

‘All you need is love and £18,600’: Class and the New UK Family Migration Rules

Abstract

In July 2012 the Conservative-Liberal Democrat Coalition government introduced a new set of family migration rules. These rules set a sharp increase in the minimum income threshold for people sponsoring partners and children to join them in the UK. Consequently, there has been a significant reduction in the number of visas granted through the family migration route. This paper explores the themes of class in connection to transnational relationships and citizenship in the formulation of the new family migration rules, in the justifications that have been made for the rules and in the impact of the rules on applicants. It is argued that in the context of international migration and transnational relationships, class-based moralism and regulation has been entwined with exclusionary discourses on ethnicity, national belonging and citizenship and has been extended beyond the nation-state border towards the governing of particular kinds of *international* family.

Keywords: family migration, marriage migration, class, integration

Introduction

In recent years social policy in the UK in the area of family life has been liberalised in relation to some matters. Yet when intimate life is tied together with international relationships and the issue of immigration, there is an increasingly conditional and restrictive stance taken on what constitute acceptable and valued families and relationships. As Wray (2011: 9) observes, ‘marriage migration is a prism through which many other concerns and anxieties are filtered.’ This paper explores some of these key concerns, focussing on class and its intersections with ethnicity and immigration status in constructions of national identity and citizenship in family migration policy. This is examined through a focus on recent changes to the UK's family migration policy introduced by the Conservative-Liberal Democrat Coalition government in July 2012 (Gower 2012). The new family migration rules set a substantial rise in the minimum income threshold for British citizens and residents who wish to sponsor their non-EEA (European Economic Area) partners and children to join them in the UK. These rules have

attracted sustained criticism over the past two years from families affected by these changes and their supporters. The rules have also recently been the subject of an inquiry by the All-Party Parliamentary Group on Migration (APPGM 2013) and a test case (*MM v Secretary of State for the Home Department* [2014] EWCA Civ985) (Yeo 2014).

The new rules build on prior restrictions applied to migration for family formation and family reunification. They reflect an increasing concern among European governments about the integration of both new migrants and established minority ethnic populations (Benarieh Ruffer 2011). Debates on marriage migration and family reunion have frequently focussed on ethnicity and gender, concentrating on issues of cultural identity and citizenship as well as equality and personal autonomy (Wray 2011). It is suggested in this paper that the dimension of class has also been significant in the formulation and operation of hierarchy and exclusion through family migration policies and has become more explicit and evident in policies in recent years.

Concerns about the impact of immigration policy usually centre on migrant and minority ethnic populations. However, the 2012 family migration rules also prominently highlighted the question of the citizenship status and inclusion of British national sponsors affected by the minimum income threshold, including white British citizens as well as those minority ethnic British populations who have long been the focus of such debates. In addition to ethnicity and migration status, the hierarchical organisation of acceptable and less acceptable international partnerships and family also draws on class, which can be seen in the income-based inequalities and the moralising discourse connected with this that links income with valued family life. This is evidenced in the differential treatment of applicants depending on their income and connected class position, which reflects wider trends in immigration policy. As the author Kamila Shamsie (2014) recently suggested, 'citizenship laws are rapidly moving to the point where the only criteria for becoming British will be your bank balance'.

Given the rise in the income threshold requirements, a key focus in this debate has been on the economic dimension of class and the exclusion of those on low incomes. However, this policy also encompasses issues of social and cultural capital dimensions of class and, importantly in this instance, judgements about morality, respectability and lifestyle (Skeggs 1997, Lawler

2005) that determine people's location within or outside boundaries of citizenship and inclusion and which map on to income disparities. Income-based discrimination in the family migration policy is tied up with and justified through judgements about what good and responsible citizenship encompasses. Under the new 'activating welfare state', good citizens live within their means and take responsibility for their lives rather than simply consuming services. As Tonkens et al. (2013: 408) write, citizens 'must first strive to be self-sufficient and to take 'ownership' of the challenges in their lives'. The family has often been a vehicle through which governments have exerted social control based on particular conceptions of morality, social worth and respectability (Donzelot 1997). These actions have commonly been directed towards economically and socially marginalised sections of the population who, in recent years, have been the target of renewed attacks through the current Coalition government's references to the notion of 'broken Britain' and problems of 'welfare dependency' (Wiggan 2012); as well as the increased restrictions and conditionalities in access to social security applied by the current and previous governments (Dwyer 1998). However, in the context of transnationalism and international migration, this class-based moralism has also been entwined with exclusionary discourses on ethnicity, national belonging and citizenship and has been extended towards the governing of particular kinds of *international* family. In a context where citizenship and belonging are statuses to be proved and earned, this perceived limited economic contribution from some residents and citizens, when combined with their transnational personal relationships is perceived to throw into question the extent to which they feel for, commit to, and contribute to the nation. This can be seen in the Home Office's justification for the new rules in which it is argued that family migration risks placing an unacceptable burden on UK taxpayers.

The first section of the paper begins by outlining some key developments in UK family migration policy over recent decades leading up to the most recent changes to policy in 2012. The second section follows with a discussion of the ways in which family migration policy has been aligned to government objectives on 'integration' and citizenship and how class is embedded in this.

The final section of the paper examines some counter-narratives that have emerged in response to the new family migration rules and explores how these engage with the themes of belonging and citizenship outlined in section two. It is argued that, in their attempts to highlight social worth and unjust exclusion, these counter-narratives both appeal to some existing understandings of justice and social worth that frame family migration policy, while also using these to challenge other aspects of these conceptions.

Developments in UK family migration policy

Trends and transformations in global and local labour markets, the increased ease and frequency with which (some) people now travel, and changing migration patterns, mean it is increasingly possible for partners in intimate relationships to be living in different countries; or for people to attempt to migrate between countries with their partners and other family members. Family migration encompasses several forms of movement which Koffman (2004) categorises as;

- Family reunification: where someone who is already in the country is joined by their partner and/or children;
- Family formation ('marriage migration'): where the individual in the country chooses a partner from abroad;
- Family migrates together: a migrant is accompanied by their 'dependents' when they migrate.

In recent years, immigration has taken an increasingly high profile position in public debates. The recent European elections in May 2014 saw electoral successes for far right and anti-immigration populist parties across Europe. The UK Independence Party (UKIP) gained 27.5 per cent of votes and had 24 MEPs elected (BBC News 2014). Immigration policy has two key dimensions: first, border control and second, the integration of migrants already in the UK (Sirriyeh 2013a). The latter incorporates debates about the nature of the nation-state's culture, identity, values and is used to build and enforce hierarchies of belonging.

While these are high profile themes in current political debates, they are also the latest manifestations of long running themes in policy making in the UK dating back to the 1905 Aliens Act. Family migration policy has been a feature of immigration debates since the post-war era of Commonwealth migration to the UK. Following Commonwealth labour migration to the UK after the Second World War, family reunification became a route through which some non-European Union (EU) partners and family members migrated to the UK (Benarieh Ruffer 2011). It was recognised by the government in the early 1960s that family reunification would support the integration of migrants (Wray 2011). As migrants and their families settled in the UK, the reunification of existing families continued, but was also accompanied by a rise in family formation migration as some members of minority ethnic populations entered into marriages with partners from their families' countries of origin. As a consequence of increased international migration and travel and developments in communication technologies and practices, people are increasingly likely to engage in relationships with, citizens of other countries and enter into transnational relationships. Nevertheless, the numbers of migrants who enter the UK through the family migration route is still significantly lower than the numbers who enter through other migration routesⁱ.

International law recognises the right to marry and establish a family, although only EU and European Court of Human Rights (ECHR) regulations are enforceable rights which, since the implementation of the Human Rights Act 1998, supersede UK domestic law (Wray 2011). Article 10 of the UN Convention on the Rights of the Child also recognises the rights of children to family reunion. Despite the recognition of the importance of the rights to family life in human rights legislation, rights to family migration in the UK have become increasingly conditional and regulated. This reflects wider trends in the relationship between immigration and welfare policies as social and economic rights have become increasingly tied to immigration status, creating a hierarchy of entitlement that is ordered according to different tiers of entry and legal status (Dwyer and Brown 2005, Morris 2002). This is particularly the case with regard to limitations on access to social welfare and the right to work (Sales 2002, Sirriyeh 2013a).ⁱⁱ Such a hierarchy of entitlement is evident in relation to the rights to family life.

The 2012 family migration rules are the latest in a series of conditions imposed on families who are forming or reuniting across borders. Legislation focussed on family formation has predominantly been directed towards particular ethnic populations and centred on an 'integration' agenda imbued with racial undertones. Under the 1999 Immigration and Asylum Act it became a requirement for registrars to report 'suspicious marriages' where they suspect that there is not a genuine partner relationship or where one of the partners may have been forced into the marriage (Wilson 2007). There have also been attempts to respond to the issue of forced marriage through adjustments to the immigration process, such as raising the age of sponsorship and marriage from 18 to 21-years-old for non-EU nationals migrating to the UK for marriage (Chantler et al. 2009). Even once partners enter the UK there are further hurdles encountered on the path to settlement due to regulations set in place regarding the movement from temporary to permanent settlement for foreign partners. Prior to 2003 a one year probationary period had to be completed before partners could apply for permanent residency. In 2003 this was extended to two years (Wilson 2007). In 2007 it was also announced that following a two year probationary period, foreign partners would need to pass an English language test and knowledge of life in the UK test to apply for permanent settlement (Wilson 2007).

In July 2012, under the new family migration rules, a further set of conditions were introduced to entry routes for family migration. Until 2012 British citizens and residents settled permanently in the UK who wished to bring family members to join them were required to demonstrate that they had an income equivalent to the level of Income Support that a family of that size would receive in the UK because they would not have recourse to public funds. Building on the existing conditionalities for family migration, on the 9th of July 2012 the Coalition government's reforms to the UK's family migration policy came into force. These imposed further conditionalities through the introduction of a higher income threshold for UK sponsors of partners from a non-EEA countries. This minimum income requirement rose from the previous threshold of £5,500 per annum to a new minimum level of £18,600 per annum. The income required rises further if there are an additional number of dependents being

sponsored (MRN 2012).

These new requirements mean the UK now has one of the highest minimum income thresholds in Europe (second only to Norway) (Huddleston 2012). Meanwhile, there are also conditions on the sources of income that can be included as part of this threshold, which can disadvantage low-income families. Unlike most other countries this minimum income threshold is based on income from employment and cannot include income from benefits or property assets (Huddleston 2012); the foreign partner's overseas employment income (Gower 2012); subsidies from a third party (such as parents); or loans (APPGM 2013). Most other countries that apply income thresholds set these at the national minimum wage or at national levels of income support so as not to unfairly disadvantage reunifying families in comparison to other families in society (Huddleston 2012). In addition to the new income requirements, earlier restrictions on permanent settlement and language requirements have been extended. Foreign partners now have to wait for five years rather than two years before they can apply for permanent settlement (Gower 2012). Furthermore, since October 2013 foreign partners applying to stay in the UK permanently have had to demonstrate that they hold English language skills at an intermediate level (rather than the previous basic level).

Although, there has been a history of regulation, these recent changes represent a more explicit focus on class and income. This reflects similar priorities that have emerged in other areas of migration policy; in particular the introduction of the Points Based System for economic migration (introduced in 2008) whereby migrant workers and students qualify for different tiers of entry based on their points total which is calculated on criteria such as qualifications, job role, experience, age, earnings and language competence (Spencer 2011, Home Office 2013). Meanwhile, since March 2014 European migrants must have been earning £150 a week for three months before they can qualify for worker status and access UK state welfare (DWP 2014) and the government has recently announced that EU migrants will only be able to claim welfare payments for three months (Prime Minister's Office 2014).

In 2012, 47 per cent of the British population would not have qualified to sponsor non-EEA partners to join them in the UK under the new minimum income rules (All-Party Parliamentary Group on Migration [APPG] 2013). Migrants' Rights Network (MRN) and others have also observed that some social groups are disproportionately affected by this change in policy (MRN 2012). Average income levels among some ethnic groups are significantly lower than the national average. For example, 40 per cent of the British Bangladeshi and Pakistani populations in the UK earn less than £14,500 per annum (ibid). Meanwhile, young people and those living in regions outside of London where average wages are lower are also disproportionately affected (ibid). In the six months following the introduction of the new family migration rules, visa applications for the family route fell by 57 per cent and the refusal rate on applications more than doubled. A year after the new rules were introduced there was a 78 per cent reduction in the number of visas issued (MRN 2013). As mentioned earlier, Article 8 of the European Convention on Human Rights (ECHR) establishes the right to a private and family life.ⁱⁱⁱ This increase in the income threshold for family migration potentially prevents some British citizens and residents from exercising this right. Cases highlighting the impact of these rules on families have been recorded and highlighted by organisations campaigning against the new migration rules - in particular Britcits, Migrant Rights Network and the Joint Council for the Welfare of Immigrants under the umbrella group We Are Family (We Are Family 2014). The All-Party Parliamentary Group on Migration (APPGM) recently held an inquiry into the new family migration rules where evidence about the impacts was heard (APPGM 2013). The Group called for a review of the rules which it said are 'tearing British families apart' (Coldwell 2013). The new family migration rules are currently being contested through a test case in the courts (MM v Secretary of State for the Home Department [2014] EWCA Civ985). In the most recent judgement on 11th July 2014, the Court of Appeal allowed the Secretary of State's appeal against a favourable decision for MM. A further appeal to the Supreme Court is now being attempted (Yeo 2014).

Family migration, national identity and citizenship

'Integration' suggests being able to play a full part in a community, including engagement in employment, education, but also social networks and family life. The EU Family Reunion Directive 2003/86/EC recognises the significance of the right to family life (enshrined in Article 8 of the European Convention on Human Rights and Articles 7 and 9 of the EU's Charter of Fundamental Rights) and the key role family reunion plays in processes of integration and the promotion of social and economic cohesion (D'Aouste 2013). However, this comes into tension with national government agendas on 'integration' and citizenship. The needs of migrant workers and transnational families challenge nation-based eligibility for services, rights and entitlements as family relationships and obligations do not overlap these territories and take place across borders (Boccagni 2014, Williams 2011).

Using the notion of emotion governance, this section explores how the new family migration policy has been framed and justified by the government in relation to their concerns over 'integration'. Recently Verhoeven and Tonkens (2013) used Hochschild's work on emotion and her theory on 'feeling rules' and 'framing rules' to explore the role of emotion governance in the way in which the UK and Dutch governments frame their policies on active citizenship. According to Hochschild (2003: 82 cited in Verhoeven and Tonkens 2013: 416), feeling rules 'define what we imagine we should and shouldn't feel and would like to feel over a range of circumstances' such as, feeling happy to engage in volunteering. These feeling rules are embedded within 'framing rules' which 'point to the cognitive, meaningful and interpretive frame within which feeling rules are situated' (Verhoeven and Tonkens 2013: 417). Such a notion of emotion governance can also apply to family migration policy and national belonging and weaves together issues of ethnicity and class. The framing rules in this context are what Hochschild would term as 'moral framing' rules, concerning ideas about what is morally right and just, as well as pragmatic framing rules which refer to what is deemed to be possible and practical to deliver (Hochschild 2003).

Policies on family and marriage migration lie at the intersection of, on the one hand, attitudes and state policies on immigration and 'integration' and on the other, values and state policies on 'the family'. As mentioned earlier, immigration policy occupies a prominent position in the

current political landscape in the UK. A key policy focus in this context has been on government efforts to manage immigration and reduce net migration. In addition to being a form of pragmatic 'lifeboat politics' where justifications for restrictions are made on the basis of balancing the books and keeping the nation afloat, immigration restrictions have also been linked to the protection of national sovereignty, identity and citizenship (Sirriyeh 2013b). In justifying the new family migration rules, Home Secretary Teresa May claimed that, 'This is not just about numbers; it is also about ensuring that people are able to integrate and participate fully in British society' (Hansard 11 July 2012: Col. 54). Debates on immigration regulation are tied to concerns over national identity and citizenship. These discussions have predominantly focussed on ethnicity as a key axis of identity and a boundary of exclusion and inclusion. However, the renewed focus on the economic basis of immigration policy means that migrants, but also British citizens from a range of ethnic backgrounds, brush up against the drawbridge erected at the UK's borders. Connections can be drawn between greater restrictions in immigration policy and the wider ideology that is evident in welfare conditionalities in Britain. In an era of globalisation and cross-border relationships, a normative and moralising discourse of the family, evident in pre-existing domestic agendas, has been extended out to govern the international family too.

It can be argued that the focus on interventions and controls over intimate relations and the international family has occurred, in part, because national ideology is lived through everyday experiences of social and kinship practices and relationships (Billig 1995, Green 2008). Fortier (2008: 98) observes that multicultural politics increasingly addresses the internal state of citizens and questions how they 'feel at heart' for the nation. There is a cultivation of and regulation of these feelings. As part of this process Fortier (ibid: 89) notes that, 'multicultural intimacy is framed within a tight policing of community and family relations, consensual reproduction, and the choice of appropriate partners (friends, neighbours, or lovers)'. Such attitudes towards, and the policing of, family relations and intimacy is reflected in the UK government's family migration policies which exhibit these moral framing rules. Through the regulation of family migration there is an implicit assessment and attempt to regulate how people feel and act for the nation through controls over, and judgments about, their choice of

partner, marriage and relationship practice and a hierarchical ordering of the value of their relationship.

People from a range of social backgrounds engage in transnational relationships (Goulbourne et al. 2009). However, not all transnational relationships receive the same degree of attention. Wray (2011) asserts that recent debates on immigration control have often assumed that there is an inherent tension between successful integration and the establishment of transnational marriages among some members of particular minority ethnic communities, such as those from British Asian communities (Wilson 2007). In this process there is a hierarchy of acceptable transnational relationships that is influenced by attitudes to both 'race' and class. Wilson's (2007) discussion of forced marriage highlights the concerns expressed about British Asian women marrying foreign Asian men, including the debate's focus on working-class Muslim communities. Wilson (2007) recounts former Home Secretary David Blunkett's suggestion that to reduce 'tensions' and aid a sense of belonging to their UK communities, Asian communities should explore possibilities for conducting more arranged marriages between British partners rather than between British and foreign spouses. There has also been attention given to the phenomena of 'sham marriages' where it is alleged that some non-EEA nationals enter into 'marriages of convenience', rather than 'genuine' love marriages, with European citizens in order to be able to reside in the UK (Vine 2014).

From 1962 until 1997 policy priorities were consistently aimed at minimising 'non-white' immigration to the UK (Wray 2011). However, since then under a policy of 'managed migration' markers of difference and the hierarchy of acceptable migration has become more nuanced. As skills levels, qualifications, and English language competencies have become prioritised, particularly following the introduction of the Points Based System (Spencer 2011), the role of class as a visible marker of differentiation in immigration policy is increasingly prominent, while intersecting with differentiation on the basis of ethnicity. International relationships, already regarded with suspicion, come under a further degree of inspection and restriction when combined with a low income.

The Home Office (2012) has asserted that the change in family migration policy is 'to ensure that the sponsor can support them [dependents] independently without them becoming a burden on the State' (Home Office 2012). Since the emergence of the welfare state in the twentieth century, social and economic citizenship has taken a prominent position in conceptions of national citizenship and valued family life and structure. As Williams (1989: xiii) observed, 'welfare policies have both appealed to and reinforced (and occasionally challenged) particular ideas of what constitutes family life, and what constitutes national unity and 'British culture'. Recent public debates and government attempts to justify the rise in income thresholds for family migration reflect the increasing incorporation of these socio-economic thresholds of citizenship into immigration policy and the norm that citizens have, and should feel, a responsibility to contribute to the nation in such economic terms, while those who do not/cannot will legitimately have lesser rights and entitlements. This economic basis of citizenship and migration policy connects into wider welfare discourses on 'deserving' and 'undeserving' populations and highlights complexity in notions of national citizenship when income-based immigration policy has an impact not only on migrants, but also on British nationals.

Under the framework of 'managed migration' government policy on immigration control has also, in part, been presented through a 'pragmatic' framing rule, with a focus on the need to balance the books and manage resources; where immigration control is regarded as a matter of efficiency and good management, uncomplicated by the emotions of 'race' and culture (Sirriyeh 2013b). The denials of the racist undertones of these policies persist. Keen to dispel accusations of anti-migrant standpoints or racism, government ministers highlight their welcome of valued migrants who bring useful skills and resources to the UK and contribute to the nation's economy. In 2013 Prime Minister David Cameron announced that he welcomes (wealthy) Indian students who choose to come to study in the UK (Lentin 2013). This statement contrasted sharply with concern expressed by his government over the potential migration of Bulgarians and Romanians to the UK from January 2014. In anticipation of immigrants arriving from Bulgaria and Romania (who are presumed to be low-skilled and likely to claim benefits)

Cameron, announced his government's plans to introduce increased restrictions on welfare entitlements for EU migrants living in the UK (BBC News 2013). This policy agenda is a manifestation of an immigration policy that is imbued with issues of 'race' and ethnicity, but also class, in calculations of who is likely to 'integrate' successfully into UK society and be a good citizen.

The recent attempts to regulate the international family reflect the renewed discourse of 'deserving' and 'underserving' social groups which is apparent in other social policy initiatives from the Coalition government, such as the caps on social security payments and the 'bedroom tax' (National Housing Federation 2014). As observed in the introduction to this paper, the family is a key medium through which morality claims about those on low-income are expressed – linking into ideas of respectability and responsibility (Skeggs1997). The normative and moralising discourse about transnational families builds on an existing social policy tradition of interventions through the family. Family migration policy, in its regulation of intimacy contains assumptions drawn from the wider migration policy and welfare policy agendas about the characteristics of the 'good migrant' and 'good citizen' are. In the case of family migration policy, the international family has become a means through which class and ethnic based notions of the social worth of migrants and British citizens and residents is reviewed, ordered and responded to through the application of immigration controls. Home Secretary Teresa May observed that family migration accounts for only a fraction of inward migration and, as mentioned earlier, stated the further restrictions were not simply about numbers, but more importantly about 'principles', thus reflecting what Horschild would term a 'moral framing rule'. In the justification of the new family migration rules the government's rationale for the new rules has focussed on the protection of the welfare system from the 'undeserving' and preserving the economic interests of the UK. Economic resentment and suspicion of migrants has become not simply a matter of economic competition, but has evolved to also incorporate concerns over the protection of national belonging and citizenship (Sirriyeh 2013b). The discourse about who can legitimately claim to be British challenges the rights of some to belong and encompasses a class dimension.

In *Revolting Subjects* Tyler (2013: 161) describes how the poor have become regarded as 'failed citizens' who are 'outside the domain of the social proper' and must be 'helped or coerced to become included citizens'. In his discussion of the emergence of techniques of welfare and administration of populations in the nineteenth century, Donzelot (1997: 55) observed that the state was used 'as a *formal means* for transmitting certain guidelines and precepts of behaviour, for turning a question of political right into a question of economic morality'. Thus state welfare policies became focussed on governing behaviour and the moral regulation of the family. Rather than providing recipients with material assistance alone, material assistance is used as a vehicle for moral influence (Donzelot 1997). The new minimum income threshold effectively links the right to family life with income levels. Just as responsible families engage in paid employment rather than claiming welfare, do not live in housing that is beyond their means and do not have more children than they can afford to support; personal relationships have been commodified and ordered into basic necessities and luxuries. In contrast to transnational elites, those on low incomes who are in international relationships are living beyond their means and need to be disciplined.

Counter-narratives and resistance

Since the family migration rules came into force in July 2012, campaigning organisations have drawn attention to the plight of couples living apart and the impact this had on children who have been separated from a parent as a result. These stories have been documented on websites such as that of the group We Are Family (2014). They are also reflected in the 2013 the All Party Parliamentary Group on Migration report on the new family migration rules which received submissions from families affected by the migration rules, charities, lawyers, MPs and other relevant organisations. In July 2013 a test case *MM & Ors v Secretary of State for the Home Department* [2013] EWHC 1900 (Admin) was heard in the High Court. The judge, Mr Justice Blake, declared that although the rules were not unlawful, they were overly 'onerous' and 'unjustified'. He asked the Home Secretary to reconsider the rules because the minimum threshold set is:

‘...significantly higher than even the £13,400 gross annual wage effectively denies young people and many thousands of low-wage earners in full time employment the ability to be joined by their non-EEA spouses from abroad unless they happen to have wealthy relatives or to have won the lottery’ (Yeo 2013).

The Home Office successfully appealed this verdict in the Court of Appeal in July 2014 (Yeo 2014).

In examining the ‘moral grammar’ of claiming and recognising rights, Morris (2012) argues that the ability to claim rights often rests on the successful recognition of the potential rights holder's ‘social worth’. ‘Social worth’ recognises that some form of positive contribution to society has been made by an individual or social group or they are vulnerable and society has an ethical obligation to protect them (Sirriyeh 2014). Morris (2012) observes that understandings of social worth are open to debate and can alter. This is particularly so when exclusion experienced by some individuals or social groups leads to an engagement in morally motivated struggles against dominant notions of social worth and a group’s assertion of claims for recognition. This can be seen in attempts from campaigners against the new family migration rules to appeal to, or re-order, moral framing rules behind the policy.

Public debates on immigration policy often engage with questions around social worth. This basis for challenging the family migration rules has been developed through three main themes; first, an assertion of British identity and contributions to the country; second, valuing and protecting the institution of the family, in particular focussing on those considered particularly vulnerable - children separated from a parent; and third, that these relationships are based on ‘true love’ as opposed to the ‘strategic’ interests often implied by those who level suspicions at some international relationships.

A clear narrative to emerge in the stories being told is the surprise and shock that many British citizens feel at being separated from their families through the migration rules. It appears that

for some this is one of the first challenges they have faced to their sense of belonging in the UK and entitlement to citizenship rights. The Britcits campaign group maintains a blog telling the stories of some couples and families separated as a consequence of the family migration rules. One of these stories is about Cyde who has been living apart from his Chinese wife Xudan and is quoted as saying 'I am a British citizen from a family that has roots of over 500 years in the UK...' (Britcits Blog 2013). Similar claims of injustice from British citizens appear in coverage of the family migration rules in various media sources (Channel 4 2013) as the impact of these rules threaten what, for some people, one senses has been a relatively secure or less interrogated sense of Britishness.

As Eggebø (2013:302) writes, 'immigration law designates rights and privileges to citizens that non-citizens by definition do not have.' The nation-state border is drawn through a hierarchy of entitlements to social, political and economic rights. In the context of globalisation and increased international migration, borders of rights and entitlement have become increasingly significant in establishing and marking out membership of communities and the boundaries of belonging. As a consequence of migration, people who live in a country and are subject to its laws may not be full citizen members (Benhabib, 2004). However, the family migration rules highlight that it is not only migrants who become marked and held outside the borders of belonging. The marking out of membership of communities can become bound with the erosion of the 'citizenship' rights of some citizens. As Wray (2011: 1) suggests, 'governments must make a stark choice; to accept the unwanted stranger or to reject the UK resident spouse, making him or her unable to enjoy his or her most intimate relationship in their own home.'

The new family migration rules have highlighted some of the contradictions that appear as a consequence of attempts to use migration policy as a tool for the protection of national interests and entitlements in an era of globalisation. Ironically, while some British citizens have been separated from family members as a result of the new rules, EU citizens in similar financial circumstances face no such restrictions and can bring non-EU family members with them to reside in Britain (Council of the European Union, Directive 2003/86/EC). Consequently some British citizens have challenged the erosion of their rights to family life in their national

government's policies through claiming rights through supranational EU citizenship and taking what is known as the 'Surinder Singh route'. In the 1992 Surinder Singh case (case C-370/90), the EU Court of Justice ruled that under EU law Mr Singh was entitled to live in the UK with his wife because she had previously exercised her right to free movement by working in Germany. The Court ruled that an EU citizen who has gone to another Member State in order to work there and returns to their home country has the right to be accompanied by their partner and children whatever their nationality. The Singh case is incorporated into UK law by regulation 9 of the Immigration (European Economic Area) Regulations 2006 (D'Aouste 2013). The Surinder Singh route means that British citizens can move to another EU country, become qualifying European nationals, bring their partner to join them and then return to the UK together using a residence permit (D'Aouste 2013). As D'Aouste (2013:271) observes, 'new "geographies of love" and new sedimentation of citizenship are created through such flows, which are still linked to (human) capital, as only those who can afford to move and work abroad can enjoy such rights'.

A second counter-narrative to emerge against the new migration rules focusses on the inequality in comparison to other British citizens. As British citizens, but also as EU citizens, those protesting the family migration rules have highlighted the inequalities in access to the right to family life. They note both the value placed on 'family life' in national public policy discourse and in European and international conventions and also state duties towards 'vulnerable' citizens, such as children who have been separated from one of their parents. For example, in the Bailey family's case, the couple's son started his first day at school without his mother who is still living in the USA while she waits for a visa to join the family in the UK (Channel 4 News 2013). Meanwhile, the negative emotional impact on the children as a consequence of their separation from their father is highlighted in the Forde-Catwell family story (We are Family 2014).

Finally, in response to suspicions about the 'genuine' nature of transnational relationships, many case studies featured in the protests emphasis the true love stories and lack of strategizing on the part of couples. Discussing marriage migration, D'Aouste's (2013) writes about 'technologies of love', noting the need for acceptable displays and recognition of love for

a relationship to be recognised as legitimate. In the case studies highlighted around the UK family migration rules, there is a narrative that one cannot help who one falls in love with and therefore people should not be sanctioned as a consequence. In some cases the story of how the couple met and fell in love is told (for example, the Bailey couple fell in love over their shared passion for The Smiths [Channel 4 News 2013]). Meanwhile, the emotional pain and sense of loss as a result of the separation from partners is very visible in the narratives told in all the cases. Such sentiments are reflected in the 2014 Valentine's Day 'heartbroken brides' protest where brides separated from their partners by the migration rules protested outside St. Paul's cathedral dressed in wedding gowns^{iv} (MRN 2014). As D'Aouste (2013) observes, those applying for visas to migrate to be reunited with their partners often have to effectively learn and perform according to a legitimate script of how love is displayed and develops that fits with the script border agencies have in mind and allays suspicion of 'sham' marriages .

Conclusion

Although a relatively small proportion of migrants arriving in the UK enter through the family migration route, the Coalition government's recent package of policies aimed at reducing net migration has encompassed a new set of rules that drastically extend the conditions being applied to those wishing to sponsor non-EEA family members to join them in the UK. The sharp increase in the minimum income threshold requirement and the justifications made for this rise indicate the heightened class dimension of immigration regulation. In its combination with raised English language requirements and the disproportionate effect the income policy has on some minority ethnic populations in the UK, this class-based regulation has been mapped onto pre-existing discourses and modes of restrictions that have been applied on the basis of ethnicity. This reflects the heightened economic focus in a number of other immigration restrictions introduced under 'managed migration' policies in this neoliberal era, such as the Points Based system and the introduction of social welfare restrictions for low paid EU migrants. Such appeals to the seemingly 'pragmatic' justifications around income and capacity have been used in the denial of the racism and discrimination present in migration policy. However, this has been accompanied by justifications made on the basis of concerns about

'integration' that are imbued with discrimination on the basis of both 'race' and class, in calculations of who is likely to 'integrate' successfully into UK society and be a good citizen. The new family migration rules have had an effect in reducing the number of visas issued through this migration route. However, as reflected in Teresa May's statements discussed earlier, this is not simply a matter of numbers as it also addresses an issue of 'principles'. This paper has outlined how existing class-based moralism in UK social policy has been entwined with exclusionary discourses on ethnicity, national belonging and citizenship and has been extended outwards towards the governing of particular kinds of *international* family. There is a hierarchical ordering of acceptable and less acceptable family formations which explicitly links rights to family life with levels of income, creating those who are seen as more or less 'deserving' of such rights. The changes introduced by the new family migration rules also throw into question the citizenship status and inclusion of some British nationals.

Finally, reflecting the role of emotion governance and the use of moral and pragmatic framing rules in justifications made by the government for the new family migration rules, counter-narratives seeking to challenge the rules have also engaged in attempts to appeal to current framing rules around notions of British identity and belonging and notions of justice and equality, while also using ideas around valued family life to seek to challenge the exclusionary notions of national citizenship and entitlements.

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ⁱ Prior to the introduction of the new family migration rules in 2012, 21,420 family visas were issued in 2010 (Home Office 2011).

ⁱⁱ See also further proposed changes in access to treatment in the National Health Services (Radcliffe 2013) and benefits for EU migrants (Wintour 2013)

ⁱⁱⁱ Although, limitations on challenging deportation orders, including those contested under Article 8 were brought in under the Immigration Act 2014. The Home Secretary can now postpone appeal hearings until after a person has already been removed from the UK, unless they have a child residing in the UK.

^{iv} This also perhaps reflects a gendered interpretation of how separation in relationships might be experienced and felt by women in this position.