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Family Reunification Rules in the UK: Protecting or Redefining Citizenship through Immigration Control?

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**FAMILY REUNIFICATION RULES IN THE UK:
PROTECTING OR REDEFINING CITIZENSHIP
THROUGH IMMIGRATION CONTROL?**

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ABSTRACT

This paper builds upon the idea that immigration controls are not neutral and affect many areas beyond immigration policy. An excellent example of this are the family reunification rules in the UK, which require citizens and permanent residents wishing to bring their non-Economic European (EEA) partner to fulfil a very high income requirement. I argue that although these rules allegedly pursue to tackle immigration issues and secure the benefits of British citizens, their design and implementation reveal broader objectives and consequences that affect the value and practice of citizenship. Actually, the rules complement the government's goal of reducing net migration in the UK and reveal an important, less apparent and old concern with the 'poorer' migrant and the 'poorer' citizen and an increasing association of citizenship rights with the economic value of citizens. The effects of the rules are equally important. Besides affecting family reunification, which in itself produces dramatic consequences that disturb families and their conception of citizenship, families have responded and sought strategies that indicate a shift in the practice of citizenship too. Indeed, some responses are challenging, although not replacing, national citizenship's primacy with other memberships, such as the European Union's citizenship. By affecting both the value and practice of citizenship, the family rules have enforced a tendency towards the redefinition of citizenship.

In this paper, I first critically examine the main academic approaches on citizenship and immigration, including social, national, post national and differentiated citizenship, as well as 'citizenship light' and group's rights approaches. I also draw important insights from literature on national discourses and immigration controls. Then, I explain the methodology of the research, which is based on different types of sources and various methods, including participant observation, discourse analysis, grounded theory, netnography and semi-structured interviews. Next, I analyse the discursive and official construction and justification of the family rules and discuss their repercussions on the value of citizenship. Afterwards, I explore the effects of the rules and the way in which these have been interpreted and challenged by affected families.

I conclude by underscoring that the rules need to be considered within a larger context that affect citizens and migrants alike, and that this presents an opportunity to challenge and undermine the distinctions between the two, which share an artificial construction. I emphasise that it is necessary to actively recognize these distinctions and their damaging effects to be able to undermine them.

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‘Something is profoundly wrong with the way we live today. For thirty years we have made a virtue out of the pursuit of material self-interest; indeed, this very pursuit now constitutes whatever remains of our sense of collective purpose. We know what things cost but have no idea of what they are worth. We no longer ask of a judicial ruling or a legislative act: Is it good? Is it fair? Is it just? Is it right? Will it help out to bring a better society or a better world? Those used to be *the* political questions, even if they invited no easy answers. We must learn once again to pose them.’

Tony Judt

INTRODUCTION

In 2010, after the Conservative and Liberal Democratic Parties announced their Coalition agreement, the Prime Minister and the Deputy Prime Minister issued their programme for government. After a page including the words ‘Freedom, Fairness, Responsibility’, both officials explained the aims of their government and the way the parties would reconcile their differences. A paragraph states:

‘When you take Conservative plans to *strengthen families* and encourage social responsibility, and add them the Liberal Democratic passion for protecting our civil liberties and stopping the relentless incursion of the state into the lives of individuals, you create a Big Society matched by big citizens. This offers the potential to completely recast the relationship between people and the state: *citizens empowered; individual opportunity extended; communities coming together to make lives better*. We believe that the combination of our ideas will help us to create a much *stronger society: one where those who can, do; and those who cannot, we always help.*’ (Cabinet Office 2010, emphasis added).

Families would have a big role in this: ‘The Government believes that strong and stable families of all kinds are the bedrock of a strong and stable society’ (Cabinet Office 2010).

The nature of the ‘Big Society’ idea was questioned since its conception amid contradictory objectives and spending cuts (BBC 2011). But perhaps the true aims and contradictions of this quote are best shown with the adoption of the family reunification rules¹, a recent immigration control that, while rhetorically claiming to protect citizens, curtails the most fundamental and private rights of ‘all kinds’ of families. The family rules state that British citizens and permanent residents wishing to bring their non-Economic European (EEA) partner to the UK need to fulfil a high income requirement. The financial requisite is so high that almost half of employed British citizens do not meet it (The Migration Observatory 2012a). This has effectively prevented many families from reuniting with their partners and their children and forced them to live apart or to relocate to another country. Despite evidence that questions the nature and justification of the rules, these have been maintained. It is easy to wonder: how does this make a stable and stronger Britain? What is the real justification behind these rules? Perhaps more importantly, what is the value of ‘big’ citizenship if citizens cannot be with their families in their home country?

¹ Hereinto called ‘family rules’.

In this paper, I build upon the idea that immigration controls are not neutral; they go beyond immigration policy and produce important effects on other areas, such as citizenship. I argue that the family reunification rules are a concrete example of this. Although they allegedly pursue to tackle immigration issues and secure the benefits of British citizens, their design and implementation reveal much broader objectives and consequences that affect the value and practice of citizenship. Actually, the rules do not only complement the government's goal of reducing net migration in the UK from 'hundreds of thousands' to 'tens of thousands', but also reveal a broader, less apparent and old concern with the 'poorer' migrant and the 'poorer' citizen (Anderson 2013, Brubaker 1992) and an increasing association of citizenship rights with the economic value of citizens. The effects of the rules are equally important. Besides affecting family reunification, which in itself produces many dramatic consequences that disturb families and their conception of the value of citizenship, families have responded and sought strategies that indicate a shift in the practice of citizenship as well. Indeed, some responses are challenging, although not replacing, national citizenship's primacy with other memberships, such as the European Union's (EU) citizenship.

In sum, by affecting both the value and practice of citizenship, the family rules have enforced a tendency towards the redefinition of citizenship. In particular, the rules affect formal equality and reinforce informal inequality among citizens. Although this is a negative conclusion, it also presents an opportunity. As it is suggested later on, the fact that immigration controls are not neutral and address both migrants and citizens, but only *a certain type* of migrant and citizen, shows that these distinctions, 'migrant' and 'citizen', are not only not antagonistic, but also share an artificial construction (Anderson 2013, Isin 2002). Families affected by the rules are increasingly aware of this and have challenged those categories through their resistance. Although it may seem too optimistic to expect 'migrant' and 'citizen' to 'unite in a common cause' (Sigona 2013), there certainly is hope that these policies will unveil the damaging effects of many immigration controls.

To develop these arguments, this paper is divided in four chapters. The first critically examines the main literature on citizenship and immigration, provides a theoretical framework and presents the case study. In the second chapter, I discuss my approach to the family rules, the various methods that I used to collect and analyse data, and the ethical considerations of the research. The third chapter analyses the discursive and official construction and justification of the family rules and discusses their

repercussions on the value of citizenship. In the fourth chapter, I explore the effects of the rules and the way in which these have been interpreted and challenged by affected families. I analyse the way people interpret their citizenship and how the rules have redefined it. To conclude, I provide a brief summary of the argument and my findings and reflect on their possible implications.

CHAPTER 1: FRAMING DEBATES ON CITIZENSHIP AND IMMIGRATION

What is citizenship? Both academics and citizens have very varied views on what it is and what it entails. The former describe it as ‘status’, ‘tradition’, ‘institution’, and ‘discourse’, to name a few, and identify it in singular (citizenship) and plural forms (citizenships) (see for example texts in Shafir 1998). Citizens associate it with ‘nationality’, ‘legal status’, ‘community’, ‘equality’, ‘freedom’, ‘rights’, ‘protection’, ‘participation’, ‘independence’, ‘an attitude’, ‘where you are’, and ‘belonging’, among others (Minority Rights Now 2013 and see chapter 4). There is not one grand theory of citizenship; in fact, the concept has been continuously revisited since its inception. Its relation to immigration is not more clarifying. As Christian Joppke points out: ‘perhaps a general theory of citizenship and immigration is impossible: one cannot say more about them than what one finds in specific contexts and constellations’ (1999: 632). Indeed, one approach can only provide a partial answer.

In this chapter I do not try to create a new grand theory but to point to some concepts, ideas and understandings of different perspectives that, although at points conflicting, can shed light on the case study of this paper, the family rules. I start by briefly and very generally reviewing the origins of the idea of citizenship. Then, I explain T.H. Marshall’s understanding of social citizenship. Next, I examine the most relevant approaches to citizenship and immigration and include some reflections about national discourses and immigration controls. After a careful and critical analysis of the assumptions and conclusions of these perspectives, I present the key points of the discussion, which serve as a theoretical framework. Finally, I conclude with the main characteristics of the family rules.

The origins of citizenship

Most scholars trace the origins of citizenship to the Greek city-state, the *polis* (Joppke 2010, Smith 2002, Shafir 1998). Aristotle defined the members of the polis, *polites* or citizens, as someone who rules and is ruled, associating citizenship to democracy (Joppke 2010). For the Greeks, the life of the citizen was founded on the pursuit of the ‘good life’, which was only possible through the collectivity (Arendt 1958: 35-37). However, the

rise of the *polis* and the public sphere of 'equals' occurred at the expense of the private (and feminised) sphere of family and household, the 'unequals' (Arendt 1958: 29-33). Citizenship was therefore very exclusive and unequal, and participation remained limited to a minority of free, privileged men. In the Roman Empire, citizenship became a legal status that provided certain rights in exchange for the loyalty of its subjects. The Roman conception focussed on the individual and legally regulated its relations and possessions (including slaves) (Shafir 1998). With feudalism, the polity-centred tradition of citizenship collapsed by giving way to master-servant relations (Joppke 2010), but only temporarily. There are different views about the history of citizenship afterwards, but it is sufficient to say that citizenship's expansion into 'equal' citizenship in a national form is usually associated with the period after the French Revolution (Joppke 2010, Brubaker 1992, Marshall 1963).

Social citizenship

While witnessing the origins of the British welfare state, in 1963 T.H. Marshall gave a series of lectures about citizenship and social class contending that citizenship consists of civil, political and social elements, each of which developed during the 17th, 18th and 19th centuries, respectively. The civil element refers to the rights needed for individual freedom, such as liberty of person, freedom of speech, thought and faith, right to own property, and to justice. The political element comprises the rights to participate in political power as a member or an elector. The evolution of political rights occurred by granting the rights of the limited economic class to new sections of the population.

Marshall's biggest contribution to citizenship studies is the social element or social rights. According to him, during the beginning of the 19th century, the limited social rights that existed were eroded because they were incompatible with economic civil rights. For example, the system of wage regulation, which sought to protect the employee, was incompatible with the free contract of employment. Eventually, social rights were detached from citizenship and seen only as an alternative to it. Hence, although social class 'formal' inequality was destroyed with the abolishment of slavery and feudalism, 'informal' inequality persisted as a by-product of other institutions, such as private property, education, and the structure of national economy.

This inequality was tackled only as far as it was compatible with economic interests and therefore didn't attack the roots of the problem nor improved citizenship.

As Marshall eloquently describes it, people at the 'basement' of the social pyramid remained at the basement. In this sense, he stresses that civil rights, although important, only 'conferred the legal capacity to strive for the things one would like to possess but do not guarantee the possession of any of them' (1963: 105). This limitation, which Janoski and Gran conceptualise by calling civil (and to certain extent, political) rights, 'procedural rights' (2002), and which was enhanced by the lack of social rights, leads Marshall to conclude that formal citizenship aided, rather than conflicted, with capitalism's inequality (1963).

By the end of the century, conditions improved and social rights were incorporated into the status of citizenship. In his work, Marshall states that these rights are fundamental because they provide the 'absolute right to a certain standard of civilisation' and their content '*does not depend on the economic value of the individual claimant*' (1963: 106, emphasis added). In this way, they are dangerous to the capitalist system. Social rights provide a 'guaranteed income' of goods and services, such as health and education. Interestingly, Marshall points out that even though they do not necessarily reduce income gaps, they generally enrich citizenship and reduce insecurity and risk. This provides a fuller, more substantial measure of equality than procedural rights can deliver by themselves. Thus, he establishes that 'equality of status is more important than equality of income', and that:

'the right of the citizen (...) is the right to equality of opportunity. Its aim is to eliminate hereditary privilege. In essence it is the equal right to display and develop differences, or inequalities; the equal right to be recognised as unequal' (1963: 109).

Marshall's model has been criticised extensively. In particular, critics contend that his approach only tells the story of the white male working class, then a minority of the British population, and excludes other axes of inequality and domination, an important vacuum that is addressed later herein. Furthermore, many authors have shown that the linear, evolutionary process from civil to social rights cannot be taken for granted (see the US case in Fraser and Gordon 1992). Likewise, although Marshall notes citizenship's inherent inequality, by in fact concluding that it is an 'instrument of social stratification' (1963: 110), he remained convinced that social rights could be further developed towards greater equality (Fraser and Gordon 1992). Joppke is perhaps one of the boldest critics of this idea, pointing out that in Europe, against a backdrop of high unemployment and other demographic and economic factors, the discourse of 'inclusion' and social policy 'is not about equality as a citizen right, but about reintegration to the paid labour market,

with definitional neglect of the increasing inequities of global capitalism' (2010: 13, 79). Interestingly, he observes that the social component of citizenship has shifted from 'status' into (paid) contract, and that social policy today is about the problem of exclusion of those who cannot access the labour market. Therefore, nowadays inclusion is profoundly anti-Marshallian: 'an obligation, not a right; an effort of the individual, not of society' (Joppke 2010: 79).

In spite of, or more precisely, *because* of these important changes in the idea and practice of citizenship, in this paper I strongly argue in favour of a revalorisation of social citizenship in the way that Marshall conceived it, that is, as important rights that do not depend on the economic value of an individual.

Approaches to citizenship and immigration

National citizenship and national discourse

While social citizenship is very much concerned with the 'rights' of citizens, Rogers Brubaker's national citizenship pays attention to formal membership, the nation-state, sovereignty and immigration. For him, in the midst of (contemporary) globalisation, the world is still one of 'bounded and exclusive citizenries' (1992: ix). To explain this, he uses Max Weber's concepts of open and closed social relations, what is now known as 'social closure', which can be defined as the practice of maintaining privilege by restricting outsiders' access to resources and opportunities (see 1978: 43-46). Brubaker states that citizenship is a useful tool of social closure by, firstly, protecting rich states from the migrant poor and, secondly, by claiming to be 'for and of' a bounded citizenry, commonly conceived as a nation (1992: x, 21-35). Consequently, modern citizenship is both 'externally exclusive', by demarcating citizens from non-citizens, and 'internally inclusive', by providing one equal membership status for all. For him, the French Revolution invented this double characteristic:

'by inventing the national citizen and legally homogenous national citizenry, the Revolution simultaneously invented the foreigner (...) citizen and foreigner would be correlative, mutually exclusive, exhaustive categories' (1992: 46).

Brubaker argues that the internally inclusive dimension of citizenship varies in different states according to their conceptions of nationhood or identity. This idea has been questioned for assuming a fixed, static and reductive view of both nationhood and citizenship (Joppke 2010, Shafir 2002). Moreover, a superficial and essentialist

understanding of citizenship's externally exclusive and internally inclusive dimensions can lead to arguments that favour an antagonistic view of citizenship and immigration. Indeed, this is commonly the case, and it is important to briefly acknowledge its wide rhetorical use and the state's active role in this process.

For Brubaker, the power to include or exclude migrants from a state is inherent in sovereignty. It also reflects the interests of the state and is an important strategy for political communities (Demo 2005). States 'need' and often use the non-citizen marker to 'delimit their space of belonging' (McNevin 2006, Demo 2005). Similarly, it is vital for a state to be perceived by its nationals to be in control of the immigration system (Finch and Cherti 2011, Koser 2010). National discourses play an important role in both. For example, while discussing the ambiguous position of irregular immigrants, who are formally 'outsiders' and yet many times economically incorporated into states, Anne McNevin points out:

'The articulation of irregular immigrants as illegitimate outsiders, along with each act of interdiction, incarceration and deportation reinforces the particular account of political belonging from which the state gains its legitimacy' (2006: 140).

In this sense, policies designed to improve public confidence and foster the perception that citizens 'are being protected against outsiders' are usually complemented with demonstrations of territorial sovereignty and constructing 'an image of control' (McNevin 2006:141). Undeniably, as Bridget Anderson says: 'immigration control has a strong reliance on spectacle' (2008: 3). However, it is crucial to discern discourses and measures relying on evidenced-based policy from those that are simply rhetoric, 'myth and ceremony'.

Postnational citizenship and citizenship 'light'

Yasemin Soysal's 'postnational' model (1994) puts forward an influential and different view that questions the bounded relations between citizenship, states and immigration. Reflecting upon guest workers' membership, she argues that the post-war era is characterised by a reconfiguration of citizenship from a particularistic view based on nationhood, to a universalistic view based on personhood. For her, membership formations like the 'legal resident', which include populations previously defined as outsiders or aliens, have eroded the distinction between citizens and non-citizens. In this line, the boundaries of membership are not national anymore, but fluid, because residents can be incorporated into other countries' legislation while retaining their

original citizenship. Furthermore, instead of a single unitary membership based on equal rights for citizens, there are now multiple memberships that transcend borders.

The postnational model argues that shared nationhood as the basis for equal rights has been replaced with universal personhood and equal human rights. The latter's legitimacy relies on the transnational order, where arrangements grounded on human rights discourse have proliferated in such a way that the individual has effectively transcended the citizen (1994: 194). For Soysal, migrants use the universalistic concept of personhood as the foundation for membership rights. However, she admits that the boundaries of the territorial state are not fluid, as evidenced by restrictive immigration policies, and that the organisation and material realisation of universalistic claims continues to rely on the confined state. In this sense, it is important to notice that her model is postnational in that state sovereignty is contested but not replaced (Shafir 2002).

Christian Joppke's most recent model, 'citizenship light', which argues that citizenship has become more accessible, its rights more universal, and its identity thinner than ever, is largely based on Soysal's approach (2010, see especially 145-172). He, too, gives great importance to the mainstreaming of human rights in the last 60 years, which has benefitted migrants. Likewise, his understanding of modern citizenship, anchored in status, rights and identity, is based on a liberalizing and universalizing trend, albeit with three important precisions. Firstly, he notes that the liberalisation of citizenship's status, exemplified with lower naturalisation requirements, presents some recent counter trends. However, he underlines that these are 'nuances' within a general liberalisation tendency (2010). Secondly, regarding rights, Joppke states that although citizens' rights are less and less important, outsiders are still in the state's radar and face intrinsic vulnerabilities. The citizen is always more privileged than the legal resident because political rights are only conferred to citizens, and even some civil and social rights are stratified and may be reversed (2010: 84-96). Thirdly, in terms of identity, he mentions that the state has rediscovered national citizenship as a tool for integration, but he repeatedly states that any attempt to foster a 'national' identity is futile because the general rules and principles that bind any European country are those of liberal democracies, which 'are the same everywhere' (2010: 123-137, 150-160).

Notwithstanding these remarks, for him the trend is indeed a 'lighter' citizenship. A direct effect of this is the instrumentalisation of citizenship and the disassociation between citizenship and nationhood, the paradigmatic example of which is the European Union (EU). EU citizenship is based on free movement and the rights that this

movement entails. Its law establishes that it complements and does not replace national citizenship (art. 17 (1) EC Treaty). This is highlighted by the fact that EU citizens and their families must cross a border within the EU in order to ‘activate’ their EU citizenship and claim rights. However, the European Court of Justice (ECJ) has expanded the scope and content of EU citizenship as well as the rights of some migrants (Joppke 2010, Carrera 2005, Soysal 1994). Thus, importantly, there are cases where domestic citizens have less rights than EU citizens, such as the right to family reunification in the UK, which is the case study of this paper. Further, the ECJ has established that states must extend most national rights to EU citizens and in some degree, to long-term migrants², undermining the member state’s superiority (Joppke 2010, Carrera 2005). This strengthens Joppke’s belief that campaigns to enhance national citizenship *vis a vis* residents and other EU member states are symbolic because the EU guarantees inclusion for all (2010). Thus, there is an ‘inevitable lightness of citizenship’, which the EU is making even lighter (2010b).

The postnational and citizenship light models provide insights and limitations. On the one hand, it is important to dig further into the instrumentalisation of citizenship and what it can tell us about the relations and tensions between national citizenship and EU citizenship, especially for individuals. Has national citizenship been so eroded that it can easily be supplanted by EU citizenship? It is also important to question whether the erosion of the state is a good thing in itself for social rights and human rights, since in absence of alternative institutions, states may still protect individuals from the global market and human right abuses (Bloemraad et al. 2008, Isin and Turner 2007). Thus, it is important to examine how much national citizenship and European citizenship matter for individuals. An analysis of ordinary individuals’ agency and constraints within this tension and the actual frames and motives of their mobilisation can say a lot in this regard, as it is discussed in this paper.

On the other hand, Soysal’s (1994) and Joppke’s (2010) models may obscure that the liberalisation and universalisation of citizenship is not intrinsically positive because it heavily relies on exclusion. Soysal acknowledged this, by pointing out in 1994 that as a supranational community in process of shaping and delimiting its borders, the EU was bound to be exclusionary (208). Joppke presented a paradox: although citizenship by birth in prosperous countries may be highly valued by most of the population in poverty

² This implies that some states may choose not to improve national rights in order not to be compelled to provide them to EU citizens and residents as well. There have been a few examples in this regard (Joppke 2010: 166-167).

(Schachar 2009 cited in Joppke 2010), the small elite of privileged migrants that have managed to be legally resident in prosperous countries has already gotten its 'prize' because it already enjoys similar rights to citizens; for these migrants, citizenship inevitably 'means less' (Spiro 2008, cited in Joppke 2010). In other words, immigration policy has allowed the lightening of citizenship's contours, because by excluding the largest part of humankind, citizenship inside can be porous (Joppke 2010: 155). In this sense, there is no such thing as 'Fortress Europe' but rather a very selective management of migration.

However, this analysis considers exclusion in terms of Brubaker's citizenship's external exclusive dimension and seems to take for granted, in its conclusions, citizenship's internal inclusive dimension. Indeed, although Joppke criticises Soysal for not acknowledging the vulnerability of the legal resident and momentarily acknowledges the problem of excluded citizens by discussing Marshall's work, his theory's inherent liberalisation and universalisation core undermines the importance of informal inequalities among citizens.

Differentiated citizenship and group rights

The idea of citizenship as 'equal rights for all' is in practice much more differentiated and less homogenous than is assumed. Long after the invention of Greek citizenship, modern citizenship's formal equality is neither necessarily universal nor sufficient, as illustrated by immigrants and minorities (Kymlicka 1995), women (Jones 1990), and generally, disadvantaged groups (Young 1989). Although these approaches vary widely in their analyses and prescriptions, with some arguing for special group's rights and others for a complete makeover of the conceptualisation of citizenship, they share a general concern: there are many forms of inequality and exclusion within and beyond borders, and they are not necessarily overturned with more equal and universal rights. Indeed, for these authors, formal equality does not necessarily translate into fairness or inclusion.

In Young's (1989) view, universality tends to enforce homogeneity of citizens and a common conception of what is 'good', often neglecting or silencing differences or alternative possibilities. Hence, if there are differences, but also privileged groups, strict adherence to equal and universal rights may perpetuate disadvantage and exclusion, instead of combating it. One of the most important implications of this idea is that it is important to assert the heterogeneity of societies and the 'plural circumstances' of its members (Young 1989 cited in Shafir 1998: 25-26). Although this is complicated in

practice, it is crucial to take it seriously because even if law can be blind to differences, societies are not. Moreover, discourses that portray differences as 'deviant' and not natural, create and reinforce artificial borders within and beyond citizenship and immigration. It is important to explore further these artificial borders and their consequences.

Immigration controls, the 'community of value' and the exclusion of the poorer

As mentioned, national discourses reinforce an understanding of migrants and citizens as opposing categories and heavily rely on spectacle. But beyond this distinction, as Dieder Bigo eloquently explains:

'immigration is now problematised in Western countries in a way that is very different from the distinction between citizen and foreigner. It is not a legal status that is under discussion, but a social image' (2002: 71).

This not only emphasises globalisation's inherent 'hierarchy of flows' (Rosiere and Jones 2012, McNevin 2011), which allows the entrance of the 'best and the brightest' and rejects almost everyone else, but also defines the privileges and limitations of citizens themselves. In this sense, people no longer cross borders, but borders cross people (De Genova 2013).

In a similar fashion to that of Isin (2002) but perhaps more eloquently, for Anderson (2013) the artificiality of the distinction between citizen and migrant is best understood through the 'community of value'. In her view, mostly based on the UK's experience, states do not portray themselves as arbitrary collections of people identified by a common legal status but 'by a status in the sense of worth and honour', as people that share ideals and patterns of behaviour (2013: 2-4). Interestingly, and similarly to national discourses, this is also a way in which states claim legitimacy. The community of value can overlap with the idea of nation, especially when it is grounded on certain 'localism' and individuals' daily practices. She identifies certain constructed and artificial types of citizens and non-citizens within this community: the good citizen, the non-citizen or foreigner, the failed citizen and the tolerated citizen (2013: 3-7).

The first is the hard-working, honest member of a respectable family and is represented as the politician, the policy-maker, the researcher and the anti-deportation campaigner. The failed citizen represents everything that the good citizen is not and is both a disappointment and a threat to the community. It is portrayed as the benefit scrounger, the criminal and the rioter, among others. Thus, in consonance with Isin (2002), the community of value is defined and protected from both the 'inside' failed

citizens and the 'outside' non-citizens or migrants. The last category, the tolerated citizen, is at constant risk of sliding into the failed citizen category and is regularly looking to disassociate from it, reaffirming the community of value and its intrinsic exclusionary dynamics.

In addition, Anderson (2013) states that these categories and the policies that reinforce them are deeply racist and gendered and have historically targeted the low skilled, low wage and poorly educated, or in one word, the poor. This coincides with Brubaker's analysis, which traces the origins and development of citizenship as a closure tool to protect rich states from the migrant poor and ensure freedom of movement within the state (see especially 1992: 63), a development that can be compared to the EU's selective borders. Thus, for both authors, since its inception, the exclusion of the poor has been within and beyond borders.³

Theoretical framework

The theoretical review of the different approaches to citizenship and immigrations allows drawing some conclusions relevant to the study of the family rules in the UK. Firstly, since its very inception, citizenship has been highly exclusionary. Indeed, this chapter could have just as well been titled 'The story of citizenship's inequality'. However, as Isin (2002) sharply points out, and the different approaches demonstrated in various ways, it is important to note that citizenship has not just simply excluded some groups of people, notably immigrants, women and the poor, but has been constituted by constructing those categories. In other words, otherness is a condition of citizenship. In this sense, in Anderson's terms, the non-citizen or foreigner, the failed and tolerated citizen, and the good citizen are all mutually constitutive. Thus, although the universalisation and liberalisation of citizenship as conceived by Soysal and Joppke is important and may be real in some respects, it still relies on exclusion, as evidenced by its prime example, the EU.

Secondly, however, the inside-outside citizenship's distinction is highly strategic and political. Indeed, it doesn't only serve as a closure tool but helps to advance political objectives, which may or may not be legitimate. Thirdly, the different approaches show that the content of citizenship is largely based on a status or formal membership as well

³ For example, in Prussia, the 'foreign' poor or those not belonging to a city were excluded from towns, and the potential 'local' poor were excluded from municipal law. It was not until the territorial state feared that the expelled poor could cause more damage than good, that towns were forced to accept some poor people as members, although not necessarily as 'full' citizens (Brubaker 1992: 64-65).

as certain rights (and obligations), and that it can be associated with some sort of constructed identity or belonging. Citizenship rights are different and can be distinguished as civil and political -or procedural- rights, and social rights. The latter, which Marshall considered 'independent from the economic value' of an individual, have partly lost their spirit and value in the last decades through their increasing association with the labour market.

Finally, this review shows that the state remains at the centre of the idea of citizenship. In its most primordial sense, citizenship depends on a passport (national or European) given by the state, which also regulates citizens' rights and obligations. Likewise, citizenship has an important rhetorical and practical use in the framing of immigration policies. In the fourth chapter I discuss the extent to which resistance to state's policies and the existence of alternatives to national citizenship, such as European citizenship⁴, could challenge certain elements of these premises.

In conclusion, citizenship is here understood as formal equality, evidenced in formal membership through the use of passports and equal access to procedural rights and some social rights, but also as informal inequality, inherent in citizenship's definitional exclusion. My concern in the rest of this paper is not, however, to question the existence of these two dimensions. Indeed, formal membership does not equate with membership of the community of value. My objective is to give this theoretical understanding some grounding by asking whether the second dimension, the inequality of citizenship, has been further reinforced in the last years in the UK by associating citizens to a certain economic value. I question this through the family rules, specifically their income requirement. I am also concerned with the responses of affected families to the rules, especially the ways in which they may or may not attempt to recast their identities and question the very categories that have made them legitimate subjects of injustice.

The case study: the family rules

The family rules provide an opportunity to analyse how the idea and practice of citizenship and its inherent inequality are constructed and developed, as well as the way in which everyday individuals interpret and respond to this. Although the rules are discussed extensively in the rest of this paper, it is convenient to present an outline of the

⁴ Interesting approaches beyond nation states and borders have gained importance in academic discussions in the last years (see Anderson et al 2013).

context in which they were adopted and their key characteristics. Recently, the UK's immigration policy has been focussed on reducing net immigration (the difference between immigration and emigration) from hundreds of thousands to 'tens of thousands' per year, as promised by David Cameron during his electoral campaign. Although the immigration target has been criticised (see Mulley 2013, Cavanagh 2012a, 2012b), the government has maintained its aim and developed various measures since. As control of the movement of EU members is impossible, these measures have concentrated on non-EEA nationals. Indeed, the government introduced a permanent cap on non-EEA labour immigration in April 2011, reformed the student migration policy in March 2011 and adopted other measures afterwards to harshen settlement routes (The Migration Observatory 2011).

In this context, in 2011 the government announced a consultation on changes to family migration, which were implemented in July 2012. The official key objectives were: 'stopping abuse, promoting integration and reducing the burden on the taxpayer' (Home Office, 2011). The changes affect British citizens or permanent residents in the UK wishing to sponsor their non-EEA family members (partners⁵ or adult dependants) to stay in Britain. Although I touch upon the rules in general throughout the paper, my research interest is on British citizens wishing to bring their non-EEA partner to the UK only. The key changes of the rules in this regard⁶ are a longer route to permanent settlement, the demonstration of a 'genuine and subsisting' relationship, and a financial requirement. Although I may refer to the first two, my focus on the rest of the paper is the income requirement.

Following analysis by the Migration Advisory Committee, the rules set a minimum gross income requirement of £18,600 per year (up from a previous level of £5,500) or more if children need to be sponsored as well (£22,400 for one child and an additional of £2,400 for each further child). The threshold reflects the level of income at which a couple, taking into account the number of children they have, generally ceases to be able to access income-related benefits (Home Office 2012a). However, the threshold is much higher than the national minimum wage, currently at £12,855 per year (for people over 21 years). In addition, the threshold includes many conditions: the non-EEA partner's income doesn't count unless they already reside in the UK, and other possible

⁵ The Home Office refers to 'spouse, partner or fiancée'.

⁶ The changes also include new pre-entry requirements, cuts to legal aid and the revocation of the right to appeal for refused family visit visa applications (Home Office 2012b).

sources of earnings, such as cash savings, are strictly defined. Third party support, for example, doesn't count (Home Office 2012a).

The threshold is also controversial because, although it is lower than the original proposal⁷, it still potentially prevents large parts of Britain's population from exercising their right to family life. Indeed, according to the Migration Observatory (2012a), with these rules, 47% of employed British citizens do not qualify to bring their partners to the UK. Moreover, because of differences in earnings and median gross wages, the rules particularly affect women, young-people and non-Londoners. The latter has been confirmed in the last year, with the addition of a fourth group: ethnic minorities (MRN 2013, APPG 2013). According to MIPEX (2012), Britain has now effectively the highest income threshold of all major Western immigrant countries, after Norway (2012). Among those other countries, the threshold is not only lower or non-existent but is also used differently, either by serving as a reference only or by allowing more income sources.

The impact of the rules has been increasingly documented through migrants' organisations, grassroots movements and a parliamentary inquiry into the rules. According to these sources, many families have been separated indefinitely and suffer psychological and physical effects while they try to reach the income requirement or move on apart. The effects on single mothers and children have particularly attracted the attention of campaigners and the media. Although some families are not separated, they have been prevented from going back to the UK or have left the country to be together. In this regard, it is important to say that the rules do not apply to European nationals living in the UK. European citizens are protected by European law, which grants laxer family reunification rules than those of the UK. While, as it was explained before, British citizens cannot exercise their right to family reunification as conceived by European law in the UK, they have increasingly used what is called the 'Surinder Singh' or 'European' route, an exception set in court long ago that allows UK citizens to return to the UK as European citizens if they exercise their economic 'treaty rights'⁸ in another EU member state for a short time.

To conclude this chapter, it is important to state that most campaigns against the family rules highlight that this legislation violates the right to family life, guaranteed in article 8 of the European Convention on Human Rights and the UK's Human Rights

⁷ The Migration Advisory Committee also considered an income threshold of £25,700 (APPG 2013).

⁸ These consist of work and self-employment (UKBA [no date]).

Act. Although I do not focus on these cases or their legal implications, it is important to briefly acknowledge their significance. The government has reiterated that article 8 is a qualified and not an absolute right, which means that it can be balanced against other governmental aims and interests. It has also periodically associated the need to limit the right by stating that the article constrains the possibility of deporting foreign criminals (see BBC 17 February 2013, debate after May 2012a). However, people affected by the family rules have increasingly recurred to courts on these grounds. In response to one such case, the High Court (2013) stated that while the rules are not unlawful in themselves, they indeed are an unjustified interference at the level they were set and should be adjusted. Although the Home Office paused consideration of affected applications since then, it also appealed the decision in July 2013.

CHAPTER 2: METHODOLOGY

In this chapter I explain the main methods that guided the research to write this paper. Firstly, I discuss my interest and general approach to the family rules. Then, I explain the methods I used, the reasons why these provided the best framework to study the relations between citizenship and immigration within the context of the family rules, and the way I collected and analysed data in each case. In the end, I explain briefly the ethical considerations of the research.

I started this paper with a theoretical review about citizenship and immigration. Although at first it may have seemed like an abstract discussion, the relations between them have implications in the real world, and I seek to prove this through the family rules. Given their relative recent adoption and their emerging effects, the rules haven't been thoroughly studied. Most work has been either dedicated to very brief theoretical analysis about the rules and the concepts of citizenship and immigration (Anderson 2013, Long 2013, 2012, Sigona 2012) or to reports about the effects of the rules on families, disseminated by organisations and grassroots movements. There is not, however, an empirical study which reconciles both and considers theory, discourse, evidence, effects, and the changing value and practice of British and European citizenship. I hope to make a modest contribution in this regard, which may help to understand how individuals interpret their citizenship and challenge it.

My approach to the research is inherently subjective. My position as a migrant woman married to an EU citizen, undeniably affected my interest and perspective on the topic. The fact that the research looks into the discursive formulation of the rules and also at their effects required me to be critical of my own subjectivity, to incorporate different types of sources and to approach the topic with various methods. While I do not claim that the research is statistically significant or objective, the triangulation of sources and methods provided rich and diverse data that helped me gain a better and more comprehensive understanding of the subject.

Methods

Participant and non-participant observation

Throughout the research, I attended several formal events related to the family migration rules, mainly parliamentary debates and parliamentary meetings. Although I was an observer-participant (Bryman 2004), I eventually became active, took the opportunity to meet families and individuals involved and participated in a demonstration. I also took part in a few informal gatherings of affected people (see official events in Table 1). Hence, my approach varied between participant and non-participant observation. Although in many cases the records of the events were available shortly afterwards, I decided to participate to have a better understanding of the context and reality of the rules, particularly the framing of the official discourse and its damaging effects.

The debates were usually announced through e-mails and social media by the organisations involved allowing some affected families to witness them. At other formal meetings, usually organised by the All-Party Parliamentary Group for Migration (APPG), organisations and grassroots movements, the main speakers were members of parliament favourable to changing the rules and some individuals affected by them, who explained their personal circumstances. In all formal meetings I took brief, ‘quick’, ‘vivid’ notes in my diary (Bryman 2004: 306), which I completed after the event had finished.

4 March, London	Second oral evidence session of the Family Migration Inquiry by the All Party Parliamentary Group for Migration (APPG)
10 June, London	Launch of the Family Migration Inquiry Report by the APPG
19 June, London	House of Commons debate
4 July, London	House of Lords debate
9 July, London	Divided family’s day of action (rules’ anniversary) <input type="checkbox"/> Demonstration at the Home Office <input type="checkbox"/> Parliamentary meeting

Discourse analysis and grounded theory

In order to discuss and analyse the construction and legitimation of the family rules, I approached the topic through discourse analysis (DA) and analysed it using grounded theory. In the first case, it is important to say that although this paper is not formally based on a DA method, it is heavily orientated by its general interest and objectives. To question the family rules’ official discourse, I start with the idea that reality is socially

constructed. Both context and language are important to frame this construction (Yates 2004). DA is interested in how ‘concepts, ideas, language, behaviour and institutional arrangements are loaded with assumptions about the nature of the socio-political world and our understanding of it’ (Burnham et al. 2004). In this sense, DA helps to question the bases of common assumptions and how they relate to specific interests. According to Fairclough (2000), discourse analysis should contribute to human emancipation by being critical about the use and purpose of language, especially by those in power. This is useful to consider the implications of constructed boundaries between migration and citizenship and the interests these perpetuate.

I analysed major speeches on immigration and the family rules by the highest officials involved, including Prime Minister David Cameron, the former and current Home Secretaries, Damian Green and Theresa May, the Minister of State for Immigration Mark Harper and the Parliamentary Under Secretary of State, Lord Taylor of Holbeach. I also examined different debates on family migration that took place at the House of Commons and the House of Lords, some of which I attended. To analyse this data, I used grounded theory as understood by Strauss (1987). This theory systematically and intensively analyses data, often sentence by sentence, and constantly compares it to produce a theory (Yates 2004). While I did not aim at producing a theory, this method was helpful to name, discover and also create codes and organise ideas, moving from ‘open’ or unrestricted coding, which opens up the inquiry, to ‘selective’ coding, which integrates the analysis in core categories (Strauss 1987: 28-33). In particular, since citizenship is a very abstract concept, grounded theory was helpful to discover sub-categories or words commonly used, which I then cross-referenced, related and counted.

Netnography and semi-structured interviews

In order to study and analyse the effects of and responses to the rules, I used a combined approach of netnography and semi-structured interviews. Netnography provided an innovative and cheap way for carrying out online research. The method is helpful to study people’s views published on blogs, online fora and the web through an ethnographic method, which consists on ‘the empirical analysis of groups through their real life experiences as represented in virtual environments’ (Mateos and Durand 2012: 25). For this paper, I extracted online testimonials of 20 families affected by the family rules from BritCits (<http://www.britcits.blogspot.co.uk>) and three other cases from the Family Immigration Alliance’s (FIA) website

(<http://familyimmigrationalliance.wordpress.com>), and observed the changes, updates and comments posted to these stories. I selected all cases randomly, with only one consideration: that they concerned family reunification between a British citizen and a non-EEA partner affected by the rules, and did not involve cases of adult dependants. I used much more cases from BritCits than from FIA because the former included information that facilitated the research, including more details about the profile of each family.

I complemented the online stories with in-depth semi-structured interviews with four citizens affected by the rules. I was able to do this with the support of the founders of BritCits and FIA. The interviews provided a good way of exploring ‘subjective meanings’ (Yates 2004: 165), which was especially important to gain an understanding of people’s interpretation of concepts like citizenship and immigration. The interviews also allowed me to follow my interviewees’ interests and concerns and to explore the ambiguity, contradiction and complexity of their understandings (Yates: 2004). I couldn’t conduct live interviews with all four people because as a consequence of the rules, two of them don’t reside in the UK and one of them wasn’t available. I decided to carry on with them because the perspective of these groups was important for the research. Hence, I conducted one interview in person, another through Skype and two through e-mails, via a written questionnaire and follow-up questions. In addition, I interviewed individuals involved in the debate about the rules, including the Policy Director of the Migrants’ Rights Network, the heads of BritCits and FIA and an expert from the London School of Economics (see all sources in Table 2). Together, the netnographic approach and the interviews provided 31 cases, which I also coded and analysed using grounded theory.

Table 2: ONLINE SOURCES AND INTERVIEWS

ONLINE SOURCES	
July 2012 – July 2013	Twenty three testimonials from BritCits’s and FIA’s websites: 1. Aaron 2. Amanda 3. Brian 4. Dan 5. Dee 6. Hayley 7. Jessica 8. Kev 9. Leanne 10. Lizzie 11. Lyndsey 12. Mel 13. Nick 14. Pete 15. Richard 16. Samantha 17. Sharon 18. Suzanne 19. Xocoa 20. Lucy 21. Ben 22. Lisa 23. Nick
INTERVIEWS	
<i>Campaigners</i>	
1 July	Ruth Grove-White, Migrants’ Rights Network
17 July	Chris, founder of the Family Migration Alliance
18 July	Steve, BritCits founder and website manager
<i>Affected people</i>	
11 July	Claire
12 July	Dianne (skype interview)
23 July	Sarah (written interview)
23 July	Emma (written interview)
<i>Expert</i>	
29 July	Katy Long, LSE (skype interview)

Ethical considerations

Many of the effects of the family rules have been widely disseminated throughout the media and electronic sources. However, since some of this information is of private and

emotional nature, in all cases I made sure I could publish it. In this way, for instance, although the testimonials that I extracted from BritCits and FIA are of the public domain, I obtained consent from their founders to include them. Regarding interviews, I also asked permission to record all interviews and asked affected individuals whether I could use their names on the final paper. In the case of those who preferred not to, I used pseudonyms instead. In one case, although I got consent to include information regarding a particular situation, I did not include it because of its possible, if very improbable, implications for the source. In two cases, I shared the relevant excerpts of the transcripts that I could use for the research, to make sure they consented to their publication. Ethical matters also informed my approach to the analysis and reproduction of all the testimonies, as I decided to avoid direct quotations regarding very personal matters.

CHAPTER 3: CONSTRUCTION AND OFFICIAL JUSTIFICATION OF THE FAMILY RULES

In this chapter, I examine how the British government has constructed and justified the need to implement and maintain the family reunification rules, especially the income requirement. Using the most relevant high-level officials' speeches and statements, parliamentary debates and official documents, I attempt to respond two questions: How does the official discourse justify the rules? What do the facts say about this justification? After scrutinising and questioning the official discourse and its evidential basis, I analyse further implications and reflect on the language used in speeches, statements and some written materials, especially the use of words like 'taxpayer', 'sponsor', 'foreign spouse', and 'settlement' and their relationship with the exclusionary nature of the family rules. I conclude that the rules, while officially seeking to tackle immigration and protect citizenship, affected its value since their inception.

How does the discourse justify the rules?

The family rules have been justified since the beginning on the basis of four objectives. The first one, which usually marks the beginning of all relevant official oral speeches by Prime Minister David Cameron (2011, 2013a, 2013b) and the Home Office Secretary (Green 2011, May 2012a), is the concern of the 'vast majority' of the population with 'increasing', 'too high' or 'excessive' immigration and the need to 'control' it and bring 'fairness' back. Although a positive side of migration is often acknowledged in terms of those who make a 'contribution', especially in the Prime Minister's speeches, the 'uncontrolled' and 'abusive' face of immigration remains at the centre of all interventions and is constantly repeated. In this context, the Prime Minister and the Home Office Secretary underscore the need to reform the system they 'inherited' by reducing net migration from 'hundreds of thousands' to 'tens of thousands' and explain the measures they have already implemented to reduce non-EEA immigration.

Family migration reform is inscribed within this context. The Prime Minister (2011, 2013a) and the Home Office Secretary (Green 2011, May 2012a) have reiterated that family migration accounted for almost 18% of all non-EU migration to the UK in 2010. However, they have also been careful to state that a reduction in net migration as

by-product of the new rules would be welcome as an ‘additional’ benefit (Home Office 2012b). Indeed, the core of the family rules official discourse relates to three other specific objectives, related to ‘immigration issues’: stopping abuse, promoting integration and reducing the burden on the taxpayer (Home Office 2011:3). These are repeated not only in all the aforementioned speeches, but also in other high-level officials statements during parliamentary debates (Harper 2013a, Harper 2013b, Taylor 2013). The first objective, stopping abuse, refers to ‘sham’ marriages which ultimate purpose is to obtain settlement and abuse the system. Although marriage is granted as a ‘personal decision’, settlement has implications for ‘the individual and society’ (Green 2011). To prevent abuse, the family rules include a requirement to ‘demonstrate’ that a relationship is genuine and subsisting as well as other related measures.

The second objective, promoting integration, is typically coupled with references to social cohesion. Although, again, officials often acknowledge that British citizens can marry ‘whoever’ they choose, the person in question needs to fully integrate into British ‘life’ and society before settling permanently in the UK. To encourage integration, the government introduced a longer and more difficult route to permanent settlement, which also postpones access to non-contributory benefits. The third and last objective, reducing the burden of the taxpayer, has been more widely discussed and associated as the key issue of the family rules (Harper 2013a, 2013b, 2013c, May 2012b, Taylor 2013) and is the main focus of this paper. The idea is constructed in simple and direct terms in all the speeches and interventions mentioned before: those without enough resources to support themselves may use public services and benefits, while not fully participating in everyday life. This is frequently accompanied by references to figures and specific cases of unemployed or low-wage applicants that mislead the government by using fake income sources. Hence, they are a burden to the taxpayer and to the welfare system. For this reason, the government proposed, ‘following advice from the Migration Advisory Committee’ (a fact that is mentioned repeatedly) a higher financial requirement as a requisite for reunification with non-EEA family members. As Theresa May bluntly put it: ‘Migrants should be able to pay their way’ (2012a).

All of these objectives and measures⁹ seem to lead, in theory, to protect and relieve pressures on public services and communities and to help strengthen social

⁹ The family rules also include new pre-entry requirements, cuts to legal aid and the revocation of the right to appeal for refused family visit visa applications (Home Office 2012b).

cohesion and integration, factors that relate to a good British life and a stronger UK (Green 2011, Cameron 2011).

What do the facts say about this justification?

Net migration target

The decision to frame the family rules by the overarching objective of reducing net migration may be obvious because there are not many ways to control non-EEA migration, but it is more complex than it seems. Firstly, it is not clear whether family migration is even a concern of the British population. Although most people indeed say that there are ‘too many’ migrants in the country, people’s preferences provide only a very partial understanding of the population’s views on immigration (The Migration Observatory 2011b, Blinder 2012). For example, ‘immigrant’ as a category is mostly associated with asylum seekers and least associated with students, but students represent the largest group of immigrants coming to the UK and asylum seekers the smallest. Likewise, while there’s support for reducing immigration of extended family members, the reduction of migration of immediate family members is mostly rejected by British people (The Migration Observatory 2011b).

There are other apparent inconsistencies in the family rules’ relation to the net migration target. As it was mentioned before, officials usually say that family migration accounted for almost 18% of all non-EU migration to the UK in 2010. However, that percentage, which is relatively small, may be misleading because it doesn’t just include the target population of the family rules (the ‘family route’: partners and other family members of British citizens and permanent residents), but it also includes the family dependants of temporary migrants, such as students and workers, who are not affected by the family rules. As the Migration Observatory points out, the percentage is based on the International Passenger Survey (IPS) data, the source of official immigration and net migration, which groups both family route migrants and dependents of other migrants into a single category. Hence, although policy makers usually refer to this single category’s percentage, the family rules only affect a part of it (2012b). Likewise, although the rules may contribute to reducing net migration because unlike temporary migrants, most family migrants tend to settle in Britain (The Migration Observatory 2011), the government’s aim to reduce (IPS) family immigration to around 9,000 per year (Home

Office 2012b) is still numerically low and cannot produce a large reduction in net migration (The Migration Observatory 2012b).

This is not to say that the net migration target and the immigration reform fall in a vacuum. Public support for immigration is definitely low and British people have expressed concerns and demands for more control (Blinder 2012a, Finch and Cherti 2011). The IPPR has actually suggested that irregular immigration policy should aim at improving public confidence before reducing numbers (Finch and Cherti 2011). It is true that it is not so easy to deliver measures that succeed in addressing concerns and reducing net migration (Blinder 2012a), but many say that it may also not be sustainable or desirable to reach a target of ‘tens of thousands’ (Mulley 2013, The Migration Observatory 2012b, Cavanagh 2012a, 2012b). In this context, the determined reliance on this target in speeches seems like a conscious attempt to channel some of the population’s worries and send a message of ‘control’. This, of course, has very real effects. In terms of family reunification, according to Kofman and Wray (2013), the number of visa applications on the ‘family route’ fell by 57% in the six months following the adoption of the rules and the refusal rate ‘more than doubled’.

The burden of the taxpayer?

Scrutiny of the evidence backing the specific objectives of the family rules -stopping abuse, promoting integration and reducing the burden on the taxpayer- reveal some legitimate concerns, but also gaps and incoherencies. Here I focus on the burden of the taxpayer, as it is more directly linked to the income requirement. According to a recent study on the fiscal implications of the rules (Kofman and Wray 2013), the income requirement may actually cost more than save money. The study affirms that non-EEA partners were not a burden on the welfare systems under the previous rules anyway, since they had the right to work and couldn’t claim most benefits during their first years in Britain. It contends that most migrant partners work and pay taxes when they come to the UK, and that by preventing them to be in the country and not counting their economic contribution, the requirement may cost £850 million over ten years. Previous studies have continuously shown that the connection between immigration and welfare dependency is, at best, very limited (The Guardian 2013b, Dustmann et al. 2010, Joppke 2010), including the case of irregular migrants (Finch and Cherti 2011).

Furthermore, Kofman and Wray (2013) affirm that the financial requirement may cost money to the welfare system. For instance, single parents that are forced to live

separated from their partners are more likely to need support from the state than if the partner had been allowed into the country and assisted them. The evidence gathered so far on the consequences of the rules has shown that there are indeed cases in which the rules increase the use of public funds (APPG 2013). This was confirmed in some of the individual cases and interviews I analysed as part of my primary research.

Implications

The construction of the family rules and their evidential gaps show some trends that have important implications. In terms of discourse, and recalling national discourses' use to show 'control', there is an important use of a 'citizens versus migrants' construction in positive and negative terms, respectively. For example, in public speeches, the Prime Minister (2011) has stated that there are 'pressures' on 'our' communities and 'our' jobs and that 'the migrants' got the choice to come rather than 'us' 'having the choice', while the Home Secretary (2012a) has made emphasis on the protection of 'our' values. Also, almost all high level speeches reviewed here use examples that target 'foreign' nationalities, particularly Pakistani, Polish and Bangladeshi.

However, on close inspection, there is a tendency to associate settlement with the rights and privileges of citizenship, which seems to favour Joppke's (2010) and Soysal's (1994) arguments in the sense that the figure of the legal resident has eroded distinctions between the citizen and the non-citizen. Although this may be related to the family rules affecting not only British citizens but also permanent residents or 'settled' individuals, the discourse many times equates 'settlement' with 'our', rights and benefits. Even the famous phrase 'citizenship is a privilege, not a right', is sometimes changed to 'settlement is a privilege, not a right' (Green 2011). Likewise, settlement is repeatedly regarded in speeches and statements as 'a big step' that has to be taken seriously.

However, more than a liberalising trend, these words obscure a bigger concern, which was theoretically explored in the discussion of citizenship's inherent inequality and Brubaker's (1992) and Anderson's (2013) work, which clearly emerged from the codification of the oral statements. Indeed, soon it became obvious that 'citizen' and 'migrant' are not necessarily useful as categories of analysis because there is considerable overlap between them in terms of the individual's economic value and social image. All statements show gradations within categories. For example, in the Prime Minister's speeches (2011, 2013) and Home Office documents (2013b) there is a direct distinction

between the good migrant and the bad migrant with adjectives that favour a 'high value', the 'investor' and the 'best and brightest' and reject the 'low-paid' and 'low skilled' or the one with the 'modest salary'. There are also differences between good and bad families, highlighted by references to 'hard working' families as opposed to those 'without means, unable to integrate' (see Green 2011, Cameron 2011).

These distinctions, therefore, clearly depart from a citizen versus migrant conception and could equally apply to both as long as they are perceived to show some sort of 'poorness', either in resources or skills. Most of these distinctions are obscured with the terms 'taxpayer' and 'sponsor', which easily substitute the citizen and the permanent resident. The strikingly low number of mentions of 'citizen' or 'citizenship' in speeches and the huge number of references to 'taxpayer' and 'sponsor' (see Cameron 2011, 2013, Green 2011, May 2012a, 2012b) is very telling in this regard. Using Anderson's community of value, the family rules' discourse portrays the taxpayer as a 'good' citizen, whatever her or his nationality, because by paying taxes, they contribute to the 'British life'. The rights and privileges of the taxpayer are those that need to be safeguarded, as the objective to reduce the 'burden of the taxpayer' best exemplifies.

The 'sponsor', on the other hand, has many more different connotations and can equally be a 'failed', 'tolerated' or non-citizen. While the category only formally applies to the citizen or the permanent resident, since these are the categories of people that can sponsor a family member, the use of the term is much broader and varies from underscoring foreignness ('foreign sponsor'), to showing how a certain number of sponsors are often unemployed, earn below the minimum wage or are abusive. In this way, 'taxpayer' and 'sponsor' have become new artificial boundaries that affirm the community of value -the 'good' or desirable, and the 'bad' or undesirable elements of citizenship and immigration-, and contribute to reinforce the stigmatisation and exclusion of the 'poor', who are deemed dependant and non-valuable because of their 'modest' salary.

The family rules' official discourse doesn't only conceal a concern towards the poorer sectors of society but also hides the degree to which the rules further exclude specific groups. Although this exclusion is better illustrated in the next chapter, it is important to notice that all speeches rely heavily on the idea that the family rules are intended to bring 'fairness' back, and that a new immigration system will be fairer for:

'people already living here, working here, contributing here who worry about finding work, getting a good school for their children and affording a good

house. For too long they've been overlooked in this debate and it is time to do right by them' (Cameron 2011).

This reference, although restricted to those 'contributing' and 'who worry', would seem to include women, minorities, younger people and lower-paid workers.

However, the fact is that although the government had reasons to believe that the family rules would have an impact on these groups, which has been confirmed ever since, from the beginning its Policy Equality Statement stated very clearly that 'the policies will apply equally, regardless of protected characteristic. To the extent that there may be indirect discrimination, it is justified as a proportionate means of achieving a legitimate aim' (Home Office 2012c). Hence, although many families are shocked by the effects of the rules and have expressed that surely the government did not foresee their differentiated impact, this is, sadly, simply not true. In spite of the concerns that some parliamentarians raised regarding the probable impact of the rules on these and other groups (see House of Commons debates 11 June 2012, 19 June 2013, and House of Lords debate 9 July 2013), the official discourse and justification remains focussed on the three aforementioned objectives and on references to the net migration target.

In sum, while the family rules discursively and enthusiastically claim to aim at specific immigration issues, their questionable evidential basis and the limited impact of the rules towards a drastic reduction of net migration do not support that claim. The rules, rather than protecting the rights and privileges of the citizen, undermine them by limiting them to the economic value of both migrants and citizens. They do not even protect the 'taxpayer' or, more precisely, not all 'taxpayers', since many excluded groups pay their taxes and contribute to the economy but do not reach the required income threshold because they have a 'modest' salary. This is quite a statement, since 47% of employed British citizens do not reach such income level (The Migration Observatory 2012a).

The rules, as an immigration control, have never been neutral but have sought broader objectives since the beginning. Indeed, they seem to serve a political 'spectacle' within the net migration target discourse and, importantly, reveal a major concern with the 'poorer', a 'social closure' from within. In this sense, it is important to remember that along the official discourse to protect the taxpayer and the welfare system through the family rules and other immigration control measures¹⁰, significant reforms and cuts to the

¹⁰ The associations between the reform of the welfare system and the need to restrict immigration are very common. This is best illustrated in the Prime Minister immigration speeches, which have repeatedly

welfare system, healthcare and other sectors have been taking place (see a good summary and illustration in The Guardian, 2013a).

included a large section dedicated to the 'failed' welfare system and the need to reform it alongside immigration reform (Cameron 2011, 2013a 2013b).

CHAPTER 4: THE EFFECTS OF THE RULES AND THE RESPONSES OF AFFECTED FAMILIES

In this chapter I analyse the effects of the family rules and the way these have been interpreted and challenged by affected families. I start by presenting an overview of the consequences of the rules. Then, I briefly review the main channels and ways in which families have organised to challenge the legislation. Finally, I explain and analyse how people understand citizenship and how the family rules have affected its value and practice, through British citizens' experiences and interpretations as well as the perspective of campaigners involved.

Overview of the effects of the family rules

In November 2012, the APPG launched a family migration inquiry to explore the impacts of the family rules. With support of its secretariat, the Migrants' Rights Network (MRN), it reviewed cases related to the income requirement and provisions affecting adult dependants. It later published a report, which considered 300 submissions from affected families, charities, lawyers, businesses and MPs. Although, importantly, the report carefully states that it is based on *emerging* statistical and anecdotal evidence and hence suggests that it is not 'final' (Ruth 2013), it draws four key conclusions in relation to the income requirement (APPG 2013).

Firstly, it found that some citizens and permanent residents have been separated from their partners and in some cases their children as a result of the requirement. This included a significant number of people in full-time employment at or above the national minimum wage. Some submissions showed that there has been a differential impact of the rules on two broad groups of people: those living outside London¹¹ and the southeast, because there are variations in earnings among regions, and lower-earning individuals, such as young adults, elders, some ethnic minorities, and women. In the case of women, it is important to underscore that although the gender pay gap has narrowed in the last years, women in full-time work earn an average of 15% less per hour than men (The Fawcett Society 2013). Secondly, the report found that some citizens and

¹¹ For example, the living wage rates in London are much higher than and the rest of the UK, reaching £8.55 compared to £7.45, respectively (accessed 6 September 2013).

permanent residents could not return to the UK with their families, including children, because of the income requirement. This included cases where the non-EEA partner was the main earner but his or her salary was not accounted for to meet the threshold. Finally, in many cases, families failed to meet the requirement although they seemingly had enough resources to support themselves. This was mainly due to the rigidity of the rules.

My research findings are consistent with the APPG's report. In part, this was to be expected because BritCits and FIA submitted some of the testimonials they have gathered as evidence for the report. Table 3 presents a non-exhaustive¹² summary of the main effects of the family rules on the cases of the 27 families that I studied. It clearly shows the great diversity of the cases and the differential impact the rules have had. As it can be seen, the majority of families, including children, have been separated or are about to. In these cases, some families have not been able to see each other in a long time because the overseas partner has not been allowed to enter the UK and the British citizen is not able to leave. In one case the father of a child hasn't met his baby and there are not good prospects for this happening soon. Of the research sample, seven families have left the UK or been prevented to return. In general, most cases affect female citizens. There is also a differential impact of the rules on, in order of importance: very young people, elders, and citizens that live outside of London.¹³ Some people meet several disadvantage criteria. Finally, a little more than one fourth of all families have decided to use the 'EU route'.

¹² See details below the table.

¹³ But the impact could be higher. See details below the table.

Table 3: FAMILIES' SITUATION AND DIFFERENTIAL IMPACT					
Family	Status: Separated	Differential impact*	Status: Prevented from returning to the UK/left the UK	Status: EU route	Children involved
1. Aaron		×(1)			×
2. Amanda		×(2)	×(New Zealand)		
3. Brian	×	×(4)		×	
4. Dan			×(USA)		×
5. Dee	×	×(2)			×
6. Hayley	×	×(2)			
7. Jessica		×(2, 3)	×(South Africa)		
8. Kev	×	×(4)		×	
9. Leanne	×	×(2)		×	
10. Lizzie	×	×(2)			×
11. Lyndsey	×	×(2, 3)			×
12. Mel		×(2, 3)	×(Egypt)		
13. Nick	×			×	
14. Pete	×**				
15. Richard		×(1)	×(USA)	×	
16. Samantha	×	×(2)			
17. Sharon	×	×(2, 4)			
18. Suzanne	×	×(1, 2)			
19. Xocoa	×	×(2)			×
20. Lucy	×	×(2, 3)			
21. Ben	×**		×(Indonesia)		×
22. Lisa	×	×(2)			
23. Nick (2)	×			×	
24. Sarah		×(2)	×(Thailand)		×
25. Emma	×	×(2, 3)			×
26. Claire		×(2)			×
27. Dianne		×(2, 3)		×	

Source: BritCits and FIA (last accessed 1 September 2013) and interviews of this research. This table includes the data available in both websites and the information provided in the interviews I conducted. It is not possible to show an exhaustive and complete reflection of the effects of the rules because the information may have changed since the cases were posted. Likewise, some information may be missing because it wasn't included or provided clearly. In this sense, the differential impact can be higher than here stated.

* Refers to the British citizen being affected more because he or she: (1) lives in a region with lower wages, (2) is a women, (3) is very young and/or (4) is an elder person.

**Imminent or potential separation.

My findings show other trends that cannot be appropriately reflected on the table and are imperative to highlight. As stated by the APPG, in some cases, the families could meet the income threshold having, for instance, job offers above the threshold or properties that show their stability, but were rejected because of the inflexible type and number of sources allowed. There are also cases of people that, having responsibilities in

Britain, such as supporting parents or grandparents, continuing studies, or maintaining and developing a project or business, have been forced to decide between staying in their country for these reasons and leaving to be with their partners.

In the cases where families could not meet the threshold, more than one fifth of the citizens of my sample wanting to bring their partners into the UK were or became sick or disabled during or after the visa process. This has prevented some from being able to reach the income requirement through a full-time job and, in the cases where there are children involved, it has forced them to take care of themselves and their kids while securing an income. A few cases show severe effects of the rules on people's condition, which have manifested in depression or isolation after suffering long periods of time separated from partners and children. The negative and harmful effects that all the families have or are experiencing after long bureaucratic processes to gather and present the requirements, in some cases more than once; consider options in the short, medium and long term, including taking several jobs; and eventually being able to reunite (if at all) with a partner, cannot be overstated.

Organisation and responses

Many families have reacted to the consequences of the rules by demanding changes from the government, writing to their MPs, publicising their stories, and organising themselves with other families and organisations. For them, demonstrating against the rules is important to unmask the realities of the rules and what the official discourse hides.

Emma says:

'It is important to get our stories out there and not let them get away with destroying our families in silence. People don't know the truth, they assume non EU's come here for benefits, they don't see them as fathers, mothers, children, husbands and wives, and that is because that is how the government has portrayed them'.

Grassroots movements, such as BritCits and FIA, have had an important role in collecting testimonials, bringing people into the campaign against the rules and organizing events to raise awareness about them. Some migrants' organisations like the Joint Council for the Welfare of Immigrants (JCWI) and MRN have also supported families since the rules were implemented. In addition, there is an increasing number of Facebook pages, internet fora and periodical 'meetups' where families speak out and support each other. Some families with children that have been separated have published conversations between their children and one of the partners, showing the terrible effects

of the rules on the wellbeing and development of children. While the reach of all these events and actions is limited to those who can attend and participate, the campaign has grown rapidly over the last year (Chris 2013, Ruth 2013, Steve 2013). At the same time, although these efforts have been supported by organisations in favour of migrant rights, in the last months there has been growing attention to the relation between the rules and the erosion of citizen's rights as well.

Affecting the value of citizenship

Many affected families do not explicitly relate their situation and the family rules with citizenship per se. As it was mentioned before, this was to be expected because the concept is very abstract and carries many (subjective) meanings. For this reason, throughout the research it was important to understand the meaning and informal associations that citizenship has for individuals. An interesting finding in this regard is that most people talk explicitly about citizenship or the erosion of their citizen rights only after they compare their family rights to those of other countries, particularly EEA citizens, who have stronger rights. For example, one of the testimonials says:

‘The fact that other EU citizens can come into our country with their spouse, children, parents and grandparents, even aunts, uncles and cousins, with none of the financial has made him realise how this government has turned him into a second-class citizen in his own country’.

Besides this type of comments, only a handful of persons referred to citizenship explicitly without being asked.

However, people did refer to the traditional components of citizenship, particularly the three components mentioned along the theoretical review: formal status or legal membership, rights, and belonging or identity. The first is usually recognised when citizens stress that they are being ‘forced’, ‘pushed out’ or ‘exiled’ out of their ‘own country’. Rights and belonging or identity are mentioned many times in testimonials and interviews alike but in very different ways. While most highlight their right to have a family in their home, some refer to their rights to ‘education’, ‘life and work’ or ‘participation’, and a few consider that rights have to be ‘securities’ or a ‘standard that cannot be abused’ in a more Marshallian tone. Furthermore, some explicitly mention that there’s a fundamental link between their rights and the Human Rights Act and the Magna Carta. For their part, belonging and identity are usually mentioned in very

divergent views. While some say that they are ‘ashamed’ about being British, others state that their ‘Britishness’ is something that cannot be taken away. At the same time, some suggest a separation between belonging and nationhood by, for example, stating that citizenship is having a ‘close connection’ to any given country.

The emphasis that affected families place on these elements (that I hereby associate with citizenship) in relation to the family rules suggests a deeper, although not necessarily explicit, attachment to the value of citizenship. Throughout the testimonials and interviews, two themes of the family rules are highlighted as the strongest and most damaging to citizenship: the discursive justification of the rules, particularly the burden of the taxpayer, and the effects of the rules on an equal (formal) conception of citizenship.

The official justification

Most families express anger, disappointment and difficulty to make sense of the objectives of the rules. Lizzie, for example, says that her ‘faith in British democracy and justice has been misplaced’ and Kev says that his wife is ‘finding it very difficult to understand how the British government can do this to one of their own citizens, after a lifetime of work’. British values, which are constantly repeated in speeches and statements, are also questioned: ‘David Cameron is always talking about fairness. How are these rules fair?’ (Dianne). Citizens do not only question the legitimacy of the alleged aims of the rules, but also their validity, and very often point out that they are being sacrificed for a wider political agenda to reduce migration: Families ‘are being torn apart just so politicians can say they are being tough on immigration’ says Lizzie.

The interviewees recurrently mention one of the alleged objectives of the income requirement: tackling the ‘burden of the taxpayer’. Richard says: ‘My American wife is bemused. All visas for non-EU citizens are stamped with a clear ‘no recourse to public funds. So she doesn’t understand why the burden on taxpayer is even an issue for the British government’. Many people express ‘outrage’ for the ‘misleading information the public are being fed’ (Dianne). In particular, I encountered a large amount of cases of women with children who point out that they are being forced to act as single parents, although they aren’t. This affects their likelihood to request state benefits. They all wonder: ‘How does this protect the taxpayer?’ It certainly is not protecting them or the best interest of their children.

When explaining the difficulties to meet the income requirement, individuals usually mention their merits and actions to prove they would not claim benefits if their families were allowed in the UK. This recalls Anderson's (2013) analysis of the community of value. As it was explained before, the tolerated citizen, who is at constant risk of sliding into another category, such as the 'benefit scrounger', is the real guardianship of citizenship because it needs to constantly reaffirm itself against the good and the bad citizen. The continuous references of families to being able to support themselves without benefits, having other income sources and working 'hard', found in the majority of the testimonials, evidences this very clearly and also points out why it is so dangerous: it reinforces the discursive justification of the rules and the equivalence between income and value. Thus, for example, for a man who earns the minimum wage, and therefore cannot and will not meet the threshold. and who is denied the possibility to be with the woman that he loves, the fact that he works 'long hours' and would not request benefits should not affect in any case his entitlement and human right to have a family life. Neither should people need to confirm that their career choices are valuable despite being low-earners. As Claire points out: 'they have based their lives around knowledge, rather than going after cash. Even though their qualifications could probably put them in very, very, well paid job positions, they often choose jobs that give back to society.'

Of course, in practice, people affected by the rules don't have much choice but to accommodate to the community of value, especially when it becomes policy. The real, enduring consequence of the marketisation of citizens' rights is expressed very clearly in the limitation of opportunities and choices that ultimately belong to individuals and that 'traps' them into impossible and unreasonable situations. Lyndsey, who needs to juggle a job, her children, and taking care of her grandparents, expresses this very eloquently: 'When you marry somebody you love for richer or poorer, it should mean just that... I shouldn't have to choose between being a mum and granddaughter, and being in love'. However, it is important to notice the influence and implications of the community of value, which can only be overcome by challenging the very categories that have been constructed to legitimate the family rules and many other immigration controls. One of the interviewees sharply notes this dangerous effect, saying that there is an idea that 'the concept of citizenship doesn't exist. There's a concept of people being taxpayers (...) The more money you have, you know, the more rights you have'.

An equal (formal) conception of citizenship

The stronger statements of affected families by the family rules are those that affect citizens' formal equality. This is a real constant in all testimonials, and is very much phrased in the sense that rights should not be given on the basis of the economic value of an individual. Suzanne expresses this very clearly: 'UK puts a price tag on love', and Amanda says that she 'was appalled that people on low incomes were not afforded the same rights as the middle class (...) this is actually saying only the very wealthy can marry foreigners'. Chris interprets the effects as introducing a 'grey area', where families who are composed of citizens and migrants receive a second-class status and 'reduced' rights.

The unequal impact of the rules is also highlighted along other areas:

'rules that clearly discriminate against women are in place... rules which systematically penalise women, for having kids, for adopting the traditional role of homemaker, for sacrificing their career to care for their family...for being women who historically and statistically are paid less than men' (Lizzie).

'[If I was forced to leave] I would just become a housewife. What a waste! What a waste of all my knowledge! And when I say 'just a housewife', I don't mean that derogatory in any way (...) [but] for me it would be a waste of my skills, of my talents.' (Claire).

The real policy failure in this regard is that the government acknowledged the discriminating effects that the rules could have on women but assumed that since, statistically, more men are sponsors, it would not be necessary to adjust their impact (Home Office 2012c). Indeed, it actually stated that in respect of gender reassignment, pregnancy and maternity, 'we consider below the need to put measures in place to advance equality of opportunity and in the main conclude that such measures are not needed'¹⁴ (Home Office 2012c: 4). This echoes Young's (1989) remarks in the sense that strict 'equal' treatment may perpetuate disadvantage and difference. The differential impact, however, has been evident from the beginning, as demonstrated by the aforementioned studies and reports. Lizzie herself backs her remarks with evidence showing that her maternity pay was not allowed to meet the threshold. This makes it difficult to accept that there was no evidence to adjust the policy. 'This is only about the migration target' say Claire, Sarah, Dianne and Emma.

¹⁴The Home Office only considers differentiated provisions for the recipients of specified disability-related benefits and carer allowance.

Affecting the practice of citizenship

The practice of citizenship, associated with the exercise of rights and obligations in the UK, has also been questioned and redefined since the rules were adopted. As it was mentioned before, many people feel they have been forced to live in exile. When assessing their options, those who can afford it clearly choose family over citizenship, whether in an indefinite or temporary way: 'I can't believe I may never be able to return home, as breaking up my family for several months just isn't feasible' (Dan), and 'I won't give up and will move to Ireland if that's the only way I can be with my family' (Brian). In this sense, European citizenship within this context is best described as of 'last resort'. It is, indeed, not an easy or light weighted decision and can many times be rooted in desperation. Nick explains:

'I am having to support two households - in the UK, and my partner's household (...) I am now selling everything I have to get enough money to move to France, as this seems to be the only way I can be with my partner. I am going to abandon the business I have built up over the last five years. I will no longer be paying taxes into the system. I will be leaving the country of my birth.'

Moreover, the hesitation to leave one's home shows the obvious and deeper connections that people have with their homeland, which naturally goes beyond trying to 'abuse the system.' As Aaron points out, in relation to the future of his baby:

'I want to have some kind of safe place (...) the place I live in (...) where I've been investing my time and energy. Its' where all my friends live, all the people who I want to learn how to be a good parent from. It's the house my family lived in.'

Families also mention other sources of attachment, such as language and education, being able to 'pass on knowledge' to children or wanting them to experience the place where they grew up. But the difficulty to make this happen and the loss of citizenship's value also affect the loyalty of individuals; their rights are being 'taken for granted' (Dianne). This orientates some towards an instrumentalisation of EU citizenship and a much 'lighter' view of their own citizenship, in Joppke's terms. As Lucy, a young student, claims, in spite of her reserves to leave her home, the UK is probably not going to be a likely option for her future.

Indeed, some families find it hard to 'rationalise staying and paying taxes in a country that so clearly does not want us.' Similarly, those who are prevented from returning explain that, at times, they wonder why they are 'struggling to settle in a

country that is seemingly doing everything to deter us from doing so.’ The profound significance of these statements, and the recurrence of phrases such as ‘I used to be proud of being British’ cannot be dismissed, especially given that only one year and two months have passed since the rules were adopted. An increasing number of families find the EU route ‘just, where the British government snatched it away’ (Leanne) but also see it as an option for long-term settlement. For Dianne, for example, living away from her husband was not an option and neither opting for a country that discriminated her.

However, even if they so desired, some people don’t have the option to leave. The very disadvantages that have prevented them from having a family, also prevent them from leaving the country. This is especially so in the case of forced single mothers as well as those with other disadvantages. In one case, an NHS nurse paid below the threshold by the government supports her children and attends her illness by herself. Although she had chosen to live with her husband in another country, she was forced to come back after being subjected to abduction threats. Having her husband with her is the *only* way for them to be together, and yet, he has not been allowed to visit her, even when she gave birth to their child. She asks: ‘So where do we go? Who will have us? (...) The government discriminates against us because we aren't wealthy.’

Implications for citizenship and immigration

It is important to say that this discussion may also have some effects on the debates about citizenship and immigration. My informants have very diverse ways of approaching these topics. Some clearly argue that the family rules are part of a larger set of measures that restrict citizens and migrants’ rights, and that there is a need for a fairer and more transparent debate. Sarah, for example, says that the rules:

‘are affecting migrants and citizens (some citizens are migrants, after all), but also their extended family and friends (...) I feel ashamed of the new family migration policies and the wave of anti-immigrant sentiment that has taken hold in the UK’.

However, others state that the family rules have been designed ‘wrongly’ because they are affecting citizens instead of migrants. During my research, this has been mostly shown as resentment against EU citizens, which are also considered ‘foreigners’. Indeed, although many of the testimonials I studied reflect on the stronger rights that EU citizenship provides for EU nationals, including British citizens, some blame Europeans citizens for having ‘more rights.’ In this regard, it is important to say that although the

EU route is a legal right enshrined in the EU Court of Justice's law since 1992 and incorporated into UK law since 2006, there are increasing remarks from the media and some commentators (see Goodhart in BBC 2013b) in the sense that this is a 'loophole' that needs to be closed. The challenge of campaigners is therefore to ensure that this type of remarks do not distract the legitimate demand to ensure that people are able to enjoy their rights without distinctions.

In sum, the rules have affected the value and practice of citizenship in ways that cannot be underestimated and that will possibly have a long-term effect. They have essentially put a means test to citizens' ability to have a family, affecting their rights and their loyalty. The official aims that justify this are questioned and challenged with the situation of each family. At the same time, national citizenship has not been replaced by EU citizenship; most families want to come back to their home. Joppke and Soysal underestimated this. However, the loss of citizenship's value, which may be significant also for those that cannot emigrate, and the increasing use of EU and other memberships, challenge the prominence of the link between the citizen and the territorial state.

CONCLUSION

In this dissertation, I sought to illustrate the effects of immigration controls on the everyday lives of ordinary British people. I argued that the family rules, while rhetorically aiming at the protection of citizens' interests, affected their formal equality and reinforced their informal inequality. I attempted to show that the rules were designed, almost as an afterthought, to complement the net migration target, and that they also revealed a broader concern with the 'poor'. Both the target and this modern version of internal social closure were implemented without carrying out measures to prevent differential impacts on specific groups.¹⁵ Indeed, this would have been contradictory.

I also explained how the rules have eroded the value of citizenship, by imposing a rule that discriminates and excludes lower-income earners and other disadvantaged groups from having a family life. I then examined how families have challenges and resisted the rules, in some cases also shifting the practice of citizenship by questioning the value of national citizenship against other memberships that provide stronger rights. In this context, the instrumentalisation of EU citizenship is particularly prominent, but mostly as a 'last resort' membership, because it is used only after other measures have been exhausted and is seen with hope as a temporary measure before returning 'home'. In this last sense, EU and other memberships may affirm national citizenship. However, overall, the exclusion of citizens from fundamental rights has significantly limited citizenship's value, and the availability of other memberships has increasingly changed citizenship's practice, strongly affecting citizens' loyalty and redefining their conception thereof.

The discussion has important implications, which I suggested throughout the paper. The growing association of citizenship with the economic value of individuals is essentially reducing the content of important citizens' rights. While immigration poses challenges, migrants are also a popular target to conceal and justify the reversal of rights that have been gained in the last decades. Immigration controls are inherently fused with state interests. Therefore, it would be wrong to assume that if the next government changes the family rules, this will change. The rules need to be considered within a larger context that affect citizens and migrants alike, including other seemingly immigration control measures, such as the limitation of legal aid, potential reforms of the NHS and,

¹⁵ See note 14.

certainly, threats to withdraw from the European Convention of Human Rights. In fact, if there is a lighter citizenship today, it is not only in terms of a liberalised access, universal rights, and a thin identity, but also because it is gradually losing its content.

In this sense, the family rules provide an opportunity to challenge and undermine polarising discourses, which utilise artificial constructions and categories. It is fundamental to accept the right of citizens to be 'equally recognised as unequals' and to acknowledge their diverse circumstances in order to guarantee inclusion and ensure fuller equality and richer rights. Perhaps, to effectively challenge citizenship's inherent 'otherness', this exercise requires a complete reconceptualisation of the idea itself. But until then, we must all start by continuously identifying, resisting and contesting the artificial distinctions that have been created and that are reinforced everyday, to actively make choices about the kind of citizenship or understanding that we desire (Long 2013). Many families of citizens and migrants are doing this today. Many know it is imperative indeed because otherwise, as some of them have told me, how do we know where it ends?

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¹⁶ The testimonials and interviews included in the analysis are not listed here. Please see the methodology for information about these.

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