

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 racial 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 U.K. 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 U.K. 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 U.K. passport holders in East Africa admitted under the special entry voucher scheme for heads of household since the passing of the Commonwealth Immigration 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 U.K. 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 U.K. 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 U.K. 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 U.K. than if this Act had not been passed". (i.e. subject to entry clearance alone).

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

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

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 U.K. 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 fiances for the purposes of marriage to female U.K. citizens. Since that time the number of Commonwealth and Pakistani fiances admitted for settlement in the U.K. has risen from 1879 in 1974 to over 4900 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 fiances 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 revising 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 U.K. 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 (CPC 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 the limit. An exception should be made in the case of foreign or Commonwealth women who married British citizens while resident in the U.K. In 1976 4532 females from the New Commonwealth with Pakistan were admitted for settlement on removal of the limit for reason of marriage.

- (111) We should re-emphasise that there is no automatic entitlement in law for those who entered the U.K. after 1st January 1973 but who have since been admitted for settlement to bring in their wives and children. Our immigration rules should be rephrased so that dependants of those post-1973 entrants who may in future be admitted for settlement could only themselves be admitted in exceptional cases. However, 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 U.K., 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 now 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 dependants 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. Could we with honour change the rules retrospectively to overturn that expectation? I believe not. We could, however, register this group of settlers separately and gauge the number of potential dependants in the event of our deciding to proceed with a register of dependants (see below para 7).
- (1V) Parents, grandparents, unmarried dependant children between 18 and 21, and distressed relatives may be brought in to the U.K. under present immigration rules, provided they are wholly or mainly dependent on a sponsor who has the capacity to maintain them. We should seek to exclude further entry under this category except in compassionate cases. Numbers are not now believed to be large, but the Franks Report estimated that there were about 6000 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 U.K. 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 1000 work permits were issued.

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. There are 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 - 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 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 iii above) those post-1973 entrants who have acquired the expectation that they may introduce dependants under our immigration rules.

Responsibility for registering should lie with the head of the household in the UK. 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, high-lighted 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 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.

THE 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 con-

ditions, standard of living, and race relation 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. Within any quota system priority would go to East African U.K. passport holders (where the problem should be solved in a very few years), and wives and children entitled to come as dependants of those settled here by January 1st 1973. 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 the numbers are comparatively very 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. I must warn colleagues that it may be that the only way to do this would be to have some form of identity card. Public attitudes have changed over the past few years since many companies and firms now insist upon identity passes for their employees, and the advent of credit cards has led to similar developments of identification in the purchasing field. At the same time we must make it clear that there will be no amnesty for illegal immigration from a Conservative Government and there will be a major drive against illegal immigration in all its forms.

9. REPATRIATION

At present assistance can be offered to non-patrials who wish to leave the U.K. under Section 29 of the Immigration Act 1971. We have maintained our support for voluntary repatriation where it is the clear wish of the person concerned - while recognising the emotive force of the word repatriation itself. I would strongly oppose any move to compulsory repatriation. I would advocate improvement where possible in the terms offered to immigrants wishing to return under Section 29 of the Immigration Act 1971. We should publicise more widely

the availability of assistance. At present payments average over £200 per capita but the number of individuals who take advantage of the scheme is small. We are seeking further information about the revised French scheme of assisted passage introduced during 1977. Several thousand immigrants have already taken advantage of this French scheme of assistance whereas under a thousand individuals have used Section 29 of the Immigration Act since 1973.

10. 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 U.K. 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.

STATISTICS

The following tables show numbers of Commonwealth citizens and foreign nationals accepted for settlement in the United Kingdom under the present Government.

Table 1: Acceptances for settlement on Arrival

	<u>1977 (Jan-Sept)</u>	<u>1976</u>	<u>1975</u>	<u>1974</u>
<u>Total: all sources</u>	27,416	44,074	40,428	29,712
(a) <u>Commonwealth</u>	16,355	30,975	30,954	23,119
of which:				
Old Commonwealth ‡	3,562	3,661	2,627	1,374
New Commonwealth	12,793	27,314	28,327	21,745
(of which: * UKPH)	4,526	10,691	12,045	10,938
(b) <u>Foreign Nationals</u>	11,061	13,099	9,474	6,593
of which:				
Pakistan	8,266	9,503	6,183	3,561

* Non-patrial UK passport holders from all over the world but mainly East Africa

‡ Australia, Canada and New Zealand.

Table 2: Acceptance for settlement on removal of time limit

(people already in the UK whose conditions of stay are revoked enabling permanent settlement)

	<u>1977 (Jan-Sept)</u>	<u>1976</u>	<u>1975</u>	<u>1974</u>
<u>Total: all sources</u>	25,405	36,671	41,977	39,166
(a) <u>Commonwealth</u>	12,068	18,306	19,974	18,959
of which:				
Old Commonwealth	1,699	2,306	2,760	2,574
New Commonwealth	10,369	16,000	17,214	16,385
(of which: UKPH)	552	964	1,747	1,411
(b) <u>Foreign Nationals</u>	13,337	18,365	22,003	20,207
of which:				
Pakistan	1,854	2,196	1,541	840

(Source: Home Office Control of Immigration Statistics)

Total numbers of New Commonwealth and Pakistan citizens accepted for settlement in the United Kingdom under the present Government have been as follows (in 1973 total NCWP immigration was 32,303):

Table 3: Total NCWP acceptances for settlement (1974-77)

	<u>New Commonwealth</u>	<u>UK Passport Holders*</u>	<u>Pakistan</u>	<u>TOTAL</u>
1974	38,130	13,436	4,401	42,531
1975	45,542	13,792	7,724	53,265
1976	43,314	11,655	11,699	55,013
1977 (annualized)(30,883)		(6,771)	(13,493)	(44,376)
(1977 Jan-Sept	23,162	5,078	10,120	33,282

(Source: Home Office. Control of Immigration Statistics)

* included in the Commonwealth total

Table 4: Acceptances for settlement on removal of time limit by reason of marriage

(Fiancées, fiancées conditionally admitted and those already in Britain whose temporary stay is made unconditional on marriage)

This table shows the growing influx of persons by this method from India and from Pakistan. On 22nd March 1977 the Government changed the rules to delay acceptance for settlement of fiancées by twelve months. This has already sharply depressed statistics in 1977, but many of the people not here are likely to be included in statistics from March 1978 on their acceptance for settlement

	<u>Total New Commonwealth</u>	<u>India</u> ¹	<u>Bangladesh</u> ¹	<u>Old Common-wealth</u> ²	<u>Pakistan</u>
<u>1974</u>					
Total	4727	1510	60	914	257
Males	1405	261	14	372	102
Females	3322	1249	46	542	155
<u>1975</u>					
Total	6818	2554	120	1269	881
Males	3067	1104	34	618	515
Females	3751	1450	86	651	366

1976

Total	7494	3615	128	928	1483
Males	3785	1977	73	453	685
Females	3709	1638	55	475	798

1977 (estimated)Commonwealth (incl. Old Commonwealth)³

Total	5894
Males	1550
Females	4344

1. included in New Commonwealth total
2. Australia, Canada, New Zealand, Rhodesia
3. Figure for Old Commonwealth and Pakistan not yet available

Table 5: Work permit holders: Commonwealth citizens

This table lists numbers of entrants (not included in Control of Immigration statistics) given conditional leave to enter on extendable work permits for twelve months. Under present immigration rules such entrants are entitled to apply for acceptances for settlement after four years in approved employment and are normally accepted. They can then introduce dependants under present rules. A far greater number of such work permit holders are foreign nationals (in Jan-Sept 1977 4174 foreign nationals were given work permits for twelve months against only 756 Commonwealth citizens).

	<u>Commonwealth</u>	<u>Pakistan</u>
1973	1449	51
1974	1988	83
1975	2276	109
1976	1364	52
1977 (annualized)	1008	n.a.
Total: 1973-1977	8085	295 +

(Source: Control of Immigration Statistics).

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Three main areas of policy are open to us:

To close the loopholes opened by the Labour Government since 1974

To bring forward a more wide ranging set of policies to amend the Immigration Rules

To try and attempt the definition and limitation of our commitments by overall control through a Quota System of Entry.