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Breaking Up Is Hard To Do: Navigating Expatriate Divorce Abroad

No one relocating abroad expects their marriage to end in divorce¹. So when the unthinkable occurs, all sorts of unexpected questions are likely to arise. Should a trailing spouse and his or her children be immediately repatriated when a legal separation is sought, or only when the divorce is finalized? In which jurisdiction should the divorce be filed? How can families of divorce stay connected, even when living thousands of miles apart in different countries? In this article, we look at the causes and consequences of expatriate divorce and suggest ways in which companies can guide their assignees through this extraordinarily complex situation, especially when children are involved.

Living and working abroad as an expatriate can take a toll on a marriage. While most expatriates admit that they muddle their way through the stress of married life (often using counseling as a way of coping), some relationships do not survive.

In many countries, it is common for one or both spouses to travel across the region, or globe, for work, leaving little time to spend with their at-home partner and children. While maids or domestic help can provide welcome support as caregivers for children, extended family support from trusted relatives is nearly always missing. The stress of ongoing single-parenting stints, along with feeling resentful, lonely and anxious in a new country can be overwhelming, particularly when a husband or wife has given up their job or career to be the stay-at-home parent or trailing spouse.

Unsurprisingly, 'family concerns' remains a top reason for assignment refusal and assignment failure, with 'marital breakdown' reported by over two-thirds of expatriates and their spouses as the most important reason why relocations fail². The 2015 Brookfield Global Relocation Services (Brookfield GRS) Global Mobility Trends Survey shows that 'family concerns' also remains a top reason for early return. The British newspaper *The Telegraph*³ claims that 445 foreign couples living in Dubai ended their marriages in 2011, a 30 percent rise on 2009. Indeed, a growing body of anecdotal evidence suggests that many expatriate marriages fail. Is this fact or fiction?

Until recently there has been not one study or report published on expatriate divorce, so the exact statistics are unknown. It may be that it's too



much of a "taboo" topic where few dare to venture. But new data are changing that.

New data in a recent study indicated that the divorce rate among expatriates was not found to be any higher than that among the non-relocating population, but it was found to have more serious implications and outcomes than divorce that takes place in one's home country. Consider, for example, that

during expatriation it is common for one spouse to 'hold all the cards' in terms of rights of residency, work permit, sponsored employment, housing, bank accounts, and an in-built professional and social support network, with the trailing spouse having fewer, if any, of these entitlements and benefits. This then creates a situation where the rewards versus costs of staying in an unhealthy relationship while abroad are weighed up against the power each spouse perceives they have to leave the marriage without incurring further hardship, such as the loss of a job, housing, schools, friends, custody of children, and financial assets.

Because of the power imbalance that expatriation frequently creates for expatriate couples in the areas of earning power and independence, the decision to leave a marriage while abroad becomes not only one of costs versus benefits, but also of choosing between the lesser of two evils – incurring financial hardship and/or losing custody of one's children versus tolerating an unhealthy marriage. Access to social support, financial resources, and legal advice for one or both spouses impacts the decision to divorce more than any other, which may be why the divorce rate among expatriates is actually lower than among non-assignees, but marital stress may in fact be much higher.

Whether divorce is caused by adultery, abuse, the challenges of expatriation or simply growing apart, the consequences of divorce occurring while living abroad can be extreme. The impact on children can be especially traumatic because expatriate family life is a critical stabilizing factor in a childhood that is frequently rootless and uncertain.



Unfortunately, women tend to come out of an expatriate divorce worse off than their husbands as they are typically the stay-at-home spouse with less access to financial resources, bank accounts, full-time employment, and legal advice. Men, though, tend to be the losers in terms of child custody, with most expatriate mums retaining care and control of their children, often in the home country location thousands of miles from where they once lived as a family.

Causes of Expatriate Divorce

Marital problems among expatriates undoubtedly occur as a result of conflicting priorities among couples, often as the number of assignments increases and as high-level careers progress for one partner at the expense of the other. While it is impossible to know the true rate of expatriate divorce, with anecdotal stories suggesting it happens only to those in 'hardship' locations, McNulty's study⁴ found that the 44 participants went through their divorce while living in 27 different countries, including relatively 'easy' locations such as Singapore, The Netherlands, and Australia. This shows that divorce can happen anywhere and is not especially prevalent only in challenging locations.

Expatriate marriages appear to end in divorce for two reasons:

1. a core issue in the marriage that exists before going abroad and which continues while abroad, e.g., alcoholism, mental health problems, domestic or psychological abuse and,
2. when one or both spouses is negatively influenced by an expatriate culture to such an extent that a form of 'group think' results in behavior that is different to how they might behave 'back home,' e.g., adultery, sexual misconduct.

Adultery is assumed to be the most common reason for expatriate divorce, but McNulty found this to be only partly true: while adultery is the number one reason for instigating divorce proceedings, infidelity is symptomatic only of deeper underlying issues at the core of a marriage that remain unresolved for a long period of time, some of which exist before couples expatriate, with many issues unfolding and being exacerbated once abroad (see Figure 1).

UK Mum, One Child

What happened: I knew intuitively from the day I married my (UK) husband in the US in 2003 that I'd made a mistake, as he was a known philanderer with two ex-wives. I stayed in the marriage because we had a child. I agreed to relocate from the US to Singapore in 2013 because I wanted to keep our child connected to her dad. The day I arrived here with my daughter I realized I'd made a huge mistake when I was told by the security guard at our new condo that I must have the wrong address - my husband's 'wife' (his Filipina girlfriend) had apparently been living there for 4 months already! I promptly threw him (and her) out of the apartment and filed for legal separation.

Was expat life to blame: Definitely not. Expat husbands think they can get away with more due to the dependency of their non-working wives, but the marriage was doomed from the start. We were always headed for divorce because of a lack of honesty in the relationship. Expatriating just sped it up.

Jurisdiction: (1) Singapore for legal separation, custody determination and maintenance orders, although it is expensive and lawyers tend to provide conflicting advice (I found better legal advice online). Expatriate women in Singapore with residency of less than 3 years cannot easily file for divorce; (2) US for divorce as we were married in the US and have financial assets there.

Biggest regret: That I didn't leave my husband years ago when I realized he was cheating. Although I filed for divorce in the US a number of times before moving to Singapore, I always withdrew the petition to give it another try because I thought my child would be better off with two parents. I was wrong.

Top advice: 1. Moving abroad will not fix problems in a marriage but only make (them) worse. 2. Retain a source of financial and emotional support in your home country, e.g., a tight group of friends, because you never know when you might need it. 3. Maintain your own identity through a career, hobby or volunteer work. 4. Spend time together as a family and work hard at family togetherness.

What's next: I plan to return to the US with my daughter in the next 12-18 months to file for divorce.

Adultery is also not limited to men. Pascoe⁵ found that trailing female spouses are just as likely to be as unfaithful as their employed husbands, but for different reasons: whereas unfaithful men typically have the opportunity to stray 'thrown at them' in the anonymity of business trips, unfaithful wives more often seek emotional support in new relationships because of their absent husbands.

Although rarely acknowledged, expatriation itself is also a common reason for divorce, with the social, moral and 'group think' culture of the expatriate community in which couples live often playing a significant role. Developing economy locations such as Jakarta, Colombo, Beijing, and Bangkok seem to be especially difficult on marriages where, for example, expatriate men are frequently targeted by desperate women in the local culture looking for a way out. A significant part of the problem stems from not being around home country role models (e.g., relatives and friends). Without a strong support network that can be relied upon to step in when drinking or adultery gets out of control, many spouses feel isolated from the resources that ordinarily would help them.

Consider, too, that living abroad is a uniquely and inherently stressful way of life. Of the 40 most stressful life events, at least half can be directly or indirectly associated with the international relocation of a family, including a change in financial status (ranked 15th), a change or new line of work (17th), wife starting or stopping work (25th), and changes in residence (31st), school (32nd) and social activities (34th)⁶. Consider further that, even without engaging in international relocation, divorce and marital separation are ranked (2nd) and (3rd) as stressful life events, as is marital reconciliation (9th).

The uncertainty, lack of control, and ambiguity that characterizes international relocation represents a level of stress that can easily shape marital interactions. But the degree to which expatriate couples are able to develop strong “risk and resilience” frameworks to enhance marital quality can explain why some couples fare better than others in coping with international relocation stress.

US Mum, Five Children

What happened: We married 15 years ago in the US and have been living abroad ever since, first in Japan (8 years), then Hong Kong (3 years) and London (1.5 years). My children were all born abroad. I was the über-expat wife, living it large with expensive designer clothes, lavish holidays, pricey schools and a big flashy house, but the marriage was a sham. My husband traveled all the time for work, we were not close, and he was psychologically and physically abusive to the children and me. I filed for divorce in London, after which my husband wanted to relocate our family to Singapore. I did not want to go, but agreed to a holiday/look-see visit. I ended up being here unexpectedly for 9 months as a result of a serious back injury during the trip. After I recovered from surgery, I returned to the US with the children to wait out the UK divorce and to be closer to family support. While there, my husband's Singaporean lawyers served me with a Hague Petition for international child abduction. I voluntarily returned to Singapore with the children in July 2014 to avoid imprisonment. For the past 10 months we have been living in a court-ordered house while my husband resides in a separate residence. I have 'care and control' of the five children (one on the autism spectrum), no domestic or family support, no source of independent income other than a relatively low amount of court-ordered maintenance that barely covers living costs, no phone or TV, no public transportation close by, minimal health and dental insurance, no legal representation, and am living hand-to-mouth. My children wear donated clothing and we eat a decent meal only when neighbours and friends provide us with free food.

Was expat life to blame: Yes. Being away from our US family and isolated from a legal system I understood allowed bad behavior to go on for too long. I was naïve and let my husband take control of our life, all the moves, where we lived, and I didn't speak up and have a say. I lost my identity, who I was, who I wanted to become, and got carried away in a fantasy life that wasn't real. I didn't realize until it was too late that moving around so much left me and my kids without a safety net if something went wrong.

Jurisdiction: (1) Singapore for custody and relocation hearing, and maintenance and personal protection orders. Legal representation is extremely expensive. When my husband defaulted on maintenance I could no longer represent myself due to the costs associated with filing an application; (2) London for divorce, which is ongoing.

Biggest regret: I should have left the first time he harmed a child. I thought my love for the children could keep me in a bad marriage and I owed it to them. Unfortunately, I didn't understand that, according to Hague law, six months makes a place 'habitual residence' that then allows a Hague Petition to be filed for abduction. If I had left Singapore when I got the first expedited restraining order, he would have had no



grounds to file a Hague case as we had only been in Singapore for 3 months by that stage. Plus, we were here so I could recover from my back injury; I never agreed to relocate. I regret voluntarily returning to Singapore in July 2014. I should have stayed in the US and fought the Hague case. We have had to rely entirely on the goodwill and sympathy of the expat community to get even our basic needs met here. We are miserable. We have hit rock bottom.

Consequences of Expatriate Divorce

Undoubtedly, when a marriage breaks down during an international assignment, the family bears the brunt of the emotional and psychological toll that an impending divorce may bring, often without access to adequate support mechanisms such as legal counsel. The expatriate's employing company will also be impacted by needing to provide unplanned HR and repatriation support, and perhaps to direct the expatriate and spouse toward appropriate legal support, as well as potentially experiencing decreases in productivity for employees who are distracted by ongoing divorce proceedings.

While these side effects are common among non-divorcing expatriate families as well, especially where high levels of family conflict or low quality spouse-family relationships exist, the process of divorce almost always involves separation and custody disputes across geographical boundaries and causes higher levels of stress and psychological trauma. In other words, expatriate divorce results in more serious outcomes than expatriate families in conflict would normally encounter (see Figure 1).



Forced (and rushed) repatriation of a trailing spouse and dependent children (often within days of ending the relationship) is the most immediate typical consequence of expatriate divorce. Relocating back to one's home country is often the only available option for those with no income or rights of residency to sustain them (and their children) to live independently in a host location, even

during the initial separation phase.

Other consequences of expatriate divorce include a lack of financial independence for the trailing spouse resulting in becoming “economically trapped.” This typically arises when spouses are uninformed and/or naïve about their rights and entitlements in the event of marital breakdown whilst abroad. McNulty found that the single biggest regret of the participants was that they did not know their legal rights in the event of a divorce in the host country. Nearly all said they simply did not think it could ever happen to them. This was despite that some were in dangerously unhealthy relationships (often from day one) but had deluded themselves into thinking they could use a relocation abroad to save their marriage.

While there is obvious freedom in ending a marital situation that is painful or inappropriate, the downside is that it also leaves many expatriates in extreme financial hardship (including bankruptcy), overwhelmed, and frightened. Trailing spouses, in particular, because of their dependency status, face greater risks of becoming homeless, penniless and without custody and primary care of their children if they choose to remain in a host country during divorce proceedings. This is especially the case in the Middle East where custody is primarily granted to fathers irrespective of their foreign status. This can then have physiological side-effects for mothers in the form of severe depression and thoughts of suicide.

What can Organizations do?

Mobility managers undoubtedly bear the brunt of responsibility for handling some of the support issues that result from relationship breakdowns that end in separation and divorce. Of benefit to mobility departments is an awareness of the divorce and custody laws for expatriates in the various host countries to which they will be assigned, including the communication of this information to assignees and their spouses if it is needed. In some companies assistance from local HR may be helpful in obtaining the required information.

Importantly, not all countries provide agency and social welfare support to foreign residents which are typically available only to citizens and permanent residents. As shown in the second case above, this can be particularly challenging for families where a non-working spouse has no access to marital assets or money as a means of obtaining paid legal advice, filing petitions to a local court regarding maintenance, and protecting children from psychological and physical abuse. The disproportionate number of wives undertaking international assignments as the trailing spouse (compared to husbands) is noteworthy and cause for concern, given that relationship problems and distress (due to isolation, vulnerability, and loneliness) are often more keenly felt by women more than men.

Undoubtedly, there is always the question as to whether the causes of divorce run so deep that any form of organizational support would be considered relatively superficial and somewhat 'too late' to be of much assistance. Prevention, though, is better than cure, so to alleviate marital stress we recommend the following:

- Do not coerce couples into accepting extended business travel or short - or long-term assignments. The Interchange Institute⁷ found that there are more negative outcomes for the families involved (e.g., depression), including children with more behavior problems, when spouses feel backed into a corner to accept an assignment. In contrast, when both spouses feel that they are 'in this together,' partners have more positive feelings about their marriage.
- When the employed spouse is absent from home on business trips, be sure to address: (a) additional financial costs (e.g., childcare arising from single-parent stints; lack of domestic support); (b) worry about safety and security in the host-country; and, (c) transportation difficulties if the at-home spouse cannot drive.
- Pre-assignment preparation sessions for couples during the selection process, and once abroad if required, can be helpful in terms

of outlining possible areas of future conflicts, as well as providing resources for dealing with problems in a foreign location; relocation policies could consider including transition coaching for the family if they are being deployed to a particularly 'tough' location.

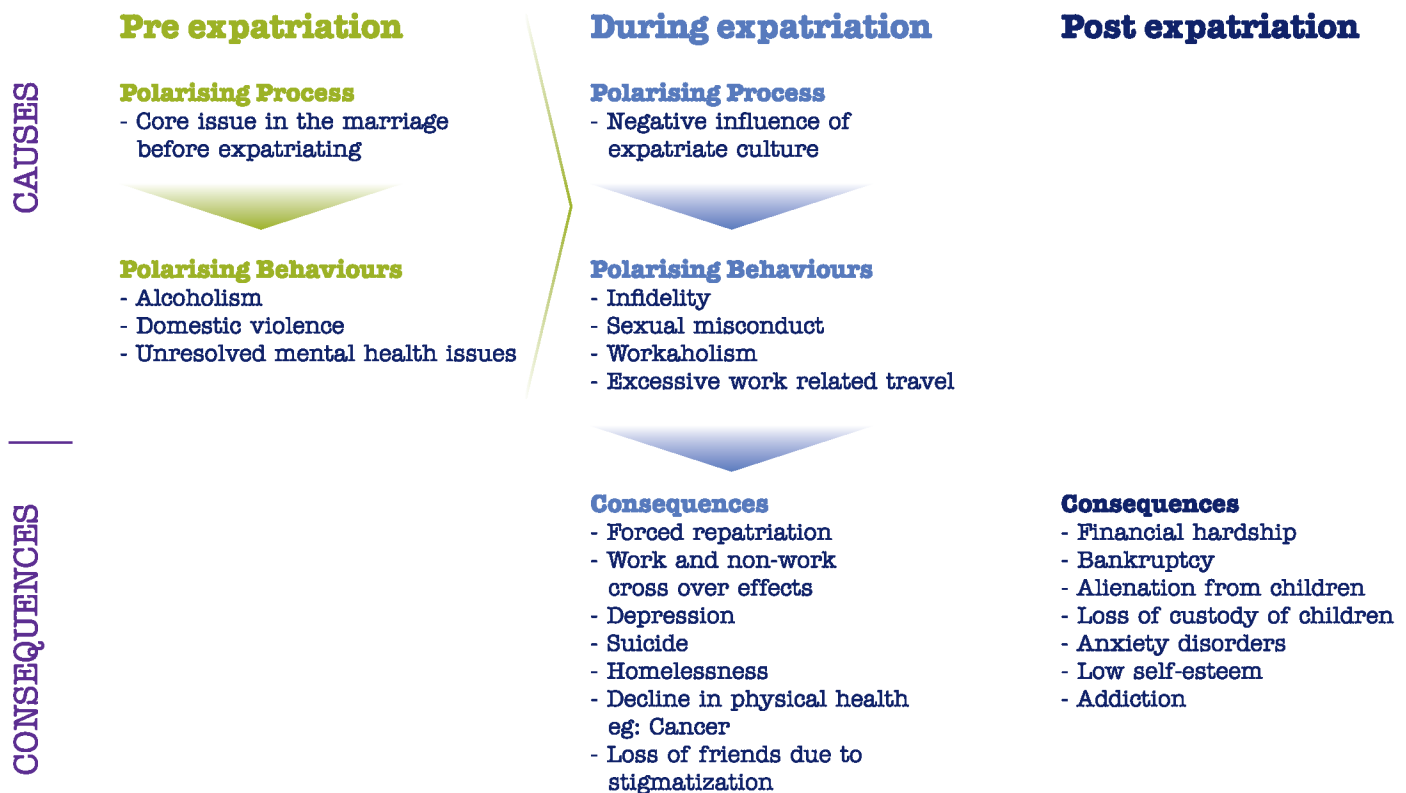
- Have an Employee Assistance Program (EAP) in place, i.e., an out-sourced and confidential service that offers counselors to assist employees and their household members with personal issues.
- Consider the profile of assignees' marriages and family; have they acquired enough skills as a couple to weather the storms of life that expatriation will surely bring?
- Stress to the assignee the importance of communicating to their spouse that, despite living abroad or being absent from home on business trips, the fundamental marital relationship and way of parenting will remain unchanged; it is also helpful for the assignee to ensure that their spouse realizes the potential benefits arising from an assignment and/or living abroad.
- Develop and encourage family-centered activities for assignees especially in the early days of an assignment, which may be as simple as being mindful of longer working hours (including weekends) and the demands of business travel. McNulty found that successful expatriate families are those who spend a lot of time together on weekends and the working spouse seems to have a very strong sense of family commitment. This then creates stable, committed, and emotionally intelligent expatriate couples with a shared sense of adventure and a team approach to their international assignment.

Conclusion

Undeniably, divorce is devastating to all concerned whether it is happening to expatriates or other global employees, with the company's HR or global mobility function sometimes being required to help them and their spouses obtain competent legal advice and other support services. While the causes of expatriate divorce are complex, so too are the consequences.

The reality of expatriate life is that many couples are placed under extraordinary levels of stress that they often do not know how to cope with which, for some, tragically ends in divorce. While infidelity, excessive drinking, abuse, and workaholism are often used as a means of coping with marital stress, they also lead to marital breakdown. Particularly important is that companies do not abandon expatriate families on the basis of only being responsible for the employee. International assignments take couples away from their 'normal' (home country based) support networks which limits their access to, and knowledge of, solution-focused couple activities (e.g., therapy) in the host location. Duty of care therefore extends to the entire family until they can be safely repatriated or the custody and divorce proceedings are completed.

Figure 1: Causes and Consequences of Expatriate Divorce



Source: McNulty, Y. 2015. Till stress do us part: *The causes and consequences of expatriate divorce*. Journal of Global Mobility, 3(2), in-press.

References:

- 1) The term 'marriage' is defined as a legally binding union between two heterosexual and consenting adults, including de-facto partnerships. The term 'divorce' is one that includes those expatriates about to go through, or having already been through, a divorce, as well as those that are legally and/or emotionally separated from their spouse with the intention to divorce.
- 2) Lazarova, M., Y. McNulty & M. Semeniuk (2015). *Expatriate family narratives on international mobility: Key characteristics of the successful moveable family*. In Work and Personal Life Interface of International Career Contexts. V. Suutari and L. Makela (Eds). Springer: Heidelberg.
- 3) Hyslop, L. 2012. *Expat divorce in Dubai on the rise*. The Telegraph. UK.
- 4) McNulty, Y. 2015. *Till stress do us part: The causes and consequences of expatriate divorce*. Journal of Global Mobility, 3(2), in-press.
- 5) Pascoe, R. 2003. *A moveable marriage: Relocate your relationship without breaking it*. North Vancouver, BC: Expatriate Press Limited.
- 6) Holmes, T. & R. Rahe. 1967. *The social readjustment rating scale*. Journal of Psychometric Research, 11: 213-218.
- 7) Copeland, A. 2009. *Voices from the road: The personal and family side of international short-term assignments*. Brookline, MA: The Interchange Institute.

Further Suggested Reading:

Americans Overseas Domestic Violence Crisis Center (AODVC)
Sexual Assault Support & Help For Americans Abroad (SASHAA)
<http://www.866uswomen.org>

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