CABINET

COMMONWEALTH MIGRANTS

Memorandum by the Lord Chancellor

On 16th February the Cabinet invited me to arrange for the Committee on Commonwealth Migrants to consider the form which legislation to control immigration from the Commonwealth might take, and to bring the matter again before the Cabinet in due course (C. C. (61) 7th Conclusions, Minute 2).

2. Before I deal specifically with this question the Cabinet may wish to know of the recent scale of coloured immigration into this country. In the first four months of 1961 nearly 32,000 coloured immigrants arrived from the Commonwealth, compared with 9,300 in the corresponding period of 1960. The total net intake for 1960 as a whole - itself a peak year - was 58,000, and if the present trend continues the total for 1961 will be 150,000 or even 200,000. This compares with a natural increase of about 200,000 per annum of the resident population of England and Wales. By the end of this year there would be nearly half a million coloured persons in the United Kingdom, and the figure might well rise to 2 millions within the next fifteen years. The vast majority of these immigrants are West Indians (18,500 so far this year), Indians and Pakistanis (5,000 in each case).

3. Uncontrolled coloured immigration on this scale is putting a severe strain on the housing situation in the areas in which these people congregate, and there is growing parliamentary and public concern about the social consequences. Although there is at present relatively little unemployment amongst the coloured community the situation in a recession would be quite serious. The quality of the immigrants appears to be deteriorating.

4. Faced with this very large increase in numbers the Committee are unanimously of the opinion that the present state of affairs should not be allowed to continue and that the Government should introduce legislation to enable immigration from the Commonwealth to be controlled. In coming to this conclusion they fully recognise that this action would infringe the historic right of Commonwealth citizens freely to enter and stay in the United Kingdom, and also that however carefully the legislation were drafted it would be represented as a measure of discrimination against coloured people. Nevertheless the Committee are agreed that unless action is taken this country may well be confronted in the space of a few years with a colour problem approaching that of the United States.

5. There is an important point of timing. In the first half of June the Colonial Secretary is holding a conference in London with West Indian political leaders, as a result of which it is hoped to launch the West Indies Federation into independence sometime next year. Furthermore in the autumn there is likely to be a referendum in Jamaica (which would be particularly hit by any restriction on immigration to the United Kingdom) on
the issue of federation and it is of vital importance that Mr. Manley's party should win it. For these reasons the Committee recommend that no public announcement of our intentions should be made until towards the end of October at the earliest. The Committee hope that the Bill could find an early place in the legislative programme for the next session of Parliament. The Colonial Secretary is of opinion however that the question is bound to be raised while the West Indian leaders are over here for the Constitutional Conference, and if so he feels he would be bound to tell the Jamaican Premier and perhaps other senior Ministers privately that the Government were considering the introduction of legislation later in the year.

6. As to the form of control the Committee have examined three possible methods:-

(a) A control based on possession of a certificate that housing accommodation is available for the immigrant.

(b) A control by means of a health check.

(c) Some form of employment control.

7. The Committee do not think that control through a housing certificate would be workable; the practical difficulties are too great. Nor do they think that control by means of a health check would by itself be effective; the vast majority of immigrants would fairly readily pass a simple check of this nature.

8. The Committee consider that the only practical method of control would be one based on employment criteria (course (c)). They have given preliminary consideration to such a scheme which might be based on the following lines:-

(a) Skilled workers, and immigrants coming to a specific job with a named employer for which no resident labour was available, would be allowed in without restriction.

(b) Other potential immigrants would have to apply by post to the Ministry of Labour, who would grant permits on a "first come first served" basis, but with absolute control over the rate of flow. The rate of flow would be a major Government decision based on the economic, social and political conditions at the time.

9. The great merit of this form of control would be its flexibility, since the Government could decide at any time how many immigrants were to be admitted in the ensuing period. Another advantage would be that it could be operated without any distinction on grounds of race or colour, although in practice since most of the immigrants from the old Commonwealth countries would be either skilled workers or would be coming to a specific job they would be unlikely to be much affected. It would be comparatively simple to take power at the same time to refuse admission to any immigrant on health grounds.
10. There are however a number of difficulties in this scheme which will need much more examination. For instance; how are we to identify the group of people who will continue to be admitted to the United Kingdom without restriction; by citizenship, residence, birth? Can we exempt immigrants from the Irish Republic from the control; and if so how can we stop coloured persons evading the control by entering the United Kingdom via that country? How would the control be reconciled with a possible commitment, if we joined the Six, to allow freedom of movement of persons into the United Kingdom from the Community countries? Should we also take power to deport those immigrants who prove themselves undesirable or who do not fulfil the conditions of admission to this country? And besides these questions there are many practical difficulties to be overcome at the ports.

11. The Committee have remitted these points for further detailed examination by officials, and they propose to give further consideration to them at an early date, with a view to making another report to the Cabinet before the summer recess.

12. In the meantime on behalf of the Committee I seek my colleagues' endorsement of the courses outlined in this memorandum.

K.

Lord Chancellor's Department,
S. W. 1.

26th May, 1961