

THE CONTROL OF IMMIGRATION

(A paper by Mr. Whitelaw)

1. At the 1976 Conservative Party Conference at Brighton I said it had now become necessary "to follow a policy which is clearly designed to work towards the end of immigration as we have seen it in these post war years." The proposals contained in this paper are designed to fulfill that commitment: first, to bring about a significant reduction in the rate of immigration and secondly to give the public an assurance which they have previously never had, that there is a finite control on the numbers coming in, both overall and in any specific year. It is my belief that this control and reduction of entry rates will have a beneficial effect in alleviating widespread public anxiety and will thus reduce a major cause of strain on good race relations in Britain. It is obviously of the highest importance that our proposals be publicly presented in this light and that in all our public statements involving race questions we strongly emphasise our dedication to the cause of good race relations and our belief in equal treatment for all citizens under the law.

2. There are doubts about many of the statistics of immigration. Many figures are available but there is at present no way of discovering accurately the scale of commitment which Britain has undertaken either to UK passport holders in East Africa or more importantly, to wives and children of those who were settled in Britain on January 1st 1973. The annual statistics provide a fairly detailed breakdown of immigrants by category and very detailed breakdowns by nation of origin. But the interim statistics are less detailed and separate figures on certain categories of immigrants, particularly some dependants, are irrecoverable. As Appendix sets out global figures on immigration - both those accepted for settlement on arrival and those who have been in the United Kingdom and are later accepted for settlement on revocation of time limit.

### 3. POLICY BACKGROUND: THE COMMITMENTS

Any revision of policy must take into account firm commitments given to certain classes of immigrants by the Conservative Party and Conservative Governments in the past. These are:-

- (1) to the UK passport holders in East Africa admitted under the special entry voucher scheme for heads of household since the passing of the Commonwealth Immigrants Act 1968. In 1968 the Conservative Party issued a statement supporting "phasing the entry of these immigrants in the light of the social conditions existing in Britain" (21st February 1968; Shadow Cabinet statement). After the Immigration Act 1971 came into force, Lord Carr, then Home Secretary, stated on behalf of the Conservative Party that he accepted "absolutely an ultimate responsibility to take in our passport holders in a controlled and orderly manner under the voucher system" (Hansard, 21st February 1973, col 589).

A year ago the Franks Committee Report (para. 47) estimated the total number of these passport holders in East Africa, including dependants, as 38,000. A further 7,000 have since been admitted. The present net figure should therefore have been about 31,000 entitled to ultimate entry into the United Kingdom. But there can be no certainty that all those entitled to entry under the Special Voucher Scheme are included.

Immigration from East Africa has been on a declining trend. Less than half the available entry vouchers were taken up in 1977. Problems could arise however in the event of a political crisis in an East African country and the sudden expulsion of the Asian community. We have stated in the past that Britain could not again accept a burden of that type on the Ugandan scale (Hansard, 5th July 1976, col 967).

(11) to the dependants of those immigrants who were ordinarily resident in the United Kingdom on 1st January 1973.  
Section 1 (5) of the Immigration Act 1971 reads:-

"The (immigration) rules shall be so framed that Commonwealth citizens settled in the United Kingdom at the coming into force of this Act (sc. 1.1.1973) and their wives and children are not, by virtue of anything in the rules, any less free to come into and go from the United Kingdom than if this Act had not been passed". (ie. subject to entry clearance alone).

The number of heads of household ordinarily resident in the United Kingdom on 1st January 1973 who are not yet officially accepted for settlement in the United Kingdom must now be small. There is, however, no way of knowing how many dependants of these settlers are awaiting entry to the United Kingdom.

According to present immigration rules, close dependants who must be admitted are wives and children under 18. Before the passage of the 1971 Act, only children under 16 were normally entitled to admission.

4. There is strong feeling in the Parliamentary Party that we are bound to honour these commitments. A very hostile reaction in the Party, in large sections of the population as a whole, and also on the part of foreign Governments, would in my view follow on any decision to renege on the promises of the past.

#### 5. POLICY OPTIONS

Three main areas of policy are open to us:-

To close the loopholes opened by the Labour Government since 1974.

To bring forward wide-ranging policies to amend the Immigration Rules, as is permitted under Section 3(2) of the Immigration Act 1971.

To attempt the definition and limitation of our commitments by overall control through a quota system on entry.

There is little scope for major reductions in immigration merely by reversing Labour's changes in the immigration rules. Immigration from the New Commonwealth and Pakistan has risen from 32,000 in 1973 to an average of 49,000 under the present Government. The now abating influx of United Kingdom passport holders and the arrival of dependants of pre-January 1973 settlers were major contributors to this rise. The Government already imposes substantial administrative delays on candidates for entry clearance certificates. It has also adopted a tighter policy towards the issue of work permits.

In June 1974 Roy Jenkins changed the Rules to admit for settlement non-patrial fiancées for the purpose of marriage to female United Kingdom citizens. Since that time the number of Commonwealth and Pakistani fiancées admitted for settlement in the United Kingdom has risen from 1,879 in 1974 to over 4,900 in 1976. The widespread evidence of abuse was supported by the Hawley Report.

We should therefore reverse this concession back to the pre-June 1974 position which was that such fiancées would only be admitted where hardship would be caused by the wife's needing to move to the husband's country. This would not only bring about a reduction in current trends of about 3,500 a year but would also stop the "multiplier effect" whereby those admitted may themselves bring in other dependants later on. However, I do not believe that the reduction to be achieved merely by closing the loopholes opened by Labour would be sufficient.

6. I would therefore wish to submit to colleagues a more wide-ranging set of proposals designed to establish clearly the numbers awaiting entry and to impose a tighter control on immigration.

- (1) We have already publicly advocated a new British Nationality Act to be used as a means of limiting potential large scale immigration by citizens of the United Kingdom and colonies - particularly from Hong Kong, Singapore, India and Malaysia. The Government's Green Paper on "British Nationality Law" (Cmd. 6795) estimated (para. 12) that there were 2 million citizens abroad of the United Kingdom and Colonies who had dual nationality and were exempt from immigration control. There were a further 1.3 million who were subjected to such control. Revision of the law could be presented as adjusting our citizenship law to fit our reduced role in the world. Proposals have been submitted by the Society of Conservative Lawyers (CPL May 1975) but the necessary detailed work could only be done in Government. We should commit ourselves to early legislation in the next Parliament.
- (11) It must no longer be the normal practice for those who entered Britain after 1st January 1973 under conditions for a temporary stay to be accepted later for settlement on removal of time limit. An exception should be made in the case of Foreign or Commonwealth women who married British citizens while resident in the United Kingdom. In 1976 4,532 females from the New Commonwealth with Pakistan were admitted for settlement on removal of time limit for reason of marriage. All females in this category would of course, have to be counted against any overall quota applied to their country of origin.
- (111) We should re-emphasise that there is no automatic entitlement

in law for those who entered the United Kingdom after 1st January 1973 but who have since been admitted for settlement to bring in their wives and children. Our immigration rules should be reframed so that any post-1973 entrants who are admitted for settlement after the date of our announcement of this policy or alternatively after the date of the actual emendation of the rules could only introduce their dependants in exceptional cases. The Immigration Rules (para. 39 - 43) printed on 25th January 1973, say that if a person in this category has once been given indefinite leave to settle in the United Kingdom, and is "able and willing to support and accommodate his dependants without recourse to public funds" his wife, children and other dependants are to be admitted. Those citizens already admitted for settlement who entered Britain after 1st January 1973 are thus in a different category to those who entered before 1st January 1973. Their right to bring in their wives and young children is not safeguarded in the law but they have an expectation created at the time of their application and acceptance for settlement by the Immigration Rules we ourselves framed. We have checked with the Home Office and they do not know the numbers of heads of household involved, although they are unquestionably small. Clearly we should change the rules as soon as we can in Government to remove the rights in the rules for both pre-1973 and post 1973 heads of households to introduce their dependants. We should also commit ourselves to change the rules to exclude the wives and children of those who have entered the United Kingdom after 1973 who may in the future be accepted for settlement. However I have discovered that it would cause great difficulties within the Party and outside if we were to attempt to apply these changes backwards affecting the expectations of those who have been admitted for settlement since 1973 to introduce their wives and children. It would therefore in my judgment be wiser to deal with the wives and children of any in this category who have enjoyed an expectation under our immigration rules since 1973 through our register and quota system (see para. 7).

- (IV) Parents, grandparents, unmarried dependant children between 18 and 21, and distressed relatives may be brought into the United Kingdom under present Immigration Rules, provided they are wholly or mainly dependent on a sponsor who has capacity to maintain them. We should seek to exclude further entry under this category except in compassionate cases which would count against any quota applied to their country of origin. Numbers are not now believed to be large, but the Franks Report estimated that there were about 6,000 New Commonwealth and Pakistani entrants of this type in 1975. As with wives and children (discussed above) colleagues will realise that those who have so far settled in the United Kingdom have been given the expectation by our own rules, though not the right in law, to introduce dependants in this category.
- (V) The issue of work permits should be tightly restricted and should not normally entitle holders to settlement after four years in approved employment. Even in 1977 about 1,000 work permits were issued to Commonwealth citizens. A far larger number (over 5,000) work permits were issued to foreign nationals in 1977. Some tightening of control in this area would seem desirable.

#### 7. REGISTER AND QUOTA

We must reserve the right to take action to control entry by excessive numbers even of those to whom we have formal commitments. Their exact numbers are not known to the Home Office. There are, however, many disturbing estimates of the numbers of wives and

dependant children under 18 of those settled in the United Kingdom before 1st January 1973. These are likely to be reasonably accurate as they have been made by men with close contacts with the Indian sub-continent. The Hawley Report suggested in 1976 that experience at the sub-continental posts showed that earlier Home Office estimates of dependants were very low. It estimated that there could be at least 240,000 dependants awaiting entry from Bangladesh alone. The Indian estimate was of at least 70,000 and possibly very many more.

We require a much more accurate measure of the figures involved. This should be obtained by having a compulsory Register of Dependants to be completed within one year. The Franks Committee Report did not rule this out. The Register will be in two categories - the first, those pre-1973 settlers with the automatic right in law to bring in their wives and children, and the second, if we so decide (see para 6. (111.above) those post-1973 entrants who have acquired the expectation that they may introduce their dependants under our own Immigration Rules.

Responsibility for registering should lie with the head of the household in the United Kingdom. After one year entitlement to entry on the part of unregistered dependants would be held to lapse. Such a register would for the first time enable the Government to assess clearly the scale of commitments to the dependants of pre-1973 settlers.

The bona-fide of dependants is checked by Entry Clearance Officers on the Indian sub-continent. There is evidence, highlighted by Hawley and others, that widespread fraud is taking place. The present Government issued instructions that Entry Clearance Officers should wherever possible dispose of a case at the first interview and that they should make their decision on "the balance of probability". I am informed that this means that over 80 per cent of all applicants are now being accepted, compared with only 50 per cent when it was the practice to insist on proof of bona-fides "beyond reasonable doubt". I believe it is essential that as soon as possible we should revert to the previous instructions of "beyond reasonable doubt" and use the same criteria for checking Register details.

#### QUOTA

All the above proposals, together with the natural decline in certain categories of entrant and a clampdown on illegal immigration, will help to reduce numbers. It will not give the tight control and prospect of an end to immigration which the vast majority of the public, and the Party, now demand. The only way to bring about total Government control of the numbers would be by introduction of a quota system. The principal of a quota was conceded by the 1968 Commonwealth Immigrants Act introduced by the present Prime Minister. This would not deny the commitments and promises made but would modify those commitments and promises to ensure better conditions, standard of living, and race relations for everyone already living legally in this country.

It is important by these means to ensure that from the first year of our taking office there is a reasonable and obvious reduction in total numbers entering this country. The size of the quota could if necessary, be altered annually to make allowance for the total numbers of registered wives and children of pre-1973 settlers to whom we are primarily committed and the number we wish to admit each year. But the quota should cover all categories of immigrants into

United Kingdom including those detailed in sections 6 (11), (111) and (1V) of this paper. A quota system should apply right across the board and must not be seen to be discriminatory against one country as compared with another. In practice countries like Pakistan and Bangladesh which supply large number of immigrants will be harder hit than the West Indies or Australia where numbers are comparatively low. It would be possible either to have percentage cuts on a sliding scale year by year or alternatively to review policy each year in the light of what this country can accept in accordance with its commitments (as previously defined). However I believe that unless some kind of totality of control along these lines is introduced we cannot say to the public that we are bringing about the overall policy of a reduction in immigration announced at the October 1976 Party Conference.

8. ILLEGAL IMMIGRATION

The size and scale of illegal immigration is difficult to determine. It is believed to be substantial. The emphasis has changed from clandestine landings to the student or visitor who enters this country temporarily but is then absorbed in the community and makes no effort to return home. The problem is by no means confined to the Indian sub-continent. There has been recent evidence that immigrants from North Africa who have overstayed are now being exploited for employment by the catering trade.

Every possible resource must be used to identify and plug these loopholes. At the same time we must make it clear that there will be no amnesties for illegal immigration from a Conservative Government.

9. I would remind colleagues that the demographic trend is for a reduction in immigration by heads of households from the Indian sub-continent and by UK passport holders. We are, however, faced with serious difficulties over the admission of dependants. But we must constantly bear in mind the importance of stressing our anxiety to achieve harmonious race relations, as both a complement and a cause of any announcement of more restrictive immigration policies.

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