotype of Brazilian women. Indeed, social discrimination towards these women was referred to (and denounced) by other interviewees and by representatives of migrants’ associations. This attitude produces and reproduces the idea of “otherness” (Bonjour & de Hart, 2013) between them (Brazilian) and us (Portuguese), and the suspicion that Brazilian-Portuguese marriages are anchored in instrumental arrangements between partners.

## **5 – REASONS FOR DIVORCE: EMOTIONAL DISILLUSIONMENT AND FAILURE IN MARITAL RESPONSIBILITIES**

Two different patterns linked to divorce emerged from the interviews: the first is related to a sense of emotional disillusionment between the ex-spouses, while the second is associated with failures in marital responsibilities attributed to the male spouse.

The case of Maria, a highly qualified Brazilian woman in her fifties who is divorced from a Portuguese man, illustrates the first pattern. As found in previous studies (Killian, Olmsted & Doyle, 2012), high-qualified employment was the reason why Maria arrived in Lisbon in the 1990s to work as a researcher at a prestigious private institution. The couple met through mutual friends, with both belonging to the same socio-cultural and educational milieu (socio-educational homogamy). Marital and family life was stable for years, even with a lack of support from the Portuguese family and geographical distance from Brazilian relatives. As Maria noted, the couple’s social life was supported mainly by Brazilian friends who also lived in Portugal, as a result of her constant, active and strategic efforts to

maintain and enrich their social network. Maria shows, therefore, an example of her agency as a migrant wife: instead of relying on her husbands' social networks she decided to assume leadership in the couple's social life (see Walsh, 2009). The reason for her seeking divorce after fifteen years of marriage was the emotional distance she felt between herself and her husband. Marital conflicts were not very frequent, but the weakness of marital and intimate bonds compelled her to ask for a divorce:

*I was losing my love for him [...] and I wanted to get divorced [...] I don't know if there were cultural reasons, or if it was the man/woman relationship that faded, which can happen in any culture [...] Our relationship was missing involvement, intimacy, you know? And the affection ended, and I asked for a divorce. (Maria, Brazilian)*

The intersecting categories of social class and migration status are salient for understanding key aspects of her agency during the divorce. Maria's life story is that of an upper-middle-class, highly qualified, migrant woman whose social integration within Portuguese society was well established. The social and economic resources she had in both Portugal and Brazil meant she did not need to maintain a marriage that was no longer emotionally fulfilling: she was a highly qualified professional capable of using her skills to compete within the Portuguese labour market, and in Brazil her family held higher social status and the financial resources to support her in the event of this being needed. Alongside this, her legal and professional conditions (she had Portuguese nationality and a stable, prestigious and rewarding job) contributed to her empowerment and independence as a migrant woman as she was not financially or socially dependent on her husband. In this case, being a woman of Brazilian origin did not carry an eroticised social connotation; rather, her female identity and agency was defined and constructed around her social class and high level of education. As such, the potential social hierarchy of power existing between her and her Portuguese husband was "neutralised" by her privileged educational, professional background and legal citizenship.

Another case of emotional divergence is exemplified in the marriage and divorce of Ana, a Cape Verdean woman in her forties, and her Portuguese former partner. She migrated to Portugal in 1974, and if, initially, achieving social integration was difficult, after a while she met her husband through neighbours. Her educational background was similar to Maria's: both had finished higher education and were in qualified jobs, entering into marriages in which there was educational homogamy. After Ana and her partner married, marital life ran peacefully, and they were supported by a social network of

Portuguese and Cape Verdean friends and family living in Portugal, which was mainly maintained by Ana. They got divorced after sixteen years of marriage as a result of a progressive sense of disillusionment and emotional distance, felt particularly by her. In this story, along with the informant's high middle social class and migration status (Portuguese citizenship), having children was an overlapping condition that influenced her decision-making around divorce. As she explained, the divorce was later in time than she had wanted because the couple had children together, which delayed her decision to end the marriage:

*Over the years he became extraordinarily inflexible and rigid on certain decisions [...] He didn't talk to decide things that affected us both [...] and I handled the situation because there were other people involved who were my responsibility [...] If it wasn't for them the relationship would have ended earlier [...] And it was me who asked for the divorce: it was me who decided that. And I had this feeling of guilt about that decision [...] "And now what's going to happen to him?" Well, nothing happened to him [...] He's great and he's had lots of girlfriends since then [...] He's okay, but I'm still single, I didn't have anyone else after that [...] But I moved on with my life and I think it was the best thing I did – divorcing that man! I do not regret that at all!*

In these two cases, Maria and Ana had a privileged background (university education, a stable professional career) at the start of their relationship. These personal resources gave them independence, security and awareness of their social rights and duties as citizens in Portugal (see Fresnoza-Flot, 2018). In fact, they both knew how to manage legal matters and were aware that if their relationship did not succeed, they were able to go back to their origin countries. This is why, according to the informants, their marital relationship evolved on a largely equal basis, even when they were “dependent on their marital status” while waiting for Portuguese citizenship. As Maria explained,

*The reason for staying in Portugal was my love story. Because I had my whole life in Brazil, and I had a good life, a good job! And I always knew that if something went wrong with the relationship, I could always go back to Brazil and start all over again. [...] We had a one-to-one relationship; we were two equal people who had fallen in love.*

While both Maria and Ana are typical cases of highly qualified migrants whose social class and socio-economic conditions represent significant resources allowing them to act to recover their independence, some other informants reported different situations. In fact, in the next cases we consider, the women's disadvantaged position on this front

delayed their decision-making to end the marriage and led them to turn to other resources for help. According to them, divorce was caused by their former partners' neglect of marital and family responsibilities during their married life.

Suzana, a Brazilian woman in her thirties, is divorced from a Portuguese man and her life story reveals a somewhat extreme marital situation. With the help of a relative already living in the country, she migrated to Portugal in the 2000s. She met her husband in a nightclub, where he was working as a DJ. After a happy start to their romance and a short relationship before marriage, she got pregnant. This, she said, led to the couple experiencing marital conflicts and distress, while the lack of family support and stereotypes to which she was subjected as a "Brazilian woman" resulted in frequent arguments between her and her mother-in-law. The marriage broke up after four years, at a time when her husband was taking drugs and neglecting his family and marital responsibilities, and when conflicts were constant because of a lack of money and his irresponsible behaviour:

*Before I got pregnant, my husband and I would regularly take drugs [...] We went out at night from Tuesday to Sunday and lived a wild life drinking, smoking and taking drugs [...] Then I got pregnant, and obviously that changed everything [...] And I didn't want him to do that [...] He would spend all our money, the money that should be for the home, the baby, bills, medicine [...] He started to see that his world was beginning to demand family responsibilities, and he couldn't accept that.*

Episodes of domestic violence and her former husband's continuous non-involvement in and lack of commitment to daily household activities and childcare made their marital life unbearable, and she asked for a divorce. A similar marital portrait was painted by Sandra, a Cape Verdean woman in her early thirties who is divorced from a Portuguese man. The couple met through mutual friends when they were in their early twenties. Both from a working-class background (she worked in a restaurant and he was a manual worker at a factory), they got married after an unplanned pregnancy. For some years, their marital life was peaceful, but he then lost his job and started drinking and arguments grew in frequency and intensity. During this period, she was a victim of domestic violence, although out of a feeling of shame, embarrassment, and the fear of tarnishing her reputation, she refused to report her situation to her Cape Verdean family (Akpınar, 2003; Baldassar, 2007; Mand, 2005; Williams & Yu, 2006). In fact, some migrant women hide their marital problems or separation/divorce to ensure the welfare of the family and to maintain their social status in their native society (Mand, 2005). Transnational networks can sometimes function as mechanisms of control and sanction,



particularly when disruptive episodes of divorce, separation or domestic violence break the accepted cultural rules of marriage and family. Managing the situation alone, Sandra finally took the decision to end the marriage after suffering some extreme episodes of violence when she was pregnant:

*We argued a lot and we started fighting when he lost his job [...] And then he started to drink a lot [...] Sometimes I left work at midnight and didn't want to go home [...] I used to walk alone for a long time, pregnant, thinking: "when I get home, he will beat me" [...] He used to kick me when I was pregnant with my daughter. I lived through awful moments and I experienced lots of extreme situations [...] I never told my mother or my family [...] I couldn't [...] I didn't do it because I was ashamed, so ashamed [...] About what others would think.*

These last two cases (Suzana and Sandra) exemplify domestic violence in the context of binational couples, in which specific factors like migrants' status (not holding Portuguese citizenship), women's isolation and the presence of children trigger acts of violence towards women (Williams & Yu, 2006). In spite of this, Suzana and Sandra took the initiative to ask for divorce, against the backdrop of enduring domestic violence, when it became impossible to continue with marital life. Domestic violence was, then, the catalyst that led to divorce, even when these women did not enjoy the material conditions and legal security to be self-sufficient. However, waiting for the acquisition of Portuguese citizenship or legal residency while they were married was a conscious decision to remaining in the marriage, even during life-threatening episodes. Furthermore, in addition to the fragility of their legal status, their social class status and economic conditions worsened – in Sandra's case, after her husband lost his job and, for Suzana, as a result of her husband's life of drug addiction. In fact, the marital conflicts began after these changes in family routine – changes that developed, increasingly, into domestic violence, victimising the interviewees as women and as migrants. In both cases, blackmailing strategies were an emotional resource used by their former partners in an effort to disempower them and to perpetuate their personal, economic and legal dependence on their native husbands.

Other migrant women were also active in overcoming an unhappy married life and ask for a divorce, relying on friends for support. As reported in previous studies (Fresnoza-Flot, 2018; Kim, Park & Shukhertei, 2017), social ties with other migrant women in the same situation were useful resources for exchanging information and finding legal help.

One interviewee had the advice of a close friend in Portugal when beginning the process of divorce:

*He used to threaten me because he thought I wasn't going to have the courage to do it [leave him] [...] But I left home and organised everything: I got an apartment and a lawyer, who I contacted through another Brazilian friend who was going through the same process. [...] I made a legal complaint about the domestic violence. I went to the police and to the family court [...] And he got so scared that now he behaves well whenever he contacts me. (Lidia, Brazilian)*

The various stories presented here suggest that when confronted with the possibility of ending their marriage, these migrant women took the decision to do so based on specific conditions related to their migrant status in the country and to their socio-economic dependence on their partners. The intersecting categories of gender, social class and migration status acted differently within the divorce process. Social networks also intersected with these categories in the lives of the women interviewed. In the context of a privileged social-class background and regularised citizenship, divorce was seen as a way for the woman to maintain her independence and self-sufficiency, and as the natural process for ending a loveless marriage (Maria and Ana); meanwhile, in less privileged social and professional contexts, where the citizenship process was yet to be concluded or the woman was still in an irregular situation, divorce was employed as a survival strategy only once domestic violence became a part of these women's lives (Suzana and Sandra).

## **6 – POST-DIVORCE CONTEXT: PERSONAL, FAMILIAL AND LEGAL CONSTRAINTS**

In the post-divorce context, eight of the interviewees had custody of the children and had to reconcile childcare and work demands on a daily basis. This was particularly true for those women who did not have a stable family and social support network, where adaptation to the post-divorce context was more difficult on a personal, emotional and economic level. While frequent, transnational ties with their families in their home countries were maintained (through phone calls, emails and internet chats), these were said to be insufficient during and after the breakdown of the marriage, since more intense contact was needed at this time. After divorce, the couple's social networks suffer, particularly for migrant women, who need to seek new links and networks within the host country (and recover some from their native country), and also to maintain relationships

with the extended kin of their ex-partners (Mand, 2005). However, Baldassar (2007) suggests that when major life crises occur (such as divorce or illness) it can be difficult to maintain regular transnational contact. According to the participants, in some situations the physical distance was almost unbearable, which suggests the importance of transnational ties to their well-being and to managing feelings of loneliness and homesickness.

Unlike other migrant women who returned to their origin countries after divorce as a strategy for moving forward (Kim, Park & Shukhertei, 2017), our informants, when asked about the possibility of returning to Brazil or Cape Verde to find social and emotional support post-divorce, explained that they had a better lifestyle in Lisbon than they did in their home countries. Additionally, most of them were already residing in Portugal before meeting their husbands and had obtained Portuguese citizenship. This is what Gosh and Wang (2003) call the “transnational consciousness” that stems from migrants’ awareness and interpretation of their social positions within their “transnational social spaces” (Faist, 2010). Due to their transnational consciousness, the interviewed women were able to weigh the pros and cons of seeking divorce and in regard to whether or not to stay in Portugal.

Of course, any plans to return home, such as they might have existed, would have also had to take in account the legal demand established by the Portuguese family court that children must maintain parental contact with the father. According to a family lawyer interviewed at a migrants’ association, in general the judge decides that responsibilities should be shared (for example, both parents should decide how the child is to be educated); the residence of the child should be with one of the parents (normally with the mother); visits to the father should occur every 14 days (i.e. on alternate weekends); and half of the child(ren)’s holidays should be spent with each parent. These legal constraints on post-divorce child custody affect the interviewed women’s transnational relationships, a situation which in the long run could aggravate their feeling of social isolation from their home country.

The emotional instability experienced by our informants was both associated with the divorce process and, in the case of women who had more conflictive marital disruptions, with the fear of losing custody of the children as a result of constant threats of blackmail and pressure from their ex-husbands. During the divorce process, psychological violence and threats of physical violence were both reported to have been used constantly by their partners as they sought to maintain control over them, which contributed to their feelings of powerlessness and insecurity. These women’s fear of losing custody of their children can also be related to their status as migrants and the fear of being declared illegal

in the country following the breakup of the marriage in cases where they do not hold Portuguese nationality (see Kim, Park & Shukhertei, 2017). Indeed, in some cases, women migrants may have fragile citizenship status and be constantly afraid that their residence permit will not be renewed.

When there was the need to reconcile childcare and work, the fear of divorce was felt even more acutely by these women, particularly on those occasions when they lost the support of their former partner's relatives or even, as was found in certain cases, some of their mutual friends. Working- class interviewees found themselves in vulnerable situations (either unemployed or in precarious jobs) and were forced to seek help from non-governmental organisations (NGOs) in order to meet their daily expenses and basic needs (work, children's education, social security, legal advice). The emotional distress and economic and legal problems these women encountered were frequently alleviated by migrant associations and victim support institutions. In the post-divorce context, some of the women interviewed became aware of the rights and duties associated with this process during periods in which they felt they lacked legal protection from their Portuguese ex-partners. Legal support and information are offered by some public institutions and associations (e.g. High Commission for Migrations – ACM, Brazil House, Cape Verde Association), which help clarify rights and duties in situations that demand efficient and protective resolution (e.g. violence against children and women). For migrant women, turning to these associations can function as a substitute for transnational social networks in their native countries.

The post-divorce contexts of the women interviewed were marked – in those cases where their socio-economic and legal conditions made them more vulnerable – by personal, emotional and financial difficulties in reclaiming their lives and moving forward. For those informants whose socio-economic and professional conditions were more stable (i.e. those with secure jobs, older children, an extensive social network, and who had been in Portugal for longer), the post-divorce circumstances were less dramatic, and they had more confidence in the future. As such, the pattern of gender/social class/citizenship interactions functioned as a “protective” shield against economic precariousness or social segregation, allowing women with a more privileged social position to act according to their wishes and future plans.

## **7 – CONCLUSION**

This paper adopted intersectional and transnational approaches to sustain that divorce is an active coping strategy of migrant Brazilian and Cape Verdean women married with Portuguese men. Categories of gender, social class and migration status intersect to both protect and empower migrant women in more privileged situations (with professional and economic security and legal citizenship), helping to preserve their social inclusion in Portuguese society after marital dissolution. Among those women from lower social backgrounds, asking for divorce is also an active strategy of empowerment, even when they have limited resources (lower wages or, sometimes, irregular migrant status) to maintain their lives after divorce. However, in line with other studies in which migrant women lived in harsh situations (Lévy & Lieber, 2008; Sandy, 2007), our informants still developed positive practices to ask for institutional (NGOs, migrants' associations) and personal help (friends, acquaintances) to cope and escape from unhappy marriages.

Still, some ideas about the transnational dimension of divorce need to be further investigated. First of all, following previous research (Baldassar, 2007; Walsh, 2009) maintaining and negotiating the bonds of emotional support across distance in transnational families is not always a simple process. Among those women who suffered from physical or psychological violence during their marriage, their feelings during the aggression episodes had been hidden, at least in the moment they were happening, from their native families, due to their sense of shame and marital failure (see Mand, 2005). As mentioned before, migrant organisations and NGOs played a substitute role in providing the social, financial and legal support required by these women. Although this finding is consistent with Fresnoza-Flot's work (2017), it is important to further clarify the changing nature of family social networks during the process of transnational divorce. As shown in this article, the existence of difficulties, tensions and silences in the exchange of "cultures of intimacies" (Walsh, 2009) between migrants and their native families is constantly re-configured.

The transnational emotional distance experienced by some of these women is also potentially reinforced by the legal dimension of child custody applied in transnational divorce. In most cases, Portuguese law tends to privilege physical contact with both parents, which helps to attach migrant women to their host country. After some time, this can weaken their ties with native families, given that visits to their home country (Brazil or Cape Verde) tend to be expensive, limiting their travels more than they wished. As such, "transnational consciousness" (Gosh and Wang, 2003) played a crucial role in interviewees' decisions about whether to remain in Portugal or return to their origin

countries after divorce. In contrast to previous findings (see Kim, Park & Shukhertei, 2017), their awareness of lifestyle differences between their native countries and Portugal, as well of the necessity of maintaining their children's physical and emotional bonds with their ex-spouses, contributed to their non-return to their home countries.

These findings should be further investigated, suggesting gender roles might be central for decision-making in parenthood during transnational divorce. Developing a comparative view of how Portuguese ex-partners experience their marital life and divorce, and how they manage to negotiate parenthood in a transnational space, should clarify potential different positions between spouses. Additionally, future research should focus on the strategies of male migrants for coping with marital breakdown, and specifically, how they maintain (or not) bonds with native family in a transnational space. It is also fundamental to explore whether men in this situation return to their origin country, or if, like the migrant women in this paper, they preserve settlement in the host country to keep contact with their children. Finally, further studies will enable to expand our findings by including migrant women whose agency in post-divorce might contradict preconceived notions of motherhood, i.e., returning to the home country and leaving the children behind with the ex-husband.

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Table 1: Socio-demographic data of informants

<b>Name of the Interviewee</b>	<b>National Origin</b>	<b>Nationality</b>	<b>Age</b>	<b>Marriage Duration</b>	<b>Children</b>	<b>Education</b>	<b>Social Class</b>
Juliana	Brazil	Brazilian/Portuguese	40	9 years	Yes	Secondary	Working class
Lidia	Brazil	Brazilian	37	5 years	Yes	Secondary	Working class
Maria	Brazil	Brazilian/Portuguese	49	15 years	Yes	University	Middle class
Paula	Brazil	Brazilian/Portuguese	44	12 years	Yes	University	Middle class
Rita	Brazil	Brazilian/Portuguese	47	10 years	Yes	University	Middle class
Suzana	Brazil	Brazilian/Portuguese	32	6 years	Yes	Secondary	Middle class
Ana	Cape Verde	Portuguese/Cape Verdean	55	16 years	Yes	University	Middle class
Fátima	Cape Verde	Portuguese/Cape Verdean	30	5 years	No	Basic	Working class
Marisa	Cape Verde	Cape Verdean	28	3 years	No	Basic	Working class
Sandra	Cape Verde	Cape Verdean	29	7 years	Yes	Basic	Working class

Source: Authors' elaboration