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Full title: In Bed with the State?: Queer and Trans Migrations through Marriage

Running title: In Bed with the State?

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Acknowledgements: None

Data availability statement: Data will be available upon reasonable request.

This is the author manuscript accepted for publication and has undergone full peer review but has not been through the copyediting, typesetting, pagination and proofreading process, which may lead to differences between this version and the Version of Record. Please cite this article as doi: 10.1111/soc4.70097.

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In Bed with the State?
Queer and Trans Migrations through Marriage

Abstract:

This review examines a quarter century of scholarship on LGBTQ marriage and partner migration. The question in the title of the article is one that comes up in different ways in this literature: the intrusion of the immigration state into couple and family relationships, and the extent to which queer and trans people are forced to be 'in bed' or complicit with state normativities. Research highlights the enduring importance of national origin, race, and class for LGBTQ marriage migrants. Transgender and especially bisexual perspectives are underexamined even as these groups navigate some of the starkest challenges. Frameworks of heteronormativity, homonormativity, and homonationalism are used and at times complicated by scholars. This rapidly growing field offers new insights into the regulatory entanglements of state power and intimate life that will be of interest to researchers, practitioners, activists, and policymakers who work on migration and LGBTQ families.

Keywords:

Queer migration
Trans migration
Marriage migration
LGBTQ families
Mixed-citizenship couples
Heteronormativity
Homonormativity
Homonationalism
Intersectionality

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Awake much later than I should have been on the night following the 2024 US election, I wandered through a sea of posts by LGBTQ young people in the United States looking for ways to migrate, and citizens of other countries trying to help them. One young Redditor wrote, “I’m personally even willing to go so far as to marry [an American] for the sake of helping them move here.” As someone who studies LGBTQ marriage migration, this post struck me for several reasons. The public nature of the post is remarkably bold (perhaps too bold! – thus my choice not to give country, gender, or other details). I was also struck by the positive responses: people called the offer “beautiful” and wished success to the OP and the stranger who might become their spouse for this purpose.

What is striking about this is the viciousness with which I have seen online communities respond to (the hint of) transactional marriage arrangements like this one. This post was not a part of my research but the result of my late night/early morning doom scrolling. Without more cases to examine, I cannot say for sure why this was different. However, there is good evidence to suggest that it has to do with the country of out-migration. That is, a US citizen fleeing a hostile country is viewed more sympathetically and less suspiciously than a citizen of another country – especially from the Global South – doing the same (for inequities of race and national origin embedded in diverse systems of marriage migration, see Hanlon, forthcoming on Ireland; Lan, 2008 on Taiwan; Longo, 2022 on the US; and Wray, 2016 on the UK).

The Reddit post contrasts with narratives that position the US as a relatively queer-friendly migrant receiving society. We may pin these narratives on the media, politicians, and others outside our more critical academic orbit. But even in the scholarly literature on LGBTQ marriage and partner migration – the focus of this review – it is primarily Australia, Europe, and North America that are examined as destinations for these couples (for valuable exceptions, see Cheng, 2024 on Taiwan; Jones, 2023 on/beyond South Korea; Mujuzi, 2023 on Namibia; Nakamura & Kassan, 2019 on Brazil, the Dominican Republic, Ecuador, and Mexico; Parreñas, 2022 on Japan; Suen, 2021 on Hong Kong; and van Zyl, 2015 on South Africa). Over-emphasis on migration to Australia, Europe, and North America (the destination countries in 90% of the studies I reviewed) obscures the fact that a diverse and growing number of countries recognize same-sex relationships for migration purposes, and for LGBTQ people who migrate through a different-sex marriage, the destinations are even more varied.

Queer and trans people have been migrating through marriage for as long as such pathways have existed. But the possibilities for how to do this – for example, in a same-sex union or with state recognition of one’s gender – are changing in many places. Knowledge of these possibilities is expanding too. The post I shared is an example of this: LGBTQ young people, including those trying to flee authoritarianism in the United States or help others do so, recognize marriage as one possible route to mobility.

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In this article, I will review the growing body of research on LGBTQ marriage and partner migration with an eye to where these changes are taking us. By 'marriage and partner migration,' I mean the process of obtaining residency or citizenship rights through a fiancé, spousal, or partner relationship.[1] The question in the title of the article is one that comes up in different ways in this literature. The intrusion of the state into queer and trans intimate life is a recurring theme in stories about these migration pathways. There is also a conversation among scholars about to what extent these pathways force LGBTQ people to be 'in bed' or complicit with state normativities. This conversation raises important questions about where 'normativity' resides and how best to address it.

The article is organized into two primary sections. I first examine uneven legal rights and access to those rights among queer and trans people who (seek to) migrate through marriage. I then review heteronormativity, homonormativity, and homonationalism as conceptual frameworks in this literature. I conclude by briefly highlighting other promising areas to explore. Each section is a trunk from which numerous branches of analysis depart. The review is by no means exhaustive, and I hope it will support and inspire work in many new directions.

Methods

Gathering and coding sources

I searched for literature using Google Scholar, JSTOR, Project MUSE, Sociology Abstracts, and a general library search across University of Michigan databases. My search terms variously combined (1) bisexual, gay, lesbian, LGB*, queer, and trans* with (2) family (re)unification (also: asylee family unification, refugee family unification), marriage immigration, marriage migration, partner migration, spousal migration, mixed-citizenship couples, mixed-status couples, and binational couples.[2] In a subsequent search wave, I paired these terms with "to [country/region]" in an effort to expand the scope of the review beyond Australia, Europe, and North America.[3] I examined reference lists and used "cited by" features to follow citational chains back and forward in time.

From these results, I removed (1) studies of mixed-citizenship couples for whom legal status is not tied to the relationship, and (2) calls for immigration laws to recognize same-sex unions, including a sizable body of pre-2013 literature critiquing the US Defense of Marriage Act from a binational couple perspective. I treated this work as broadly relevant but did not include it in the thematic review.

My search criteria yielded a database of 76 sources, including 51 journal articles, 17 book chapters, one practice advisory, and seven dissertations. The book chapters are from nine edited volumes and five monographs; all but one address broader topics

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with specific chapters of relevance to marriage migration (the one exception, Hart, 2002, shares the personal stories of lesbian and gay couples who immigrated to Australia from the 1980s to 2000). Publication dates span 2000 to 2024 (the year of review) with 45% published since 2020.[4] I have shared a permanent link to this list in the reference section and welcome others to draw from it.

I read and summarized each source, noting its methods, findings, and arguments; my subjective responses to the work and questions it raised for me; and basic codes such as 'class,' 'emotions,' 'heteronormativity,' etc. After completing the 76 summaries, I compiled the codes into a central list. From this list, I derived a set of themes and subthemes. I used an Excel spreadsheet and placed each theme in a color-coded column. In the rows corresponding with the column, I wrote a note describing how I saw each article relating to the theme, if at all. At this point, I considered using qualitative data analysis software. However, I personally find that doing things 'manually' helps me think, and with 76 sources I found this manageable.

Helga Eggebø (2020), in an article on collective qualitative analysis, points to a gap in conversation around the practical work of analyzing qualitative data, as most academic discussions begin once we have drafts to present. This is certainly true of literature reviews as well. By describing such mundane details as my spreadsheet columns, my desire is to increase the transparency around these processes and invite feedback and discussion about them.

Considerations

I conducted my searches in English. This review should be repeated in other languages to collectively capture the full scope of this literature. Diversifying the language will help to address the problem of Australian/European/US dominance that I emphasized above.

Scholars must resist a bias not only toward certain places, but also toward certain types of couples. The use of the acronym can itself be misleading, as many studies use some version of 'LGBT,' but few of these center bisexual and transgender experiences. Bisexuality received the least attention even though bisexuals face unique challenges in marriage and partner migration (see my discussion of this in Brainer, 2024; on bisexual erasure in immigration law more generally, see Sin, 2015; bisexual narratives analyzed by Mathur, 2021 appear later in this review).

In addition, many LGBTQ people migrate through relationships that are or appear to be 'heterosexual.' We must take care not to lose these perspectives. This can be difficult as the conflation of LGBTQ marriage with same-sex marriage may shape self-selection into our research. For instance, in my study of LGBTQ marriage migration to the US, I explicitly welcomed people who migrated in both same- and different-sex unions; however, nearly all participants in different-sex unions questioned their eligibility and relevance to the study. Researchers may need to take extra steps to find and affirm

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these more hidden narratives. The challenges for quantitative researchers working with secondary datasets are even more formidable. If there is no way to identify LGBTQ people in different-sex marriages, this omission should be acknowledged somewhere in the published work, to prevent the complete invisibility of this population that may otherwise happen.

A final consideration concerns the division among subfields. I found that a distinction is often made between work on LGBTQ marriage and partner migration and work on LGBTQ refugees and asylum seekers, a larger and more established body of scholarship. But refugees and asylees are also eligible for family unification, and migrants who are differently categorized by the state may share characteristics and experiences in common (Abdelaaty & Hamlin, 2022; Beaton, 2023). Cross-fertilization enriches both subfields and the broader body of knowledge about queer and trans migration (for examples of this intersectional work, see Dunton, 2012; Hersh, 2015; LaViolette, 2004; Ritholtz & Buxton, 2021; Sußner, 2013; Yue, 2012).

The field is in a stage of rapid growth (recall, 45% of the studies in this review were published between 2020-2024!), and I expect many of the issues I have raised to be addressed in the coming years. In addition to the 76 sources in my database, I read seven works in progress on this topic while writing this review, and there are surely many more that I do not yet know about. This review marks an exciting moment in time and may need to be repeated soon to capture the scope of work to come.

Analysis

Uneven Rights, Uneven Access

The laws surrounding LGBTQ marriage and partner migration are constantly changing and will surely change again in the time it takes for this article to be published. Across time and borders, LGBTQ relationships, genders, and families flicker in and out of legal legibility. Legal rights pertaining to gender and sexuality are life-altering for many people. However, these are not the only laws that matter. Migrants are differently positioned in many other ways – by class, race, and national origin, for example – and these differences showed up in some way in every study that I reviewed. When and where rights do exist, not all LGBTQ migrants can access them. Accordingly, this section will examine struggles for legal recognition and protection and within-group differences in access to marriage as a migration pathway.

Rights to marriage migration while trans

Drawing from her fieldwork with Filipina hostesses in Japan, Rhacel Parreñas (2022) shares the story of a trans woman who desired to settle with her Japanese male

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partner. Lacking a legal route to marry him and remain in Japan, the woman instead married her partner's mother (on paper, a 'heterosexual' marriage) and obtained a visa through this relationship. She now lives with her partner and his parents, who legally divorced to make the marriage visa possible, and cares for them as a daughter in law, a traditional role that she finds gender affirming and fulfilling. Parreñas uses this as one of several case studies to explore "the moral continuum of love and money" and disrupt essential notions of marriage (2022, pp. 236-237).

I open with this story for several reasons. Its themes – love, money, meanings of marriage, incorporation into 'traditional' family structures – are reflected throughout this literature; in this way, it is representative. It is also different from much of the literature in that it focuses on trans migration through a different-sex marriage to a country where same-sex unions are not yet recognized. In this review, I will prioritize underrepresented narratives as part of an effort to not only call for a shift in focus but contribute to one. Finally, I chose this story to highlight the creativity and agency of LGBTQ people who form transnational families. In the pages to follow, I will delineate a large number of obstacles and struggles; it is important to name these in order to change them. However, obstacles and struggles are but one part of people's stories. It would be wrong, for instance, to read this protagonist solely through the lens of her multiple marginalizations as a trans woman from the Global South. Trans women are the authors of their own stories. A battery of laws and norms have tried but failed to stop trans people from creating homes where their hearts and spirits are nurtured.

Creativity and agency are visible as well in studies by Jutathorn Pravattiyagul (2021) and Cheera Thongkrajai (2022) of Thai *kathoey*[5] migration to Europe. Earlier waves of *kathoey* migrants procured fake (female) passports to marry European men (Pravattiyagul, 2021), entered marriages of convenience with European women, and engaged in sex work as a vehicle to mobility (Thongkrajai, 2022). Today, same-sex marriage migration is a favored route. However, uneven gender documentation remains a critical issue. In the US, early legal battles similarly revolved around how trans marriages would be classified: as 'heterosexual' or 'same-sex.' Successful applicants were able to prove that their marriages were heterosexual. During this period, uneven sex classification created widespread inconsistencies in recognizing trans marriages across states (Haines, 2005).

In 2002, US Citizenship and Immigration Services began issuing denials in all cases involving a trans person. A memo instructing personnel not to recognize any marriage in which one or both parties "claims to be a transsexual" followed in 2004 (Josephson 2023, p. 79). Under this sweeping protocol, simply claiming or appearing to be trans became disqualifying regardless of legal sex. *In re Lovo*, a 2005 legal decision analyzed in depth by Tristan Josephson (2023), set a precedent for recognizing trans people's heterosexual marriages but left other hurdles intact, including income and surgery requirements that many trans people could not access and/or did not desire to

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meet. Josephson argues that the law uses normative sex/gender and socioeconomic status to sort and stratify marriage migrants, deeming some (normatively gendered, heterosexual, upper/middle class) trans people eligible for spousal visas and deporting others (also see Aizura, 2012; Tomchin, 2013).

Through the exhausting efforts of trans people themselves, the surgery requirement was removed in 2012. Today, trans people who are migrating or sponsoring a partner for migration to the US (or another country with legal same-sex marriage) do not have to prove that their relationship is 'heterosexual.' However, income requirements, inconsistent gender documentation, and the increasing securitization of borders remain critical issues (DesRosiers, 2022; Thongkrajai, 2022). And in a majority of the world where same-sex marriage is not yet legal, sex classification continues to condition trans access to this migration pathway.

Rights to marriage migration while queer

Queer families face a global patchwork of laws and polices shaping where they can unite and the possibilities for their lives once they settle there (see Jones, 2023; Kassan & Nakamura, 2013; Nakamura & Kassan, 2019; Shevtsova, forthcoming). The effects of these laws and policies are mediated by education, income, language skills, the strength of one's passport, and more, discussed in later parts of this article. Here, I will focus on the unevenness of laws that directly address LGBTQ family structures.

The patchwork landscape creates challenges even for queer families that are protected by law in the places where they reside. Many people have transnational personal and family ties. Crossing a border to reunite with loved ones or for another reason may pitch the family into precarity as spousal and parental rights disappear.

Tanja Vuckovic Juros (2019) together with comic artist Christian Mirra vividly depict the moment when two lesbian mothers in Juros' research experienced this at the airport. In the comic representation, an immigration and customs official challenges a mother who is holding her child. Two frames follow: the first, in the mother's imagination, shows her growing larger and bolder, asserting: "We are the parents!" The second, reflecting what happened in reality, shows the mother growing smaller as she says quietly "she is the mother" and points to her spouse, whose documents construe her as a 'single' parent of their child. The burden of this moment is captured in the face of each family member, including the young daughter, whom the mothers have "absolutely no valid response to" should she ask why they are a family in one place but not another (Vuckovic Juros, 2019, p. 7).

As the comic illustrates, uneven laws have an impact materially (e.g., the couple's safety and ability to protect one another should something happen while they are traveling) and emotionally (e.g., the pain of a woman forced to say that she is not a parent of her own child). At the same time, these uneven and unequal laws can

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motivate people to assert themselves in transnational spaces. In another article about this research, Vuckovic Juros (2022) identifies the empowering effects of legal same-sex marriage "spilling over" into contexts where the marriage is not yet recognized. Central and Eastern Europeans who were married in Belgium and the Netherlands felt empowered to demand recognition from their co-nationals and to nurture hope that things could change in their home countries as well. This was especially true for parents in the study, who became more assertive in the transnational field and unwilling to hide their families after their children were born (Vuckovic Juros, 2024).

Having family rights in one place but not another may empower people not only interpersonally but also legally. Jamil Mujuzi (2023) analyzes a decision by the Namibian Supreme Court to recognize same-sex marriages entered into abroad. The plaintiffs – a South African-Namibian gay couple and a German-Namibian lesbian couple – sought residency for the non-Namibian spouse based on their marriages in South Africa and Germany, respectively. In his remarks on the judgment, Mujuzi anticipates two possible outcomes: the judgment could spur human rights activism to recognize same-sex marriages entered into locally. It could also spur Parliament to amend the Immigration Act to define marriage as between a man and a woman. In either case – moving toward or away from same-sex marriage rights – marriages abroad are influencing local politics.

Many courts are in a similar boat, deciding whether they will recognize same-sex marriages entered into elsewhere (for another example of this, see Suen, 2021; also see Bushyhead, 2008 and Mann, 2022 on same-sex spousal benefits in American Indian tribes and issues of sovereignty that arise when tribal laws differ from those of US states both for and against same-sex marriage). This empowers some couples while further marginalizing others. As Mujuzi (2023) writes, people are likely to argue that the Namibian judgment entails 'differential treatment,' as same-sex couples without the means to marry abroad cannot get their marriages recognized. This issue came up in several studies. For example, Chia Po Cheng (2024) addresses the fact that in Taiwan prior to January 2023, the law recognized binational same-sex marriages only if the migrating spouse was from a country that had legalized same-sex marriage. This effectively discriminated against the majority of Taiwanese queer binational couples. In Cheng's survey data collected prior to 2023, 83% of the binational couples in the sample did not have full marital rights in Taiwan due to the non-citizen partner's nationality (2024, p. 37).

Laws are in flux not only across borders but also across time, and this, too, contributes to the complexity of the legal landscape that queer families must navigate. Just as a geographic move does not mean the laws of one's homeland become irrelevant, so change over time does not mean the conditions of the past disappear from people's stories. I found, for example, that workarounds people used to be together in the past continued to haunt their immigration cases in the present. In one case that I

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analyzed, two women used a 'nanny' visa to unite their family in the US in the absence of another legal pathway, before settling in the Philippines. Years later, same-sex marriage became legal in the US and the women petitioned for a K1 or 'fiancée' visa. US officials saw the earlier visa as a red flag and denied their petition. Same-sex marriage opened a new route to migration for some, but for this family and many more, the legacy of discrimination persists (Brainer, 2022).

On this point the literature is clear: legal same-sex marriage matters, but it does not end the struggles of LGBTQ marriage migrants. Uneven gender recognition continues to place a heavy burden on couples in which one or both partners are trans. People still lose the ability to protect their spouses and children as they cross borders. The effects of past laws linger in the present. And beyond the laws pertaining to gender and sexuality, differences of class, race, and national origin shape LGBTQ migrant experiences in critical ways.

Beyond rights: Access to marriage migration

Justin Haines (2005) opens his analysis of trans marriage migration with the story of a couple who consulted the legal aid clinic where he interned. As a result of her transition from male to female, the US citizen spouse had lost several jobs, and she struggled to meet income requirements proving that her wife would not become a 'public charge' of the state. As in a majority of the cases examined by scholars between 2000-2024, the period of this review, the couple's challenges did not hinge solely on laws pertaining to gender and sexuality, although these mattered greatly. The intersection of gender and financial security – in this case, the loss of income due to employers' anti-trans hostilities – were just as salient.

In a multi-site study of France, the Netherlands, and the US, Sébastien Chauvin and colleagues (2019) find that high-resource same-sex couples are better equipped to navigate legal systems and overcome immigration barriers, often leveraging economic, cultural, and social capital. Low-resource same-sex couples are more likely to face forced immobility and prolonged separation. The authors note that low-resource couples are more likely to be women – a reminder that gender intersects with financial security and must be considered in such analyses.

In a related argument, Lauren DesRosiers (2022) uses data on LGBTQ poverty to show that income requirements stratify migrants not only by class, but also by race and gender as these intersect with class. Because within-LGBTQ poverty rates in the US are lowest for White cisgender gay men, this is the group most likely to meet the requirements. Bisexual women, trans people, and LGBTQ people of color face the highest poverty rates and are the most likely to find income requirements prohibitive.

DesRosiers (2022) further argues that privileging marriage – in contrast to "family and social ties that are more flexible and culturally responsive" (p. 140) – makes

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migration easier for queer couples from Europe and the Americas and more difficult for those from Africa and Asia, where legal same-sex marriage is less prevalent (also see Seuffert, 2009).[6] Here again is a presumptively race 'neutral' law with consequences that are highly racialized and structured by colonial relationships (see Luibhéid, 2022 on the value of a queer of color theoretical approach that makes race, gender, economic, and geopolitical hierarchies visible in the study of marriage migration).

In the piece cited above, Eithne Luibhéid (2022) analyzes two cases where US citizen partners leveraged marriage to try to stop the deportations of their trans and queer loved ones. Luibhéid situates the cases in the historical context of unprecedented detentions and deportations as governments increasingly pour funds into immigration control and conflate it with crime control. The 'crimmigration' apparatus sharply limits access to marriage migration for queers based on multiple, intersecting inequalities. For example, people who cross the US border without inspection at a port of entry must return to their countries of origin during the marriage migration process, triggering a reentry bar of up to 10 years (see Enriquez, 2020 and Brainer, 2022 for testimonies of couples who faced this bar). The profile of migrants who cross the border without inspection differs from that of migrants who overstay their visas and can regularize their status through marriage without leaving the country. Thus, the reentry bar has an outsized impact on people (particularly men) from Mexico and Central America who do not have the education or other capital that visas require (López, 2017).

It is instructive to turn here to Chelle Jones' (2023) conceptualization of 'jigsaw migration.' Drawing from interviews with mixed-citizenship lesbian, bisexual, and queer couples in South Korea, Jones uses jigsaw migration to illuminate the ways that migrants mobilize resources to stay together without relying on family unification policies. For many couples in the study, class and national origin closed routes to supposedly 'LGBTQ-friendly' Western destinations. These couples turned to countries that do not protect same-sex unions but offer more visa options and better quality of life for mixed-citizenship families, such as employment opportunities and affordable healthcare. Some couples marshaled their strong passports (passports issued by countries with more global power to facilitate travel for their citizens) to live together in one country while accessing family rights, like marriage and IVF, in another. Couples with less privileged passports struggled to do the same even when they had other forms of social capital.

There is by now robust evidence to show that the right to migrate through marriage does not guarantee LGBTQ access to this right or to the unified family life it promises. Given scholarly consensus on this point, efforts to support LGBTQ transnational families must seriously address both rights and access. Many countries that claim to be friendly and welcoming to LGBTQ families systematically exclude LGBTQ migrants in ways that reflect and reinforce global relations of power. Scholars

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who work on marriage and partner migration have attended closely to these dynamics, including with the conceptual tools I discuss next.

Conceptual Toolkits: Heteronormativity, Homonormativity, and Homonationalism

The theoretical and conceptual diversity in this literature exceeds what I can cover in one article. I have chosen three related concepts to review: heteronormativity because it is the concept I encountered most often, and homonormativity and homonationalism because they enlarge this conversation and are an area of productive difference rather than consensus among marriage migration scholars. Other theoretical frameworks, such as intimate citizenship (Plummer, 2003), sexual migration (Carrillo, 2004), queer migration (Manalansan, 2006), and more are also used and make valuable contributions to this body of work.

Heteronormativity

Perhaps the most straightforward example of heteronormativity in marriage migration is the requirement that couples be heterosexual. This remains true in most jurisdictions. However, a growing number of countries now recognize same-sex marriage for migration purposes. On what basis are these regimes 'heteronormative'?

One way to think about it is this: While same-sex marriages are now recognized, the criteria for evaluating marriages have, in most cases, remained the same. As a result, people have to make their relationships as proximate to heterosexual marriages as possible (for practice guidelines delineating this, see Puhl, 2020). Structural inequities as well as personal values and ethics cause many queer families to look different from those of heterosexuals, and these differences become liabilities when they are placed under state scrutiny.

In study after study, researchers find that immigration laws favor cohabiting, monogamous, economically interdependent relationships that are known to family and friends. Queer and trans people may struggle to provide photos and public documents and lack evidence of family and community support due to homophobia (Carron, 2015; Simmons, 2008). People from countries where queer and trans lives are not protected or are criminalized may be discreet in ways that make their relationships difficult to prove (Carron, 2015; Fletcher, 2023). Merging bank accounts, residences, bills, and other moves toward (inter)dependence are not always possible. They are also, at times, at odds with people's core values. Some couples shared that they had to give up freedom, flexibility, and independence rooted in queer and feminist ethics to make their marriages appear legitimate to immigration officials (Simmons, 2008).

Multi-partner relationships are not recognized for migration purposes, and 'polygamy' is often disqualifying in the strongest possible terms (Perez Navarro, 2017;

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also see Denike, 2014 and Lenon, 2022 for how this is connected to racism, coloniality, and Islamophobia). While these laws are framed around polygyny (a man having more than one wife), any evidence of non-monogamy can be a reason for rejection. In the case of *De Rosa v. Canada* analyzed by Priya Mathur (2021), the marriage between a Canadian-Indian gay couple was deemed "a bad faith relationship" because one spouse had a second sexual partner. The tribunal ignored all other evidence – living together, shared finances and household responsibilities, records to show intimacy and love – to instead "fixate" on the open relationship and reject the application for this reason (Mathur, 2021, pp. 70-73).

Mathur (2021) next analyzes three cases of different-sex couples that raised red flags because the husband had prior relationships with men. In one case, the presence of three children (confirmed through DNA testing) finally led to approval, while the others (including one with a child) were rejected based on the husband's presumed 'homosexuality' and adjudicators' refusal to see his marriage to a woman as genuine. Mathur argues that heteronormativity and western bias intertwined to make these men unintelligible to Canadian officials operating with a strict sexual binary.

Sexual norms and policing of those norms show up in other ways as well. One of my gay interviewees was arrested in his home country for watching porn in a theater, which he in turn was forced to report to US immigration officials as a criminal record in his application for a fiancé visa. US law makes the withholding of information like this a deportable offense (Brainer, 2022). Trans women continue to be overrepresented in sex work and, by extension, ineligible for migration to countries that disqualify applicants for any history of 'prostitution' (Medina, 2017; also see Kashyap, 2023 for a critical race feminist critique of immigration laws that exclude sex workers). These are examples of laws that do not directly target LGBTQ people but harm our communities disproportionately. Globally, LGBTQ people have more contact with criminal legal systems, and these records can and have been used to deny fiancé and spousal visas.

Cisgender, heterosexual applicants may be excluded for many of the reasons named above – they, too, may be criminalized and policed, work in the sex industry, have poly or open marriages, value financial independence from their partners, prefer or need to live separately, and have relationships that are taboo or secret (such as interfaith and interethnic relationships – see Khera & Ahluwalia, 2021). In areas like these, LGBTQ people are overrepresented among a larger population of couples forced to 'normalize' their relationships to prove to the state that they are deserving of a life together.

In other areas, the pressures and burdens on queer and trans migrants are unique. A particularly stark example is that of sexual binarism in marriage immigration laws. People whose relationship histories do not conform to this binary are vulnerable to having their marriages invalidated for this reason alone. This has grave and far-reaching consequences and should be an area of focus for LGBTQ advocates and scholars (see

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Marcus, 2018 and Peyghambarzadeh, 2020 on the urgency of attending to bisexual erasure in global jurisprudence, including immigration and asylum law).

From this literature, we can see that the immigration state is 'in bed' with people and couples insofar as it surveils their/our intimate actions and choices. The state can and does demand information about who we share our beds with and how closely we conform to the sexual and marital norms that officials deem important. A partner of another gender, an open marriage, a discreet relationship that family and friends cannot vouch for – any of these and more can be the reason for a denial.

The title of this article poses 'in bed with the state?' as a question. With this question, I am interested in the entanglements just described, as well as 'in bed' as a marker of agreement or complicity with the state's interests. As couples perform 'normativity' for immigration officials, are they/we becoming what we perform? Does compliance with the state harm other queer and trans people for whom such performances remain out of reach? Many of my interviewees – LGBTQ people who obtained or were working to obtain visas and green cards through their marriages – raised these questions and cared deeply about them. Scholars have also touched on these issues in a variety of ways. I turn now to two related concepts, homonormativity and homonationalism, that have pushed this conversation in meaningful directions.

Homonormativity

Along with heteronormativity as a conceptual tool, homonormativity appeared frequently in the literature I reviewed. Many scholars drew on Lisa Duggan's work defining homonormativity as "a politics that does not contest dominant heteronormative assumptions and institutions but upholds and sustains them while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption" (2002, p. 179). And it is no wonder; by this definition, the guidelines given to same-sex couples who want to migrate through marriage are a veritable primer in homonormativity. Official criteria for welcoming same-sex couples select for couples "who are willing to adopt heterosexual models for their relationships, who do not politicise their sexuality, and who are properly domesticated" (Seuffert, 2009, p. 25; see pp. 16-24 for a detailed discussion of what being properly domesticated looks like in practice, consistent with many of the qualities already described in this review). State preference for such couples is documented over time and throughout the world.

Homonormative tropes surface as well in public advocacy for specific types of LGBTQ marriage migrants – usually binational same-sex couples in which one spouse is a citizen of the receiving country. This occurs, for instance, when advocates point to same-sex couples' economic contributions to the countries where they reside as a reason to support them. Eithne Luibhéid illuminates this by analyzing the Irish same-sex

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marriage referendum in connection to state migration controls, including (but not limited to) family reunification for migrant workers, refugees, and asylum seekers. Irish politicians endorsed a vote for same-sex marriage as good for the state's economic interests, international business, and tourism capitalizing on the "pink pound" and the "pink dollar" (2018, pp. 410-411). At the same time, Irish Naturalization and Immigration Service guidelines stressed financial stability as a criterion for family reunification, noting that reunifying families should not place "an undue burden…on the taxpayer" (ibid., p. 413). Here, as in other nations, same-sex couples are welcomed when they/we spend money and attract businesses, but not when we need state support (or are likely to need it in the future, as US immigration guidelines stipulate – see Brainer, 2024, pp. 119-120).

Homonormativity is undeniably useful and important for the study of queer marriage migration. Like any conceptual tool, it must be used carefully and with a robust understanding of its origins. At times, I found a conflation in the literature of heteronormativity and homonormativity with personal privilege. This occurs in good faith, I think, because of the ample and insightful critiques of how the immigration process favors privileged applicants, including many critiques that I have touched on throughout this review. However, it is unclear that marriage migrants are inherently more privileged than other migrants, as some have extrapolated. For example, Pravattiyagul (2021) found that Thai *kathoey* in her research perceived marriage as an exit strategy from rural poverty and the most 'convenient' way to migrate, more accessible than getting a visa based on education or work (2021, p. 80). Chauvin and colleagues (2019) found that high resource couples were less likely to use marriage for migration compared to low resource couples who lacked other options. Power and privilege are complex, and the level of privilege an individual has cannot be deduced solely from the migration pathways available to them.

Related to this, self-reports about marriage migration do not occur in a vacuum. It is likely that some people treat research interviews with the same caution that they treat immigration interviews. Vuckovic Juros (2022) found that couples in her study with more security – for instance, couples whose EU citizenship allowed them to relocate without relying on their marriages – felt freer to critique marriage as an institution. In comparison, those with vulnerable legal statuses were more likely to emphasize compliance with norms and marrying for love. It is important not to interpret support for social norms or lack of critique at the individual level as 'privilege' when it may be a function of precisely the opposite. In this case, people with more privilege may have more freedom to offer these critiques to researchers.

Homonationalism

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Many scholars have raised red flags about the emergence of immigration rights for same-sex couples in tandem with nationalist and xenophobic policies (see Stychin, 2000 for one of the earliest pieces I reviewed on this topic). Jasbir Puar's work on homonationalism helped to crystallize this critique and continues to influence the scholarly conversation about it. As a hermeneutic, homonationalism critiques lesbian and gay liberal rights discourses that predicate inclusion for some lesbian and gay subjects on the expulsion of racialized others, and that use sexually progressive multiculturalism to justify foreign intervention and imperialism (see Puar 2007, 2022).

Writing about New Zealand, Nan Seuffert (2009) analyzes the "tightening and whitening" of immigration policy alongside the opening of immigration to same-sex couples. The tightening (increased restrictions) and whitening (policy changes that favor European migrants) are consistent with New Zealand's historically racist immigration system. These actions are generally framed as 'conservative' and same-sex immigration rights as socially 'liberal.' However, same-sex couples who embody the state's assimilative model of marriage are more likely to be from predominately White liberal democracies. Thus both trends, Seuffert argues, uphold the norms of White neoliberal society.

Seuffert's work joins others to make homonormativity and homonationalism salient concepts in the study of LGBTQ+ marriage migration (also see Fletcher, 2023; Lewis, 2010; Ling, 2023; Luibhéid, 2018; Pan et al., 2021; Suen, 2021; van Zyl, 2015; White, 2013; Yue, 2008, 2012). This scholarship describes ways that countries in the Global North position themselves as liberal champions of LGBTQ rights – in part by pointing to their inclusion of binational same-sex couples – while securitizing their borders to restrict migration from the Global South and detaining, deporting, and terrorizing their internal migrant populations.[7]

The question of complicity emerges here as well. Some LGBTQ individuals and groups support and mobilize homonationalist discourses to achieve their political goals. Karma Chávez (2013) exposes this strategy in lesbian and gay organizing around the Uniting American Families Act, an effort to extend US immigration benefits to 'permanent partners' prior to legal same-sex marriage. In this period, some lesbians and gays used personal stories about their binational relationships to refute more radical visions of immigration justice (see, for example, the public attacks by lesbian and gay US citizen partners on queer immigration activist Yasmin Nair analyzed in chapter 2). These people were willing to ignore or even vote against other migrants' rights if it meant they could reunite with their partners in the United States.

In another example, Audrey Yue (2012) analyzes the case of a Malaysian trans woman granted asylum under the 'right to family life' in the UK with her husband. In a high-profile media campaign, the couple juxtaposed their desire for a normal domestic life in the UK with the religious, family, and political persecution the woman endured in Malaysia. Yue identifies homonationalism in both the UK narrative and the Malaysian

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counter-narrative that repositioned the woman as a *khunsa* (biological third sex) and thus within the bounds of Islamic law and emblematic of Islamist modernity (2012, pp. 281-283).

A challenge we face in this field is to find ways to resist the homonationalist co-option of LGBTQ narratives by the state, without turning the critique against migrants who produce these narratives about their own lives. In this case, for example, there has to be a way to call out the racist, neo-colonial, and anti-Muslim propaganda in the UK and its devastating consequences, without denying a trans woman's legitimate pain within her own religious and ethnic communities (for intellectual and moral leadership in this effort, I personally have found Sa'ed Atshan's (2020) *Queer Palestine and the Empire of Critique* to be among the most valuable interventions).

Francesca Stella (2024) argues that while Puar's work on homonationalism is groundbreaking, many of its adaptations are less helpful, particularly when scholars ascribe homonationalism to queer migrants' aspirations and desires. I appreciate Stella's point, having found several cases where queer migrants' desires for 'normal' domestic lives were held up as examples of homonormativity and homonationalism in and of themselves. But homonationalism is not a personal characteristic; "like modernity," Puar writes, "homonationalism can be resisted and re-signified, but not opted out of: we are all conditioned by it and through it" (2013, p. 336). Accordingly, to conclude this section, I will offer some reflections on the importance of analytic precision, sensitivity to context, and attention to the unit of analysis as we use the conceptual tools just discussed.

On analyzing normativity, nationalism, and marriage migration with caution and care

In her reflections on the US marriage equality movement, Mignon Moore (2018) makes an insightful argument about heteronormativity that holds relevance for homonormativity as well. Moore suggests that some qualities described as 'heteronormative' are in fact tied to class and race privilege misread as sexual privilege. Her argument is prescient here, given the extent to which class and race matter in this literature. As these studies show, normativity in marriage migration can take many forms. Some are specific to queers, such as exclusion of migrants because they are bisexual, transgender, and/or in same-sex relationships. Others are connected to privileges that people are more likely to hold when they are upper/middle class and part of a dominant race, caste, or religious group, such as the state's preference for couples who jointly own their homes and have other shared assets, who have 'pink dollars' to spend, and who will not burden 'the taxpayer' (see Fields and Raymond, 2021 and Willmott, 2022 on how homeownership and the figure of the 'taxpayer' are respectively structured by racial capitalism and colonialism).

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In the same piece, Moore (2018) rejects the assumption that her efforts to gain equal access to conservative institutions are conformist or negate her Black lesbian identity. The contexts in which these efforts occur must be taken into account. In some contexts, Moore argues, normalization can itself be radical. There are many examples of this in the queer marriage migration literature. Recall the vignette shared by Rhacel Parreñas (2022) about a Filipina trans woman who desired a traditional family life fulfilling the roles of a wife and daughter in law in Japan. She achieved this life through a 'heterosexual' and thus legal marriage to her partner's mother. This is surely a radical act, even as the desires that underpin it are consistent with social and cultural norms. 'Normalization' and radical or revolutionary acts are not opposite ends of a continuum but may co-occur, again depending on context.

Precision is also needed when we analyze homonationalism in relation to queer marriage and partner migration. Attention to the unit of analysis is important (e.g., is this a critique of the state, a social movement, a cultural discourse, a marriage, an individual life?). An area where I see potential for careful analysis of homonationalism is in autoethnography. There are a small number of autoethnographies in this literature, alongside personal accounts shared as part of people's standpoint methodologies. Shuzhen Huang (2020) uses her own migration through marriage to critique US policies that tokenize queer identities for nationalist purposes while perpetuating systemic exclusion. Huang's article is important because the critique comes from a place of forced compliance with this system. It is therefore clear that the problem at hand is not with individual queer desires for a particular kind of life, but with (homo)nationalist state policies, practices, and laws. Change must take place at the structural level.

Heteronormativity, homonormativity, and homonationalism are valuable frameworks for analyzing LGBTQ marriage migration. They expose the disciplinary power enacted by the state, forcing LGBTQ (and straight, cisgender) people to comply with a normative and neoliberal model of marriage and family life. This is most dangerous when the protection of some groups – e.g., couples who meet the state's narrow criteria – is predicated on the exclusion and punishment of others. I believe these frameworks are useful at the structural and institutional levels of analysis and require caution and care at the individual and interpersonal levels. Scholarly perspectives vary, and I welcome the robust conversations about this that we will continue to have.

Promising Areas to Explore

There are many streams of inquiry in this literature, beyond what I have managed to capture in this review. In this final section, I will introduce three areas that I do not have the space to discuss at length, but that deepen our understanding of queer marriage migration in ways that are important to mention. These are relational and embodied

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dimensions of marriage migration – couple relationships, extended families and friends, and stress on the physical body – articulated by people in diverse studies and contexts.

Couple Relationships

Marriage migration has an enduring impact on couple relationships. It can bring couples closer, strengthen trust and love, and create pressure and conflict. It shifts marital dynamics in ways that couples must navigate together. These include, but are not limited to, new forms of legal, social, cultural, and linguistic dependency (on legal dependency and power in immigration interviews especially for heterogamous couples, see Chauvin et al., 2019 for examples from France, the Netherlands, and the US; on social dependency, such as differential access to social services when one partner lacks status, see Suen, 2021 for examples from Hong Kong; on cultural and linguistic dependency, where one spouse becomes dependent on the other for daily life tasks, see Ahlstedt, 2016 and Nakamura and Kassan, 2019, especially Teresa and Elena's story on p. 13, for examples from Sweden and Ecuador).

For family scholars and practitioners who want to support these relationships, it is important to understand the shifts that are occurring and offer relational tools that are sensitive to power. It is also important to recognize power as multidirectional and fluid and both partners as having agency. Assumptions imposed on these relationships by others often fail to capture the lived dynamics within them (see Pravattiyagul, 2021 for a nuanced discussion of power that highlights Thai *kathoey* agency in marriages to European men; also see Chauvin et al., 2019 and Enriquez, 2020 on the pain of being accused by authorities, family members, and others of being a 'toyboy' or marrying for a green card, respectively). The impact of marriage migration on couple relationships is a generative area to explore that illuminates power both external to the couple and within the relationship itself.

Extended Families and Friends

Couple relationships are not the only relationships touched by marriage and partner migration. Relationships with family members and friends also matter and are beginning to receive attention in this literature. These, too, may shift, grow stronger, or begin to fray during the migration process (on migration through a 'marriage of convenience' as a way to meet family expectations and gain independence, see Acosta, 2007; on financial and emotional remittances to family and queer transnational care work, see Ling, 2023; on the migration process itself 'outing' people to their families, see Brainer, forthcoming; on the process bringing families closer, for example, by making it possible for people to introduce spouses and partners to their loved ones and to integrate their families of origin and choice, see Ahlstedt, 2016 and Vuckovic Juros, 2024).

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Transnational moves transform our social circles. People who move to unite with a fiancé or spouse often leave many friends and family behind, and this may create (temporary or prolonged) inequality in couples' support networks. Even among couples who migrate together to a new country, people may become more dependent on their partners without family and friends around (Amari, 2019). Queer and trans identities both open and close doors to new relationships. For example, Sarah Ahlstedt (2016) shares the story of a couple in her study who felt excited to meet a woman at their gym who was from the same country as the migrating spouse. The woman responded warmly to them; however, upon realizing that her compatriot was not a cis man but a trans man, she stopped returning his calls and greeting or speaking to him at the gym (2016, pp. 254-255). Exclusion from diasporic communities, racism in LGBTQ spaces, and the lack of family support that some queer migrants experience can deepen feelings of loss and loneliness in a new place. Attending to these relationships and the feelings attached to them will give us a fuller picture of queer marriage migration and its ripple effects through our families and communities.

Stress on the Physical Body

The stress of marriage and partner migration manifested in people's bodies in ways that they described vividly. For example, a woman who is both a migrant and a sponsoring spouse (sponsoring her co-national wife on her work visa in Australia) shared, "I have to squeeze myself and push myself a lot in order to meet certain requirements and certain deadlines for PR [permanent residency] purposes. So my mental health and wellbeing definitely have been affected. I do feel physically weaker… my breathing has not been great… I do feel that my heart is weaker than before, my bodily, physical strength and health has been worse than before" (Ling, 2023, pp. 9-10 of the OnlineFirst version). Another woman sponsoring her wife's visa in Brazil said, "I used to sleep really good, but I can't… [my wife] can't sleep at all. I can't sleep too and sometimes 2:00, 3:00 I wake for any reason" (Nakamura & Kassan, 2019, p. 2021). Loss of sleep, migraines, ulcers, and other health issues came up in these and other studies. People connected their poor health to the stress of migration and the instability it created in their lives. The impact of migration-related stress on the body is an important theme arising from this literature and one that is worthy of more scholarly attention.

Conclusion

Queer marriage migration is a young field, but it is quickly maturing. Scholars have been working on this topic for a quarter century, and areas of consensus and productive difference have emerged. The importance of class, race, gender, and national origin are throughlines in this literature and condition access to LGBTQ family rights. Rights

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themselves are in flux, and their unevenness creates obstacles as well as opportunities for change. The state is very much 'in bed' with couples to ensure that they conform to a narrow model of marriage and to binary sex/gender and sexuality.

Many of us, myself included, use normativity as a conceptual tool to describe immigration requirements that discipline genders, sexualities, bodies, and relationships. Drawing on Mignon Moore's (2018) work, I have invited us to consider ways that heteronormativity and homonormativity may overemphasize sexuality as an axis of difference. A focus on the classed and racialized dimensions of normativity, already central in this literature, may open up new alliances with heterosexual, cisgender migrants who struggle to satisfy state visions of what a marriage and family should look like.

The frameworks of homonormativity and homonationalism attend to neoliberal and global disparities that shape migration pathways. These frameworks are especially saliant as the state – and at times lesbian and gay advocates – position certain marriage migrants as a kind of model minority and as symbols of liberal inclusion. It is important to name this, to clearly articulate its dangers, and to work against it in our own spheres of influence. As we do this, care is required so that we do not reduce homonormativity and homonationalism to labels that we attach to individuals and couples.

At the same time, there is much to learn about individuals and couples and the dimensions of marriage migration that matter to them. These include, but are not limited to, changing marital dynamics; new forms of dependency that couples must navigate; relationships with extended families and friends; and the impacts of marriage migration on bodies and health. The emotional turn in migration studies (Boccagni & Baldassar, 2015) is very present in this literature, intersecting with the relational and embodied dimensions just described. As the field rapidly grows and diversifies, new areas continue to emerge.

I was struck by the strong connective threads among my sources, flagging issues as important and building on and strengthening ideas over a period of 25 years. I was also struck and sobered (though not surprised) by the persistence of known issues for decades. For example, I could cite Haines (2005) or DesRosiers (2022) on the burdensome evidentiary requirements placed on trans marriage migrants and asylum seekers to prove their gender; the scrutiny of trans bodies that occurs during immigration proceedings; and the pressure to perform one's assigned gender or a binary gender for easier approval. The fact that scholars are writing similar critiques of the same governmental agencies nearly 20 years apart underscores how little will there is to address these problems.

It is also the case that trans and queer people are in no way taking this laying down. Many of the changes that have occurred are due to the sustained efforts of LGBTQ people who bear the weight of these policies and laws. In her analysis of queer

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couples' efforts to use marriage to stop deportations, Luibhéid describes the couples as "not just frightened and cowed but also angry, resilient, and mobilized" (2022, p. 252). Accordingly, my final hope for this review is that it can contribute in some measure to the anger, resilience, and mobilization that is already underway to support transnational LGBTQ families.

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Link to sources reviewed:
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[1] See Sara Ahlstedt for a thoughtful discussion of terms, including the use of 'migration' to encompass multiple dimensions of a process that is non-linear and often messy (2016, pp. 29-30).

[2] Some of these terms are synonymous while others reflect diversity in the population. For example, marriage migrants may be bi-national or co-national (e.g., when one person obtains residency or refuge first and then sponsors another), and binational couples may or may not use marriage as a route to migration.

[3] I first searched by world region following the American Anthropological Association areas of geographic expertise. I then included by name the following countries from the Pew Research Center's list of jurisdictions that have formally legalized same-sex marriage as of June 2024 (https://www.pewresearch.org/religion/fact-sheet/gay-marriage-around-the-world/): Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Mexico, Nepal, Uruguay, South Africa, and Taiwan (adding Thailand). This was part of my effort to find work on a greater number of receiving countries.

[4] To learn the scope of the field, I did not use date parameters in my initial searches. Research on LGBTQ marriage and partner migration began emerging around the turn of the century. The earliest work focused on family unification for queer refugees, transgender migration in marriages deemed heterosexual, and 'marriages of convenience.' These predated legal same-sex marriage, which quickly became the dominant focus of the field as laws changed.

[5] *Kathoey* is a fluid category anchored in Thai conceptualizations of gender, sometimes (imperfectly) translated as 'trans woman.' See Thongkrajai (2022, pp. 179-181) for a more in-depth discussion about this term.

[6] Countries with legal same-sex marriage in the Americas include strong Latin American representation (see the list in endnote 3). However, scholarly arguments typically focus on North America and its whitening effects on the pool of same-sex marriage migrants. More research is needed to understand how widespread legalization of same-sex marriage in Latin America has influenced global politics and LGBTQ migration.

[7] As I revise a draft of this manuscript, efforts by the United States to detain, deport, and terrorize people who are permanent residents through marriage reveal that liberal inclusion of binational couples is itself a tenuous basis for rights and one that can quickly crumble.

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