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The legal challenges of family, property and migration ties across multiple jurisdictions

Os desafios jurídicos dos vínculos familiares, patrimoniais e migratórios em múltiplas jurisdições

Los desafíos jurídicos de los vínculos familiares, patrimoniales y migratorios en múltiples jurisdicciones

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Abstract:
International mobility has transformed private family relationships into legal situations simultaneously connected to different state legal orders. Marriages celebrated in one country, children with nationality and residence ties to another, assets distributed across multiple territories, and migration plans dependent on marital status give rise to conflicts that cannot be resolved solely by identifying the applicable law. From the perspective of Brazilian Private International Law and international legal cooperation, this article examines the main challenges concerning marriage and divorce, matrimonial property regimes, parentage and parental responsibility, international child abduction, maintenance, succession, and family reunification. The research adopts a qualitative methodology based on normative, jurisprudential, and bibliographical analysis, incorporating sources updated through 2026. It argues that the central problem faced by transnational families is legal discontinuity between jurisdictions: a relationship that is valid in its place of origin may require recognition, registration, additional evidence, or specific proceedings to produce legal effects in another State. Finally, the article proposes a transnational legal continuity framework designed to organize, from a preventive perspective, the analysis of family status, jurisdiction, applicable law, extraterritorial effectiveness, assets, documentation, and immigration consequences.

Keywords:
Private International Law; Transnational Families; Migration; Property; International Legal Cooperation.

Resumo:
A mobilidade internacional transformou relações familiares privadas em situações jurídicas conectadas simultaneamente a diferentes ordens estatais. Casamentos celebrados em um país, filhos com vínculos de nacionalidade e residência em outro, patrimônio distribuído em múltiplos territórios e projetos migratórios dependentes do estado civil produzem conflitos que não se resolvem apenas pela identificação da lei aplicável. Este artigo examina, sob perspectiva do Direito Internacional Privado brasileiro e da cooperação jurídica internacional, os principais desafios relativos a casamento e divórcio, regimes patrimoniais, filiação e responsabilidade parental, subtração internacional de crianças, alimentos, sucessão e reunião familiar. A pesquisa adota método qualitativo, com análise normativa, jurisprudencial e bibliográfica, incorporando fontes atualizadas até 2026. Sustenta-se que o problema central das famílias transnacionais é a descontinuidade jurídica entre jurisdições: um vínculo válido na origem pode exigir reconhecimento, registro, prova ou procedimento adicional para produzir efeitos em outro Estado. Ao final, propõe-se uma matriz de continuidade jurídica transnacional destinada a organizar preventivamente a análise de status familiar, jurisdição, lei aplicável, eficácia extraterritorial, patrimônio, documentação e consequências migratórias.

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Palavras-chave:
Direito Internacional Privado; Famílias transnacionais; Migração; Patrimônio; Cooperação jurídica internacional.

Resumen:
La movilidad internacional ha transformado las relaciones familiares privadas en situaciones jurídicas conectadas simultáneamente con diferentes ordenamientos estatales. Los matrimonios celebrados en un país, los hijos con vínculos de nacionalidad y residencia en otro, el patrimonio distribuido entre múltiples territorios y los proyectos migratorios dependientes del estado civil generan conflictos que no se resuelven únicamente identificando la ley aplicable. Este artículo examina, desde la perspectiva del Derecho Internacional Privado brasileño y de la cooperación jurídica internacional, los principales desafíos relativos al matrimonio y divorcio, los regímenes patrimoniales, la filiación y responsabilidad parental, la sustracción internacional de menores, los alimentos, la sucesión y la reunificación familiar. La investigación adopta un método cualitativo, con análisis normativo, jurisprudencial y bibliográfico, incorporando fuentes actualizadas hasta 2026. Se sostiene que el problema central de las familias transnacionales es la discontinuidad jurídica entre jurisdicciones: un vínculo válido en su origen puede exigir reconocimiento, registro, prueba o un procedimiento adicional para producir efectos en otro Estado. Finalmente, se propone una matriz de continuidad jurídica transnacional destinada a organizar preventivamente el análisis del estatus familiar, la jurisdicción, la ley aplicable, la eficacia extraterritorial, el patrimonio, la documentación y las consecuencias migratorias.

Palabras clave:
Derecho Internacional Privado; Familias transnacionales; Migración; Patrimonio; Cooperación jurídica internacional.

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1 Introduction

The contemporary family can no longer be understood exclusively through the idea that nationality, domicile, residence, property, and jurisdiction coincide. The international movement of people, intensified by work, study, investment, refuge, the formation of binational couples, and professional mobility projects, produces family units whose everyday lives extend across more than one State. The International Organization for Migration estimated approximately 304 million international migrants worldwide in mid-2024, around 3.7% of the global population, a figure incorporated into the World Migration Report 2026. The number alone does not describe the phenomenon's legal complexity, but shows that cross-border private relationships have ceased to be marginal occurrences.[1]

This article's research problem can be formulated as follows: how can family, property, and migration ties be legally organized when their validity, effectiveness, and consequences depend on multiple jurisdictions? The hypothesis advanced is that the traditional category of conflict of laws, although indispensable, is insufficient to explain every risk. At the heart of the problem lies the possibility of transnational legal discontinuity: a particular status, decision, document, or property arrangement may be valid in one legal order yet not automatically recognized, enforceable, registrable, or capable of generating immigration effects in another.

The research uses a qualitative method based on normative, case-law, and bibliographic analysis. Its scope begins with the Brazilian legal system, particularly the Introductory Law to the Norms of Brazilian Law, the Code of Civil Procedure, the Migration Law, and multilateral cooperation instruments, but considers the comparative structure of the problem to formulate conclusions applicable to families connected to different countries. Recent decisions and normative acts were incorporated, including the National Council of Justice's update on property regimes in marriages celebrated abroad, Superior Court of Justice rulings on

[1] INTERNATIONAL ORGANIZATION FOR MIGRATION. World Migration Report 2026: Migration and migrants: a global overview. Geneva: IOM, 2026. The report estimates approximately 304 million international migrants in mid-2024, equivalent to around 3.7% of the world's population.

succession involving foreign assets, and the status, in 2026, of the Hague Conference's work on international recognition of parentage.[2]

2 Transnational families and the legal fragmentation of private relationships

In this article, the expression transnational family describes a family structure whose legally relevant elements are distributed across two or more state legal orders. The international component may arise from members' nationality, domicile, habitual residence, the place of marriage, children's birthplace, the location of assets, the existence of foreign decisions, or the migration project itself. These factors need not all coexist. A sufficient connection between the private relationship and more than one system is enough to raise questions of jurisdiction, applicable law, or the cross-border circulation of legal situations.

2.1 Human mobility, multiculturalism, and legal continuity

The internationalization of families does not mean the homogenization of family institutions. States retain important differences concerning marriage, stable unions, parentage, adoption, assisted reproduction, property regimes, and succession. Boucault (2002) already linked multiculturalism and the movement of people to the need to redefine Private International Law. Recent research also highlights the identity dimension of family migration and the challenges of maintaining ties in transnational contexts (OKAMOTO; SEBASTIÃO; GEHARDT, 2025; VARGAS, 2026).

2.2 Jurisdiction, applicable law, recognition, and administrative effectiveness

Four questions must be kept separate, a central distinction in contemporary Brazilian Private International Law scholarship (ARAUJO, 2023; TIBURCIO, 2022). The first concerns jurisdiction: which State may decide? The second concerns conflicts of laws: which substantive law will apply? The third concerns circulation: will the foreign decision or situation be recognized and enforced? The fourth is administrative or registral: which formalities will registry offices, consulates, immigration authorities, and other agencies require? Mixing these stages is a recurring source of error in transnational cases.

[2] Updated sources considered include CNJ Resolution No. 583/2024; the STJ's 2025 and 2026 case-law bulletins on assets abroad; and the HCCH's March 2026 documents concerning the Parentage / Surrogacy project.

3 Marriage, unions, and divorce across legal orders

Marriage provides a particularly clear example of how a single relationship can produce different effects in different countries. Its celebration involves form, capacity, impediments, the property regime, registration, and subsequently possible dissolution. In binational families, there are also implications for names, nationality, residence, benefits, succession planning, and proof of dependency. Treating marriage merely as a civil-status document is therefore insufficient for transnational purposes.

3.1 Validity and proof of civil status

First, it is necessary to identify how the act was performed and which documents establish its existence. Foreign public documents intended to produce effects in Brazil may fall under the 1961 Hague Apostille Convention, promulgated by Decree No. 8,660/2016, when issued in a contracting State. The apostille simplifies authentication of the document's origin but does not make its content legally effective for every purpose. It does not replace the assessment of validity, translation, registration, or any required judicial recognition.[3]

Proof of foreign law may also be decisive. Presenting a certificate is not enough if the intended legal consequence depends on interpreting the originating system. In 2024, the CNJ amended the rules for transcribing foreign civil records to permit, in certain circumstances, subsequent annotation of the property regime without judicial authorization, upon documentary proof of the applicable law and relevant domicile. Resolution No. 583/2024 provides, among other possibilities, for certification by lawyers qualified in the foreign country, a consular statement, or submission of duly translated applicable legislation. The update demonstrates the growing importance of documentary interoperability in transnational Family Law.[4]

3.2 Matrimonial property regimes and the first matrimonial domicile

Matrimonial property regimes are among the areas where intuition and law most readily diverge. Couples often assume that the law of the country where they married, one spouse's

[3] BRASIL. Decree No. 8,660/2016, which promulgated the 1961 Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.
[4] CONSELHO NACIONAL DE JUSTIÇA. Resolution No. 583 of September 26, 2024. The rule amended Resolution No. 155/2012 and detailed means of proving the property regime applicable to a marriage celebrated abroad.

nationality, or their current place of residence alone determines their property regime. The LINDB establishes a specific rule: the property regime follows the law of the country where the prospective spouses are domiciled or, if they are domiciled in different countries, the law of their first matrimonial domicile. This connection must be examined in light of the couple's actual history, rather than solely their marriage certificate.[5]

The practical consequence is substantial. A couple may marry in one country and immediately move to another, or each spouse may live in a different country before the union. The property regime applicable under Brazilian Private International Law may not match expectations based on the ceremony's location. Furthermore, characterizing a foreign regime requires understanding its substantive content, rather than merely translating it literally. The requirement to record the original nomen juris, incorporated into the CNJ rules, must be understood in this sense: the foreign legal name helps identify the institution, but its concrete effects depend on the law that structures it.

3.3 Foreign divorce and continuity of civil status

The dissolution of marriage reveals even more clearly the difference between validity abroad and effectiveness in Brazil. As a rule, the Code of Civil Procedure requires foreign decisions to undergo judicial recognition before producing effects in the country. There is, however, an important exception: a foreign decision granting a simple or pure consensual divorce, limited to dissolving the marriage, does not require recognition by the Superior Court of Justice. If the decision also addresses custody, maintenance, or property division, recognition remains necessary for those effects.[6]

The distinction is not merely procedural. It affects continuity of civil status and the possibility of reorganizing family life. In February 2026, the STJ's Special Court reaffirmed that recognition of a foreign decision may be requested by a third party demonstrating a direct legal interest. The case involved a Brazilian woman seeking recognition of her late husband's previous divorce, granted in Germany, because the lack of regularization affected the documentary validity of her subsequent marriage and even her passport renewal. The example

[5] BRASIL. Decree-Law No. 4,657/1942 (LINDB), art. 7, § 4.

[6] BRASIL. Law No. 13,105/2015 (CPC), art. 961, § 5; SUPERIOR TRIBUNAL DE JUSTIÇA. Foreign judgment: recognition of a foreign decision. The STJ explains that a simple or pure consensual divorce does not require recognition, unlike decisions also addressing custody, maintenance, or property division.

shows how an omission in the cross-border circulation of civil status can produce cascading effects years after the foreign decision.[7]

It is also necessary to resist the idea that recognition reopens the merits of the foreign decision. The Brazilian system undertakes a limited review, or juízo de delibação, focused on the requirements for receiving the decision rather than retrying the dispute. Article 963 of the CPC requires, among other things, jurisdiction of the foreign authority, proper service, effectiveness in the country of origin, no violation of Brazilian res judicata, official translation when required, and no manifest violation of public policy. This technique seeks to reconcile the circulation of decisions with preservation of the forum's essential values.

4 Children, parenthood, and parental responsibility in a transnational context

When children are involved, legal fragmentation becomes more sensitive. Nationality, parentage, custody, contact, maintenance, habitual residence, travel authorization, and immigration status may be governed by different sources. An international change of residence quickly turns a domestic dispute into a matter of cooperation. A parent's decision to return to their country of origin after separation, for example, may simultaneously involve custody rights, travel consent, the 1980 Hague Convention, immigration regularization, and maintaining contact with the extended family.

Brazil's Migration Law expressly incorporates comprehensive protection and consideration of the best interests of migrant children and adolescents as a migration-policy guideline. The provision interacts with the Constitution, the Statute of the Child and Adolescent, and Brazil's international commitments, reinforcing that mobility decisions must consider children as rights holders rather than merely dependents within adults' plans.[8]

4.1 Best interests, habitual residence, and circulation

In family situations involving international elements, habitual residence should not automatically be confused with civil domicile, nationality, or an address of convenience. The concept serves to identify the child's actual integration into a particular family and social environment for the purposes of instruments that adopt it. Its characterization depends on the

[7] SUPERIOR TRIBUNAL DE JUSTIÇA. Anyone with a legal interest may request recognition of a foreign decision, the Special Court reaffirms. STJ News, February 4, 2026.
[8] BRASIL. Law No. 13,445/2017 (Migration Law), art. 3, XVII.

applicable treaty, case law, and the circumstances of the case. This caution matters because a single family may encounter different concepts of residence for immigration, tax, and family purposes.

4.2 International child abduction

The 1980 Hague Convention on the Civil Aspects of International Child Abduction, promulgated in Brazil by Decree No. 3,413/2000, establishes a return mechanism for wrongful removal or retention. Its purpose is to restore, with the safeguards provided by the Convention itself, the situation preceding displacement and preserve the authority of the State of habitual residence to decide custody matters. In Brazil, the Federal Administrative Central Authority processes cooperation requests concerning the matter.[9]

Technical language requires attention. The expression “subtração internacional” is preferable in the Brazilian context because the dispute addressed by the Convention is civil in nature and does not necessarily coincide with the criminal offense of kidnapping. The Ministry of Justice itself explains that a child's Brazilian nationality or a custody decision obtained in Brazil after the move does not, by itself, exclude application of the Convention when the previous habitual residence was abroad.[10]

4.3 Parentage, multiple parenthood, and assisted reproduction

Parentage is another area where substantive differences between legal systems create the risk of a limping status, that is, a personal situation recognized in one country and contested or unrecognized in another. Brazilian law has expanded protection for socio-affective parenthood and multiple parenthood. In Topic 622, the Federal Supreme Court recognized that socio-affective and biological ties may coexist, each with its own legal effects. Outside the courts, the National Code of Rules of the National Justice Inspectorate, established by Provision No. 149/2023, currently regulates voluntary recognition of socio-affective parenthood, requiring, among other conditions, stability and the social manifestation of the relationship.[11]

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[9] BRASIL. Decree No. 3,413/2000; MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA. International abduction of children and adolescents. The 1980 Hague Convention takes as its reference habitual residence preceding the removal or retention deemed wrongful.

[10] MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA. International child abduction: frequently asked questions. The agency explains that Brazilian nationality and a subsequent Brazilian custody decision do not, by themselves, exclude the Convention's regime when the previous habitual residence was abroad.

[11] SUPREMO TRIBUNAL FEDERAL. RE 898.060/SC, Topic 622; CONSELHO NACIONAL DE JUSTIÇA. Provision No. 149/2023, arts. 505 et seq. of the National Code of Rules for Extrajudicial Services, consolidated

This domestic development does not mean that the same configuration will automatically be recognized in every country. Legal systems differ on multiple parenthood, adoption by certain family structures, assisted reproduction techniques, and the effects of surrogacy. A family may hold a valid certificate in one State yet encounter difficulties registering the relationship, obtaining nationality, or recognizing parental powers in another. The problem becomes especially acute when birth results from cross-border assisted reproduction.

The lack of international uniformity remains a current issue. Between 2023 and 2025, the Hague Conference worked on the feasibility of a possible convention on recognition of parentage decisions. In March 2026, the Council on General Affairs and Policy received the working group's final report but decided not to proceed at that time to a Special Commission to draft a convention, retaining the subject under monitoring for possible future resumption. This institutional development confirms that international recognition of parentage remains an area of significant uncertainty.[12]

The same reasoning applies to the property effects of parentage. Costa, Oliveira, and Alves (2026) observe that expanding parental ties affects succession, identification of forced heirs, and property organization. In an international context, the problem is twofold: first, it is necessary to establish who is legally a child in each relevant system; then, which succession regime and jurisdiction will apply to each asset must be identified.

4.4 Transnational maintenance

Maintenance obligations illustrate how legal cooperation can turn a recognized right into an effectively enforceable right. When creditor and debtor are in different countries, locating the party, obtaining documents, determining jurisdiction, recognizing a decision, and enforcing payments may be more complex than the discussion over the existence of the obligation itself. The 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and the Protocol on the Law Applicable to Maintenance Obligations were promulgated in Brazil by Decree No. 9,176/2017.[13]

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text.

[12] HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW. Parentage / Surrogacy Project. In March 2026, the Council on General Affairs and Policy received the Working Group's final report and decided not to proceed at that stage to a Special Commission, maintaining monitoring of the subject before the 2028 meeting.

[13] BRASIL. Decree No. 9,176/2017. The 2007 Convention seeks to improve international cooperation for maintenance recovery and establish accessible, swift, efficient, and economical procedures.

The instrument seeks to create accessible, swift, cooperative procedures involving Central Authorities. Its logic illustrates a transformation in contemporary Private International Law: in certain areas, selecting the applicable law is only one part of the system. Effectiveness depends on institutional channels for locating people, transmitting requests, recognizing decisions, and enabling recovery. The same perspective should guide other dimensions of the transnational family.

5 Property and succession across multiple jurisdictions

Property internationalizes a family even when its members do not consider themselves migrants. Investment properties, financial accounts, corporate interests, pension plans, digital assets, and foreign inheritances create legal connections capable of surviving changes of residence and nationality. When these assets coexist with marriage, stable unions, children from previous relationships, or multiple parenthood, the risk structure expands.

5.1 Assets, territoriality, and jurisdiction

The principle of territoriality is particularly strong in real-estate matters. The CPC reserves exclusive jurisdiction to Brazilian authorities over actions involving real property situated in Brazil and, in succession matters, confirmation of private wills, probate, and division of assets located within national territory. Exclusive jurisdiction also applies to division of assets situated in Brazil in divorce, judicial separation, or dissolution of a stable union. Consequently, a foreign agreement or decision cannot simply replace Brazilian jurisdiction on these matters.[14]

The reverse also deserves attention. Brazilian courts should not presume authority over assets located abroad. In 2025, the STJ published its understanding that Brazilian law does not apply to succession involving foreign assets, even to offset forced shares, reaffirming local courts' jurisdiction over those assets. The decision illustrates the principle of plurality of succession jurisdictions: a single death may require coordinated proceedings in more than one country.[15]

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[14] BRASIL. Law No. 13,105/2015 (CPC), art. 23, items I to III.

[15] SUPERIOR TRIBUNAL DE JUSTIÇA. Case-Law Bulletin – Extraordinary Edition No. 23, January 21, 2025. The Third Panel held that Brazilian law does not apply to succession involving assets abroad, including any offsetting of forced shares.

An heir's capacity should likewise not be confused with jurisdiction over an asset. In a 2026 case-law bulletin, the STJ recognized that Brazilian courts could authorize, in Brazil, a power of attorney enabling a guardian to represent an incapacitated heir in probate proceedings in Portugal, but stressed that this did not give the Brazilian court jurisdiction to decide the succession's effects on Portuguese assets. The case illustrates the functional decomposition of the problem: capacity and representation may fall under one legal order, while the actual property succession is processed in another.[16]

5.2 Succession and plurality of jurisdictions

Plurality in succession requires reconsidering the mental model of “one deceased person, one probate proceeding.” With transnational property, different States commonly exercise jurisdiction over assets situated in their territories or adopt their own conflict rules. Coordination should begin before death, identifying which instruments will be recognized in each location, who may administer them, and which family documents will be needed to establish parentage, marriage, or divorce.

The situation becomes more delicate when an heir's identification depends on a family relationship established abroad. Socio-affective parentage, foreign adoption, an untranscribed marriage, or a divorce not yet regularized may influence the order of succession. Succession thus reveals the cumulative effect of failures in legal continuity. What was not properly recognized during life reappears, often at greater expense and through litigation, when obtaining the deceased person's statement or consent is no longer possible.

5.3 Transnational succession planning

Appropriate planning can be organized into five stages. The first is mapping: list countries of residence, nationalities, assets, companies, and beneficiaries. The second concerns the family: confirm civil status, property regime, parentage, and dependents. The third concerns succession: identify potentially applicable laws, forced shares, testamentary formalities, local probate proceedings, and administration instruments. The fourth is documentary: verify apostilles, translations, powers of attorney, and registrations. The fifth concerns immigration

[16] SUPERIOR TRIBUNAL DE JUSTIÇA. Case-Law Bulletin No. 879, March 3, 2026. The ruling recognized that a Brazilian court could authorize a guardian of an incapacitated heir to execute a power of attorney for Portuguese probate proceedings, without extending Brazilian jurisdiction to succession effects on foreign assets.

and taxation: assess whether a transfer or change of residence will produce additional consequences in each country.

6 Family Law and Immigration Law

Family Law and Immigration Law frequently intersect but are not the same. Marriage may provide a basis for a visa or residence authorization, yet the family relationship and immigration status remain autonomous legal categories. Marriage validity is a civil-status question; immigration eligibility involves its own requirements, administrative procedures, documentation, and, in many countries, assessment of the relationship's authenticity or continued existence. The same reasoning applies to children, parents, and other dependents.

In Brazil, Law No. 13,445/2017 recognizes the guarantee of family reunification as a migration-policy principle, ensures migrants' right to reunite with a spouse or partner, children, relatives, and dependents, and regulates visas or residence authorization for family reunification in specified circumstances. This protection is significant but does not justify concluding that every family relationship recognized in the abstract automatically produces the same immigration consequence. The specific category depends on statutory and regulatory requirements.[17]

6.1 Family reunification and autonomy of immigration status

Family reunification functions as a bridge between protection of family life and immigration sovereignty. In the Brazilian model, the Migration Law shifted normative language toward an approach founded on human rights, non-discrimination, documentary regularization, international cooperation, and children's best interests. Article 37 sets out family-reunification categories, encompassing spouses or partners, children, certain ascendants, descendants, and siblings, as well as a person who has a Brazilian national under guardianship or custody.

For families living across countries, synchronizing timelines is essential. A marriage may take place today while residence proceedings take months; a divorce may be granted abroad before the Brazilian record is updated; a child's birth may change residence rights while the certificate still awaits an apostille or transcription. Immigration strategy must follow civil events in real time, because inconsistent documents before different authorities tend to produce additional requirements.

[17] BRASIL. Law No. 13,445/2017, arts. 3, VIII, 4, III, and 37.

Morais, Silva, and Pontes (2025) address family unity as a central dimension of migrant and refugee protection. This conclusion is particularly useful when linked to Private International Law: recognizing the importance of families in the abstract is not enough; mechanisms must enable relationships to be demonstrated through documents and used legally. The gap between substantive rights and proof can be as harmful as the absence of the right itself.

6.2 Documentary evidence and legal vulnerability

Documentation is the infrastructure of family mobility. Birth and marriage certificates, divorce, custody, and adoption decisions, background records, powers of attorney, and identity documents circulate among authorities employing different standards. A family may possess a substantive right yet be unable to exercise it in time because the evidence has not been apostilled, translated, registered, or updated.

7 Recognition of decisions, documents, and international legal cooperation

Legal circulation is the axis connecting all the preceding subjects. Without recognition and cooperation mechanisms, each border may force a family to reconstruct its legal history from the beginning. Contemporary Private International Law seeks to avoid this repetition through recognition of decisions, letters rogatory, direct assistance, central authorities, recognition conventions, and documentary authentication instruments.

7.1 Judicial recognition, apostilles, translation, and registration

Four institutions are frequently confused. An apostille authenticates the origin of a public document between States bound by the 1961 Convention; it does not assess the content. Translation enables official understanding of a document but replaces neither authentication nor recognition. Registration or transcription incorporates the act into the registry system when legislation requires it. Judicial recognition, finally, gives effect in Brazil to foreign decisions subject to that procedure. Each tool addresses a different problem.

The distinction is particularly important in divorces. A simple consensual decision may produce effects in Brazil without STJ recognition but may still require an annotation or registry measure so that documentation reflects the new civil status. If the decision includes property

division, maintenance, or custody, however, the analysis of recognition and jurisdiction becomes more complex. Asking whether a judgment exists is not enough; the specific effect sought must be identified.

In property matters, recognition encounters a clear limit in Brazil's exclusive jurisdiction. The STJ has repeatedly stated that foreign decisions cannot replace probate, property division, or acts concerning assets over which jurisdiction is reserved to Brazilian courts. In May 2026, the court again publicized its case law on the impossibility of recognizing foreign succession acts to dispose of assets situated in Brazil. The same caution applies in reverse: a Brazilian decision may be insufficient to transfer real property located abroad.[18]

7.2 Central Authorities and treaties

Central Authorities play a decisive role in areas where treaties create permanent cooperation networks. In international child-abduction and maintenance-recovery cases, families do not depend solely on direct communication between courts. Institutional channels transmit requests, assist with locating people, standardize documents, and coordinate compliance with treaty obligations.

8 A legal continuity framework for transnational families

Based on the problems examined, this article proposes a transnational legal continuity framework. It neither replaces conflict rules nor seeks to standardize legal systems. Its function is to serve as a screening and prevention method: before performing a significant act, moving residence, initiating litigation, or structuring property, practitioners should test the situation along six axes. The proposal begins with the observation that failure along any axis may interrupt effects that appear fully consolidated at another level.

The first axis is family status. It is necessary to identify who the family members are legally and how each relationship was established: marriage, union, biological, socio-affective or adoptive parentage, custody, guardianship, divorce, and widowhood. For each status, one asks whether reliable documentation exists and whether the relationship is recognized in the relevant countries. In non-traditional family configurations or assisted reproduction, this verification must be individualized.

[18] SUPERIOR TRIBUNAL DE JUSTIÇA. Podcast addresses recognition of foreign acts and Brazilian courts' jurisdiction in succession matters. STJ News, May 8, 2026.

The second axis is jurisdiction and applicable law. The framework must distinguish the authority's jurisdiction from the substantive law governing the matter. Which courts may decide? Is jurisdiction exclusive? Is there a valid choice-of-court clause in a matter that the parties may freely dispose of? Which connecting factor is used for matrimonial regimes, assets, succession, or maintenance? Must the content of foreign law be proved? The aim is to prevent procedural strategy from being chosen solely for geographical convenience.

The third axis is circulation and effectiveness. One asks whether decisions, agreements, and acts established in one State will produce effects in the others. Is judicial recognition required? Is recognition automatic? Does the act require exequatur, annotation, transcription, or a new proceeding? Is public policy potentially relevant? This axis makes future circulation a requirement in the act's present design.

The fourth axis is property and succession. Every asset must be located legally, not just economically. Where is it registered? Which law governs rights in rem? Which authority would have jurisdiction in eventual probate or property division? Does the matrimonial regime cover the asset? Are there designated beneficiaries, wills, or corporate structures? Is the planned transfer compatible with local rules? The answers prevent instruments from being assessed in isolation.

The fifth axis concerns children and dependents. Habitual residence, consent to move, custody, contact, maintenance, school, health, nationality, and immigration documentation must be mapped before relocation. A child's presence changes priorities, deadlines, and cooperation instruments. Planning cannot treat the child as an extension of the parents' status.

The sixth axis is migration and documentation. Which immigration basis supports each member? Is the status independent or derivative? Which family event must be reported? Which documents must be apostilled, translated, or registered? Are there expiration dates, residence deadlines, or dependence on a pending decision? The framework thus incorporates the problem's temporal dimension.

9 Final considerations

Transnational families challenge the premise that family life, property, and residence develop under a single legal order. Marriage, divorce, parentage, custody, maintenance, assets, succession, and immigration may be connected to different countries and subject to different legal techniques. The most significant consequence is not merely the existence of conflicts of laws but the risk of discontinuity: a relationship recognized in one State may not circulate

automatically, a document may be insufficient for a different purpose, and a valid decision may encounter jurisdictional limits abroad.

Brazilian law offers relevant instruments for managing these situations. The LINDB supplies connecting factors; the CPC governs international jurisdiction, cooperation, and recognition; Hague Conference treaties structure child return, maintenance, and documentary authentication; the Migration Law protects family reunification and children's best interests; and recent CNJ rules seek to adapt civil records to marriages celebrated abroad. STJ case law in 2025 and 2026, especially concerning succession involving foreign property, reinforces the need to respect the plurality of jurisdictions.

The central conclusion is that borders do not extinguish legal relationships but change the conditions of their effectiveness. The more internationalized family life becomes, the less safe it is to assume that marriage, parentage, property, or a court decision will be understood the same way in every country. The contemporary response should not seek nonexistent uniformity but build continuity through planning, proof, cooperation, and recognition. For families living across jurisdictions, legal certainty means ensuring that the different pieces of private life remain legally compatible as they cross borders.

Abstract

International mobility has transformed private family relationships into legal situations simultaneously connected to different national systems. Marriages celebrated in one country, children whose nationality and residence are linked to another, assets distributed across several territories, and immigration plans dependent on civil status create issues that cannot be solved solely by identifying the applicable law. This article examines, from the perspective of Brazilian Private International Law and international legal cooperation, the principal challenges involving marriage and divorce, matrimonial property, parentage and parental responsibility, international child abduction, maintenance, succession, and family reunification. The study adopts a qualitative method based on normative, case-law, and bibliographic analysis, incorporating sources updated through 2026. It argues that the central risk faced by transnational families is legal discontinuity across jurisdictions: a status validly created in one country may still require recognition, registration, proof, or an additional proceeding to produce effects elsewhere. The article ultimately proposes a transnational legal-continuity matrix to organize the analysis of family status, jurisdiction, applicable law, cross-border effectiveness, property, documentation, child protection, and immigration consequences. Keywords: Private International Law; Transnational families; Migration; Property; International legal cooperation.

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