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'Beauty and the beast': Everyday bordering and 'sham marriage' discourse

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ABSTRACT

This paper examines discourses of 'sham marriage' as a technology of everyday bordering in the UK. We argue that everyday bordering needs to be seen as a growing hegemonic political project of belonging experienced in complex ways as differently situated individuals negotiate proliferating internal and external borders. We explore how the process of marriage registration, especially when it concerns citizens of ex-Empire states marrying British or EEA citizens, has been transformed, under evolving UK Immigration Acts, from a celebration into a security interrogation. The discourses and practices associated with 'sham marriage' have become important elements in bordering control, which has become a major technology of managing diversity and discourses on diversity, in the UK. 'Sham marriage' discourses can adversely affect the lives of families, neighbours, friends, employers and others across time and transnational space. In order to understand the complexities of everyday bordering, we developed a situated, intersectional analysis capturing the situated gazes and border imaginaries of lawmakers, registrars, church officials, targeted couples and examining spectacular 'sham marriage' media stories that incorporate diverse citizens into border-guarding roles focused on the intimate lives of others.

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1. Introduction

You may be able to tell at a glance whether there is a sham marriage going on, obviously if it is beauty and the beast one can kind of make a judgement. What should registrars be doing to tell? They are not immigration officers are they? (Keith Vaz MP, Home Affairs Select Committee (HAC) Meeting 24th June 2014).

When a couple come to be married your first question should be 'congratulations, I'm here to help' but now there is no congratulations, it's immediately down to the business of 'Are you legally allowed to be in the country? (Methodist minister).

This paper examines the issue of 'sham marriage' as part of our study of complex, multiscalar borderscapes and the ways in which 'everyday bordering' is coming to be a main technology of the management of diversity and discourses on diversity in London and

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the UK. We argue that 'Sham marriage' discourse is central to this technology of governmentality (Foucault, 2007; Yuval-Davis, 2012) which has transformed the marriage registration of racialized migrants marrying British or EEA (European Economic Area) citizens from a celebration to a security interrogation. We examine how it adversely affects the lives of all the people involved as well as damaging wider community relations in Britain. In analysing situated, intersectional experiences and perspectives of marriage as part of dynamic bordering practices we are contributing to the fields of critical border studies as well of intimacy-geopolitics where the intimate is understood as both foundational to, and reconfiguring of geopolitics (Pain & Staeheli, 2014).

Whilst the term 'sham marriage' has a longer history, sometimes interchangeable with 'marriages of convenience', it was defined by the Immigration and Asylum Act 1999 as a marriage entered into 'for the purpose of avoiding UK immigration law'. The article describes the historical and policy context of 'sham marriage' as a bordering technology and the ways it constructs the everyday lives of increasing numbers of people especially among the UK's racialized minorities. It focuses on the nexus of state and social bordering between the UK, the postcolonial South and Europe. Using an

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intersectional, situated analysis (Yuval-Davis, 2015), it examines diverse discourses about 'sham marriages' to explore how the internal borders of the state are understood and negotiated by those who administer and enforce them and those who are the direct subjects of that enforcement, including individuals with familial connections with ex-colonies, linking the proximate and the distant, the familiar and the unfamiliar through intimate, geopolitical relations. It examines parallel spectacular 'sham marriage' media stories as specific instances of state bordering that work to extend the reach of the everyday border, beyond 'suspect couples', their families and communities, incorporating the whole population into border-guarding roles.

We begin with an outline of our theoretical and methodological framework in which we explain what we mean by 'everyday, intersectional, situated bordering' and set out our contention that, in the context of the UK, everyday bordering is coming to be an important technology for the management of diversity through constructing a particular political project of belonging that framed subsequent debates about membership of the European Union. Next we provide historical context to the present relationship between marriage and state bordering, glimpsing parts of its colonial genealogy that informs contemporary border imaginaries. We then focus on the 'sham marriages' issue in the context of both the EU Free Movement Directive of 2004 that facilitates the marriages of EEA with non-EEA citizens in the UK and the UK Immigration Act 2014 that aimed to make such marriages more difficult (HMSO, 2014, chap. 22). Following that, we discuss specific situated imaginaries, perspectives and bordering practices of lawmakers and enforcement officials. We then explore ways in which public and privately owned media, though focusing on 'sham marriage', work with government as moral gate-keepers. We show how they continually re-construct the 'hostile environment' and 'culture of disbelief that permeate government immigration discourse and practice, and alert 'the wider public' about their border-guarding responsibilities. Next we examine the perspectives of registrars and church officials who administer the border and finally explore how these discourses and legal requirements associated with 'sham marriages' are experienced by people whose intimate lives become the objects of these bordering processes.

2. Theoretical framework: everyday, intersectional, situated state bordering

The theoretical framing of this paper follows that outlined in the introduction to this special issue and developed in our other work on everyday, intersectional, situated state bordering (Yuval-Davis et al., 2017). We share a common understanding with recent work in political geography and wider border studies in that central to our approach is that as borders and boundaries are constantly in the process of becoming, reconfiguration, dislocation and reconstitution, we need to analyse processes of 'bordering' rather than that of borders In this we follow van Houtum et al.'s (2005) notion of 'b/ordering' - the interaction between the ordering of chaos and processes of border-making. Like Amoore, whose theorisations on biopolitics identified biometric borders reaching far beyond checkpoints (2006) and Johnson and Jones (2014) who locate the border in everyday life, we identify bordering as having moved from the margins of people's lives, encountered only when they leave or enter a country, to become part of everyday experience. Progressive legislation, parts of which we highlight below, have made unpaid bordering responsibilities central to contemporary citizenship duties as citizens are expected to monitor those whom they judge as not having the right to work or live in the UK. Everyday bordering structures the politics of belonging (Yuval-Davis, 2011, 2012, 2014) as citizen border-workers imagine, construct and erase borders (Rumford, 2009) in economic, social and intimate life, from employment and housing to healthcare and marriage.

Our contribution to political geography and specifically to recent scholarship on everyday bordering is to introduce a situated intersectional analysis of the dynamic processes of everyday bordering that recognizes borderscapes as situated multiepistemological sites which are being constructed and reconstructed, affecting and being affected by people's everyday lives (Brambilla, 2015). These individuals are situated in a range of social positionings, have different imaginaries, social attachments and identifications and normative value systems. Therefore their bordering experiences, encounters and negotiations need to be analysed in an intersectional theoretical framework. In developing a framework that accommodates these complexities, our approach contributes to the agenda for vernacularization in border studies (Cooper, Perkins, & Rumford, 2014). In using a situated intersectional approach to analyse everyday bordering and sham marriage discourse we are building on recent work on intimacy-geopolitics and violence (Pain & Staeheli, 2014) and 'queering the globally intimate' (Peterson, 2017) which challenges 'state regimes of normalcy' where historically contingent binaries of gender, sexuality and race shape everyday lives and geopolitics. Through a historically situated intersectional analysis, we show that the intimate and the geopolitical not only meet (Wright, 2010), but that the intimate has long been a site of both de- and rebordering processes. These are made publicly visible through the 'border spectacle' (De Genova, 2012) of media discourses on sham marriage but are experienced differentially by differently positioned individuals. Therefore, whilst intimacy-geopolitics denotes the alreadyembedded relationship between the geopolitical and intimacy, we nuance this by demonstrating an approach that enables us to explore the complex ways in which differentially situated individuals, the media, legislation and wider political discourses come into dialogue with one another at particular times and in particular places.

3. Methodology

Our methodological approach aims to ground the theoretical insights through investigating everyday bordering imaginaries and social practices of differently positioned law makers, officials and UK residents. It draws on perspectives from critical geography (Johnson & Jones, 2014; Megoran, 2006), anthropology (Feldman, 2012) and the sociology of the everyday (Back, 2015) that exemplify the necessity of employing ethnographic research methods to capture those complexities.

Observations, discourse analysis of policy and media and interviews were carried out in London between October 2013 and July 2015. This was the period of the run up to and passing of the 2014 Immigration Act in October and the subsequent introduction of the new bordering requirements resulting from the Act. The focus of our research project was on the increasing bordering responsibilities required of UK citizens and residents and the tightening civil penalties regime associated with their non-compliance. We investigated how the 2014 legislation was extending the border further into a range of sites of everyday interactions including employment, housing, education and marriage. In order to capture a diversity of situated gazes and experiences, we observed seven meetings relating to new immigration laws, carried out in-depth interviews with sixty-six people and took notes of many more unplanned conversations with individuals who were differently positioned (in terms of age, gender, ethnicity, employment and citizenship status) in a range of sites of everyday bordering interactions. This included five people involved in conducting marriages and four in border enforcement. We did not set out to

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