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# Incursions into a Parallel Universe: The Cross-border Context and the Cultural Aspect

Mélanie Raymond, Administrative Judge at the Tribunal  
administratif du travail

In the context of the CIAJ's 47th Annual Conference, The Law of Borders 27.10.23

Panel 9: Family law

Borders and family: a relationship that is not confined to a single field...

On the contrary, it is found everywhere and in new forms.

# EXAMPLES

- Taxation and cross-border planning;
- Employment injuries: determination of a survivor's pension beneficiary, married couples, but the spouses don't live together;
- Immigration law: best interests of the child as a criterion in assessing the granting of humanitarian reasons, marriage of convenience;
- Family law: child custody and access, marriage annulment.

# At the Crossroads of Law and Social Sciences...

- Beyond mere jurisdictional disputes.
- The legislator refrains from defining the key concepts in order to promote a degree of flexibility and social evolution: couple, “genuine marriage,” “fidelity,” and “living together” of section 392 of the C.C.Q.
- It is up to the “players” to define the contours.
- A window on intimacy

# Fertile Ground for the Social Norm

- *“Social norms exert a powerful influence on families. They shape major life decisions such as whether to marry and how many children to have, as well as everyday decisions, such as how to discipline children and divide household labor”*

• Clare Huntington, “Familial Norms and Normality,” 2010

# Culture: an influence that is difficult to describe but still unavoidable.

“While others can be easily classified as having singular, monolithic identities, everyone understands their own identity to be a more complex matter, with multiple identities relevant to different contexts: gender, class, age, ethnicity, region, history, nationality, occupation, each becoming relevant at different times in the same person’s day.”

UNESCO

# Alleged “Romance Scam”

- Immigration: a genuine marriage and the main purpose of which was not to help one of the spouses acquire status in Canada;
- Marriage annulment: one spouse alleges that the other married them only for the purpose of deriving an advantage from it.

