

# Far from being a meritocratic and equalising device, the Family Migration Visa racialises certain migrant-citizen families

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By Democratic Audit UK

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**Joseph Turner** argues that we need to see recent changes which mean that British citizens can only live with non-EU spouses/partners if they earn over £18,600 p/a, as part of a broader history of strategies which have managed the intimate relations of citizens. He suggests that the visa retains a familiar function to the colonial practices of marriage restriction and other policies which have managed migrant/citizens families across the 20<sup>th</sup> century. The Family Migration Visa is treated as a strategy that regulates whom can live with, raise a family with, be intimate with whom in modern Britain.



Credit: [Derriel Street Photography](#), CC BY 2.0

## The Visa

In 2012 and then again in 2014, the UK government brought in important changes to rules governing family migration (the process through which non-EU spouses/partners, children and dependents of British citizens/‘settled persons’ are given limited right to reside in the UK). The changes to the visa mean that a ‘family’ (including a non-EU citizen) must fulfil both a financial and language requirement to be granted the right to live together. Since 2012 partner/spouses must now earn at least £18,600 (rising to £22,400 with one child) to apply to temporarily settle together in the UK. If the one partner is not in steady employment there is also the ‘option’ to apply using cash savings of £62,600. Migrant partners must also prove a ‘good’ knowledge of English ([CEFR level A1](#)). Visas last 2.5 years and the route to permanent settlement (indefinite leave to remain and naturalisation) has also been extended – from 5 to 10 years, case dependent. The [Migrant Rights Network](#) claim that the financial criteria currently excludes 47% of British citizens from the right to live with, marry/partner, raise children with a non-EU person.

The financial test is the most high profile change but other practices reveal how closely intimate relations are scrutinised and ‘tested’ in the visa process. The 2014 Immigration Act gave the Home Office the right to request

unlimited information on relationship 'back stories'; other powers allow for extended periods of interrogation; civil registrars now have a legal responsibility to report any 'suspicious' civil partnership or marriage. To the Home Office these practices are necessary so as to categorise between 'genuine' and 'non-genuine' relationships and to ensure that the migrant-citizen family cannot claim financial benefits.

Whilst migrants rights groups have tended to view these policy changes as challenging the 'right to family life' enshrined in the UN declaration of Human rights, it is also important to recognise how the visa regime reproduces certain norms regarding what family *is* and *should be*. As the visa works to include/exclude certain subjects based upon whether they constitute a 'genuine' relationship this allows authorities to regulate what type of intimate relationships exist between citizen/non-EU migrants. In this context we need to ask where notions of the 'genuine' have come from and how this is informed by norms of the ideal 'family' (intersecting with more contemporary notions of 'sham marriages'/marriages of convenience). I argue that to do this we need to understand how the visa shares a similar logic with historical forms of 'managing intimacy' which have been central to both colonial government and border regulation across the 20<sup>th</sup> century. By doing this we are able to see how the visa manages intimacy in regards to historical norms of 'family', which are always linked to certain claims to 'Britishness' .

### ***A Brief History of 'Managing Intimacy'***

The need to govern the intimate relationship between subjects arguably reached a height under the British Empire in the late 19<sup>th</sup> century. In the context of wide spread Social Darwinian views of race, the proximity of British subjects to the bodies of local colonised subjects became a source of concern for authorities who wanted to preserve a vision of British national 'health' in imperial environments. Marriage restrictions provided one way (amongst others) for colonial authorities to monitor and enable certain types of (non)genuine familial relations(see [here](#) for further details).

This anxiety regarding interracial proximity but also the 'genuine' character of marriage and family life was equally central to the regulation of mobility and access to rights in Britain.

We see for instance how ideals of 'genuine' marriage and heteronormative family life played a central role in the monitoring of Commonwealth citizens who migrated to the UK after 1945. Whilst young male migrants were frequently understood as a sexual threat, during the 1960s the migrant family was increasingly viewed as a site for the reproduction of social problems and 'racial difference'. This led to controversial forms of policing of migrant spouses at the border: From the notorious 'virginity tests' enacted on South Asian women to the no less infamous 'primary purpose' rule (1980) which judged couples as 'genuine' if they could *prove* they would not benefit economically from a move to Britain (this predominantly excluded migrants from lower income countries and, tellingly, rarely effected white family migration from North America and Australia).

### ***Back to the Present***

The most recent changes to the Family Migration Visa reframe the historical practices of the regulation (in)appropriate partnerships/families. It does this by relying upon a particular vision of the family and one that is tied to particular cultural-economic claim to the values of 'Britishness'.

As [Home Secretary Theresa May](#) argued when justifying the visa changes in 2011:

*If they want to establish their family life in the UK, rather than overseas, then their spouse or partner must have a genuine attachment to the UK, be able to speak English, and integrate into our society, and they must not be a burden on the taxpayer. Families should be able to manage their own lives.*

Here the ideal/'genuine' family is not only working, free from claiming benefits (the 'hard working' family of Conservative rhetoric) but in doing so shows how they are attuned to 'British values'. The migrant-citizen family is imagined as 'backwards' social unit, a place where minority communities (and often relying on the over

representation of female migrants from South Asia) can hide from true 'integration'. The visa thus works to test the 'genuine-ness' of 'family' based upon this vision:

Through the financial requirement the visa only offers the migrant-citizenship family settlement if it promises sustainable economic and social relations. Similarly, material proof of a 'subsisting' and 'genuine' relationship is categorised by the culturally specific experience of prior cohabitation, sharing utility bills, bank accounts, speaking together fluently in the same language etc.

As with previous forms of managing intimacy (colonial marriage restrictions, primary purpose), families that fail the visa requirements, whose intimacy is policed, who are denied the opportunity to live together in the UK, are managed through a distinction between worthy/unworthy forms of family life (played out in the Home Office discourse of 'genuine/non-genuine'). The extent of the scrutiny afforded to couples evidence, plus the financial requirement, remobilises historical norms regarding what the good 'British family' is. Far from being a meritocratic and equalising device this visa racialises certain migrant-citizen families but hides this through supposedly technocratic indicators of 'good' household management (May's families that 'manage their own lives').

Again, this treats the 'family' as a series of relationships where access to rights and claims to belonging in Britain can be managed – where those who are too 'different' can be actively excluded. In doing this we must see the visa as part of a longer and (post)colonial history of policies which have managed the intimate lives of migrants and citizens alike and does so through deeply problematic norms of the genuine 'British family'.

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*A longer version of this argument can be found [here](#).*

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