29th January, 1965

CABINET

COMMONWEALTH IMMIGRATION

Memorandum by the Secretary of State for the Home Department

Certain categories of Commonwealth citizen have a legal right under the Commonwealth Immigrants Act 1962 to be admitted to the United Kingdom.

(a) Dependants. The wife of a Commonwealth citizen or a child of his under 16 years of age who comes here with or to join him may not be refused admission. We do not know how many people overseas already have this right, but they cannot number less than half a million.

(b) Students. A Commonwealth citizen is entitled to admission if he satisfies the immigration officer that he wishes to enter the United Kingdom for the purpose of attending a course of study at a college, school, etc.

(c) Visitors. A Commonwealth citizen is entitled to admission if he satisfies the immigration officer that he can support himself without taking work. This category includes tourists and other visitors as well as a few people of independent means who come to settle here.

(d) Voucher-holders. Commonwealth citizens who come here for employment should first get a voucher under a scheme administered by the Minister of Labour. The vouchers are issued at discretion, but the holder of a valid voucher is legally entitled to admission.

2. Other Commonwealth citizens are admitted at discretion. For example, at present we readily admit a child under 16 coming with or to join a close relative other than a parent, or a person between 16 and 18 years of age coming with or to join a parent.

Evasion of the control

3. The demand for vouchers has greatly exceeded the supply, especially since the end of 1963 when the rate of issue began to be reduced, so there is increasing pressure to get round the control. Evasion takes different forms. One is for the evader to pass himself off as a person with a legal right of entry. He may pretend to be under 16 when he is older, or the son of a Commonwealth citizen already here. Many of these claims are made more difficult to counter because they are supported by officially issued passports giving false particulars, which can be arranged in some countries without much
Immigration officers detect a number of such attempts and refuse admission; but some must succeed. There is therefore an unknown number of imposters among those officially classified as dependants. Another device is to pose as a student or a visitor; because of the terms of the statute, a well prepared claim to admission as a student or a visitor is not easy to resist. In addition, there are genuine students who stay on, whether or not they complete their studies, and genuine visitors who change their minds. There is nothing in law to prevent a Commonwealth citizen who has been unconditionally admitted as a student or a visitor from staying on, and this is happening on a considerable scale. Thus the net intake of coloured Commonwealth citizens* in 1964 exceeded by 9,000 the number deliberately admitted for settlement (i.e. as dependants, voucher-holders etc.)

4. The main defence against this type of evasion is for the immigration officer to admit the student or visitor about whom he is suspicious on condition that he leaves the country within a specified time. There is power under the Act to do this; but the power has been little used because the means of enforcement are defective. First, there is no good way to keep track of individuals admitted under conditions; the Asians in particular melt into their respective communities and the police have been able to find few of those whom they have been asked to look for. Second, there is no simple power to enforce the condition, i.e. to require the defaulter, if traced, to leave the country. It is a criminal offence not to observe such a condition but the defaulter must be convicted of the offence and the court must recommend deportation before the Secretary of State can, by deportation, require him to leave the country.

The scale of immigration

5. We now have figures for the first two full calendar years of control under the Act and I give the main statistics in Annex I. The net intake of coloured Commonwealth immigrants during 1964 was 62,000, nearly 9 per cent higher than in 1963 and about the same degree higher than in 1960 when there was no immigration control. I think coloured Commonwealth citizens are coming faster than they can be absorbed into the community and I believe that, despite the economic argument that favours more immigrant workers for essential industries and services, we ought to do what we can to reduce the rate of flow.

6. Apart from marginal adjustments to the categories of people whom we admit at discretion, we can reduce the flow only by:

(a) issuing fewer vouchers; and
(b) reducing the scale of evasion of the control.

The first we have still to consider in the Commonwealth Immigration Committee; the second is the subject of this memorandum.

*This expression is used as a term of art to mean those Commonwealth citizens who are not citizens of Canada, Australia or New Zealand. All the statistics in this memorandum relate to coloured Commonwealth citizens.
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*This expression is used as a term of art to mean those Commonwealth citizens who are not citizens of Canada, Australia or New Zealand. All the statistics in this memorandum relate to coloured Commonwealth citizens.
7. It is my view that we shall not be able to deal effectively with the main body of those who evade the control - those admitted as visitors and students who stay on - under the Act as it stands. I think we should have a wider use of the power to impose time limits on them, and better means of enforcing the limits imposed. We need power to require Commonwealth citizens to leave identifying particulars with immigration authorities and to register with the police; and the Home Secretary should have power to repatriate, without criminal proceedings, a Commonwealth citizen who has outstayed the period for which he has been admitted. But the Commonwealth Immigration Committee are of opinion that, for the present at least, we ought not to propose legislation, but should try to cope with evasion by making full use of the existing powers. I am proposing therefore to proceed on that basis.

8. Any change of policy ought to be announced in Parliament and in any case we are now being pressed to state what we propose to do in this matter. A Question by an ex-Minister for 4th February (when I shall be top of the list for oral answers) provides an occasion for an announcement. The Commonwealth Immigration Committee invited me to settle the terms of the statement in consultation with the Lord President, the Commonwealth Secretary and the Colonial Secretary, and the draft attached as Annex II has been prepared in consultation with those Ministers, the Minister of Labour and the Minister of Overseas Development. I seek authority to make it.

Home Office, S.W.1.

29th January, 1965
### Statistics of coloured Commonwealth immigration
(i.e. from all Commonwealth territories except Australia, Canada and New Zealand)

<table>
<thead>
<tr>
<th>Description</th>
<th>1963</th>
<th>1964</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Total number of arrivals</td>
<td>178,170</td>
<td>193,862</td>
</tr>
<tr>
<td>(2) Net inflow (i.e. excess of arrivals over departures)</td>
<td>57,049</td>
<td>62,117</td>
</tr>
<tr>
<td>(3) Number of voucher-holders admitted</td>
<td>28,678</td>
<td>13,888</td>
</tr>
<tr>
<td>(4) Number of dependants admitted</td>
<td>24,459</td>
<td>35,738</td>
</tr>
<tr>
<td>(5) Number of others admitted for settlement</td>
<td>2,934</td>
<td>3,214</td>
</tr>
<tr>
<td>(6) Total number admitted for settlement (i.e. total of (3), (4) and (5))</td>
<td>56,071</td>
<td>52,840</td>
</tr>
<tr>
<td>(7) &quot;Crude evasion figure&quot; (i.e. difference between (2) and (6))</td>
<td>978</td>
<td>9,277</td>
</tr>
</tbody>
</table>
Mr. FLETCHER-COKE (Darwen): To ask the Secretary of State for the Home Department, whether he will seek powers to repatriate Commonwealth immigrants who have entered the United Kingdom illegally.

For oral answer, Thursday, 4th February, 1965

DRAFT REPLY

The Government has taken steps to initiate Commonwealth discussions to review the whole question of Commonwealth immigration. In the meantime, there is evidence that under the existing control some evasion is taking place, and it is therefore necessary to make a stricter use of the existing powers of control. For this purpose fresh instructions are being issued to immigration officers.

The fresh instructions will require immigration officers, before allowing entry, to subject to the fullest scrutiny, in whatever cases they judge to be necessary, the intention and bona fides of Commonwealth citizens seeking entry as visitors or students, as well as the authenticity of their travel documents; and to make a fuller use of their power to impose conditions specifying the period for which a Commonwealth citizen is admitted as a student or visitor.

Secondly, there is evidence that evasion is taking place by those who claim to be entitled to enter as dependants under section 2 of the Commonwealth Immigrants Act 1962 and immigration officers will examine with greater thoroughness than hitherto has been thought necessary the identity and the validity of the claims of persons who seek entry under section 2. Except where very special grounds exist, I am also reviewing the present practice of admitting as a matter of discretion children under 16 coming here to join close relatives resident in this country who are not their parents.

Thirdly, we shall, where practicable, be reinforcing the staffs in posts overseas by assigning to them experienced immigration officers to assist in dealing with applications for entry certificates. When persons charged with having evaded the control, or having failed to comply with conditions of entry imposed upon them are prosecuted and convicted and the court in consequence makes a deportation recommendation, effect will of course be given to such recommendations unless there are very strong reasons for making a special exception.
We shall have to wait to see how effective these measures are when in operation before deciding whether any further steps are necessary, and we shall also be in touch with other Commonwealth governments.