CABINET

COLONIAL IMMIGRANTS

REPORT OF THE COMMITTEE OF MINISTERS

Introductory

The Prime Minister appointed the Committee with the following composition and terms of reference:

Composition:
- Lord Chancellor (Chairman).
- Lord President.
- Home Secretary.
- Commonwealth Secretary.
- Colonial Secretary.
- Minister of Labour.
- Attorney-General.

Terms of Reference:

"To consider what form legislation should take, if it were to be decided that legislation to control the entry into the United Kingdom of British subjects from overseas should be introduced; to consider also the intended effect of such legislation upon actual immigration, how any such control would be justified to Parliament and the public, and to the Commonwealth countries concerned; and report to the Cabinet."

2. The Committee were of the opinion that they could best help the Cabinet to reach a decision on this matter if they were first to break the problem down into a number of questions and issues, and attempt to reach conclusions on these separately, in the hope that from these conclusions the Cabinet will find it possible to decide whether the problem is so serious as to warrant early action; or, alternatively, whether it might be sufficient to renew the problem again in perhaps a year's time. After first summarising the scale of the problem we have therefore considered what the probable short-term and long-term economic and social consequences would be if no action is taken to deal with it. We have also attempted to assess the state of public opinion in relation to this problem. We then consider what form any legislation should take and how the control of immigration could be justified to Parliament, the public and the Commonwealth countries concerned.

The Problem

3. We are concerned in this Report with coloured people from the African and Asiatic territories of the Commonwealth and from the West Indies. The number of coloured people in this country before the war was about 7,000. By 1953 it had risen to more than 40,000 and the rate of increase has since accelerated steeply. In the three consecutive years 1953, 1954 and 1955 the numbers of coloured immigrants arriving here were approximately 3,000, 10,000 and 35,000 respectively. The total coloured population is now about 100,000; of which approximately 50,000 are West Indians, the majority from Jamaica.
4. Up till recently coloured immigrants have had little difficulty in finding work here. They have not made undue demands on National Assistance; they have created no particular problem in regard to the Health Service; they are generally law-abiding; and, except in a few places, their presence has aroused little, if any, public expression of race feeling. In certain areas, however, mainly in London and Birmingham, problems have arisen, mainly in connection with housing, where the immigrants tend to reproduce the social pattern of the West Indies. Fresh arrivals, who lend themselves to exploitation, particularly by others of their own race, gravitate to existing communities, resulting in gross overcrowding in insanitary conditions.

5. There is little prospect of the rate of immigration from the West Indies spontaneously decreasing, for there is at present no alternative outlet for their surplus population; indeed, if and as arrivals from Jamaica are supplemented by more immigrants from Trinidad, Barbados and the other islands, the rate of immigration may well continue to rise. Nearly one-third of the 26,000 immigrants from the West Indies who arrived last year came from islands other than Jamaica. West Indian immigrants who have already arrived here form an advance guard who help to bring over their friends and relatives; practical facilities for transporting large numbers of emigrants have been built up; and conditions here, however bad for the immigrant, are better than conditions in the West Indies. It is the cumulative effect of these factors which is causing the tide of immigration to rise. Not only would it be ineffectual to advise intending immigrants not to come here but immigration is being stimulated by action which is being taken both in the West Indies and in this country. There is a demand here for transport and domestic workers and nurses. The London Transport Executive have apparently sent a recruiting mission to Barbados; it is understood that British Railways are also making arrangements to import coloured workers. In the West Indies the Barbados Government, if no other, is known to be actively encouraging emigration. And the prospect cannot be excluded that immigration from the West Indies may eventually be augmented by arrivals from Nigeria, the Gold Coast and other coloured territories.

But, so far as the West Indies are concerned, it is a relevant point that, as the economy of the Caribbean Federation will be only precariously viable, the United Kingdom will be faced with some residual financial burden if the surplus population has no outlet at all.

Short-Term Consequences

6. There is no doubt that uncontrolled immigration of coloured people is likely to lead to housing problems of progressively serious proportions in the areas in which the immigrants congregate. The problem of finding accommodation for immigrants will be further aggravated as slum clearance proceeds. There may well be difficult and embarrassing situations if and when local authorities are faced with the obligation of giving priority for Council houses to coloured tenants evicted from slum areas, in preference to people who have been on the waiting list a good deal longer. There is already an acute housing problem in Lambeth, Cardiff, Birmingham and Wolverhampton, and the indications are that the coloured population in some of these areas is beginning to disperse towards other midland towns without necessarily spreading themselves thinly enough to be more easily absorbed. If immigration continues at the same rate of geometrical progression as hitherto, there seems therefore to be a real danger that the presence in certain industrial areas of large elements of coloured population may cause a sudden acute problem over housing.

7. As regards employment, coloured immigrants have recently been making a useful contribution to the labour force. Indeed, during 1955 the arrival of drafts of immigrants to fill low-paid manual jobs helped to ease rather than to exacerbate the labour situation. Even now, as mentioned in paragraph 5, some public authorities are taking steps to encourage West Indians to emigrate to this country for employment. In view of a slight decline in the intensity of the demand for labour in recent months, however, it is no longer so easy to place West Indian immigrants in employment as it has been, and there is some reason to think that the proportion of unemployment among West Indians already in this country may be increasing. A special count of unemployment amongst coloured workers is now being taken and the results of this will show how the situation is developing.
In any case the pendulum can be expected to swing violently, as soon as there is any real recession in the economy; and while the Trade Unions at present express themselves in fraternal terms towards coloured workers, there is little doubt that British workers would keenly resent seeing West Indians in desirable jobs which they themselves could fill. It is true that there is a good deal of slack to be taken up by reducing excessive overtime before any substantial degree of general unemployment begins to emerge. Nevertheless, a trade recession might entail a sharp and swift increase in the numbers of unemployed, and there would be danger of disturbing incidents. It follows that if we decide to introduce legislation to control immigration from the Commonwealth it would be better to introduce it during a period of generally full employment, when its full rigour might not be felt, rather than to wait until the need for fully effective control has become imperative.

8. The conclusion to be drawn from this is that while the presence of coloured workers does not at present create any really grave problem in regard to either housing or employment, at any moment difficulties of housing or employment or both might cause the problem to assume really embarrassing proportions in particular localities. But it is doubtful whether such problems will relate essentially to colour. There would be the same risk where any recently arrived groups of foreigners, e.g., Poles, were congregated together. But the problems, and the attendant risks, are no doubt heightened by differences of colour.

Long-Term and Social Consequences

9. If immigration continues at its present rate it will take at least ten years for the coloured population of this country (after allowing for natural increase) to rise to 1 per cent. of the white population. There seems to be little evidence at present of inter-breeding. The ordinary people of this country seem to be by no means intolerant of coloured people in their midst. There appears to be a little prospect therefore of race riots or colour bar incidents on grounds of race alone. But there is always the special risk that some particularly dastardly crime involving a coloured man might touch off trouble of this kind. As regards political consequences, it is not impossible that, in time, the vote of the coloured population might achieve a significance out of proportion to its size if it were concentrated in, say, half a dozen industrial towns involving twenty or twenty-five constituencies. Indeed, the long-term consequences of the continued immigration of coloured people must clearly bear a proportionate relationship to the number of immigrants. If no control is exercised and the numbers of immigrants continue to increase, the problems, relatively small at present, which coloured immigrants present in regard to employment and housing will become cumulative. And, as numbers increase, difficulties in regard to housing and employment may be complicated by more general problems of social assimilation. The indications that there is little inter-breeding at present cannot be projected to justify a forecast for the future. On present evidence a trend towards miscegenation can neither be forecast nor excluded. If such a trend were to occur it would be an important factor. In the light of these considerations the long-term consequences of uncontrolled immigration are as yet incalculable.

Public Opinion

10. We considered whether there was any significant movement of public opinion generally, or in the areas primarily affected, which should weigh strongly with the Government in reaching their decision on this problem. Given our basic tolerance towards coloured people, there seems to be little doubt that public opinion generally is much less exercised about the question than it was a year or two ago. What was at first seen apprehensively as a new phenomenon, creating local problems of a novel kind, is now regarded with diminished interest. There is, of course, steady pressure in such places as Birmingham for the Government to take timely action to deal with a problem the consequences of which are, in these particular localities, all too apparent; and a resolution has been passed in West Bromwich that the coloured population there has reached saturation point. On the other hand, it is unlikely that opinion in, say, Bristol or Yorkshire would be greatly concerned about Birmingham’s difficulties. Indeed, unless a particular incident excited public feeling generally, it is probable that most people—certainly the more
vocal elements—would be more concerned about the illiberal nature of any steps which the Government might propose to deal with the problem than with the problem itself. Nevertheless, this is the kind of question on which public opinion is normally fairly quiet until, in unfavourable conditions, it suddenly becomes violent.

**What Form Should any Legislation Take?**

11. In considering this we had before us the draft Bill circulated by the Home Secretary under cover of C.P. (55) 166. We first considered whether the two criteria proposed in the Bill, of a job and a house to go to, were practicable criteria and not easily capable of evasion.

12. We came to the conclusion that the criterion of a job, in the present conditions of full employment, would not be effective. If the need arose agencies would no doubt be set up to bring intending immigrants and employers together and so overcome the obstacle. These agencies might well continue in operation even if employment became less full than it is now. It would be difficult to attempt to close a loophole of this kind by applying to such agencies a control which was not extended to employment agencies generally. This would simply supply the opponents of control with additional arguments against any form of regulation.

13. The criterion of a house, on the other hand, seems likely to be much more effective. Local housing authorities would have a direct interest in administering rigorously a system by which an intending immigrant would have to produce a certificate that accommodation was available. It would not be the intention, however, to define the test with any precision in the Bill, nor to administer the control centrally, but rather through the local authorities. The local authorities themselves would decide what constituted “suitable” accommodation, and they could adjust the severity of the test according to the result they wanted to achieve. It must be recognised therefore that the effectiveness of the test would depend on the attitude taken by the local authorities, whose representative associations have not been consulted on the matter.

14. Subject to these comments, we were in general agreement that, if the Government were to decide to legislate on this subject, the legislation might well be on the lines of the provisions contained in the draft Bill annexed to C.P. (55) 166, in spite of the fact that the effectiveness of this legislation would be based on the housing rather than the employment test. On an important point of administration, the Committee considered that if legislation to control Commonwealth immigrants were introduced it would be necessary as a corollary to include powers to deport undesirables. The Committee felt, however, that it would not be practicable to set up a tribunal to adjudicate on deportation cases, and that the same discretion would have to be reposed in the Home Secretary as he now exercises in respect of aliens.

15. We considered whether control on the lines contemplated in the draft Bill would be really effective not merely in limiting the flow of immigrants, possibly at its present level, but, if the need should arise, in drastically reducing it. If, as was suggested to us, the requirement of a suitable house to go to would in practice provide a real check on immigration, this in itself might be sufficient to enable us to cut down the rate of immigration to any extent that may be thought advisable. The local authorities, although it is thought that the question of colour would not weigh with them in making their determination, could be expected to be sparing in granting certificates; indeed, it is possible that they might exercise their powers to such an extent as to impose an effective prohibition, rather than control, on immigration. Nevertheless, the effective sanction would be in their hands, and its value in the broader national interest would consequently depend on the Government and the local authorities taking the same view of the problem at any given time.

16. We have therefore considered whether it would be prudent to have in reserve power to impose a quota on the total numbers of Commonwealth subjects permitted to enter this country. Such a power, to be held in reserve, would have the advantage of making it possible for the central Government to assume complete control of the situation if need arose. On the other hand, there are very serious objections to subjecting Commonwealth countries to this form of control. A quota would be an innovation which they would not welcome; it would be discriminatory
as between one territory and another; it would have to be approved by Parliament by affirmative resolutions which would be subject to critical debate; and the apportionment of the quota as between different Commonwealth countries would present embarrassing problems. Moreover, quotas for Commonwealth subjects could not fail to involve consideration of the imposition of quotas on aliens.

But in spite of these objections, we think that legislation might need to contain a reserve power, to be exercised by statutory instrument subject to affirmative resolution, to impose a quota on the total number of immigrants, say in one year. In view, however, of the difficulties to which quotas for Commonwealth subjects would inevitably give rise we suggest that the Inter-Departmental Working Party which was set up last year should examine both the policy and the administrative aspects of the matter before a final decision is taken on this particular point.

17. We again considered whether legislation could be confined to the problem of controlling immigrants from the West Indies possibly with power to extend it to other Colonies which might later supply substantial numbers of immigrants. We decided, however, that it would be quite impracticable to single out one Colony or group of Colonies for discriminatory legislation, and we have no doubt that any legislation would have to apply, on the face of it, to the Commonwealth as a whole. We recognise that the position of citizens of the Irish Republic would be anomalous; but we think that this could be defended, both to United Kingdom and Commonwealth opinion, on grounds of proximity and the practical problems which it generates, the illogical but workable legal position under the British Nationality Act, 1948, and the large Irish populations in the “old” Dominions.

18. As an alternative to legislation on these lines it was suggested that an attempt might be made to apply to other countries of the Commonwealth, on a reciprocal basis, the same restrictions on immigration as these countries apply to citizens of the United Kingdom. But this would not provide a satisfactory basis for legislation. Pakistan and India allow people from the United Kingdom to enter their territories freely, and Jamaica would no doubt be prepared to do the same. Indeed, a system of reciprocity would transfer the effective control of our immigration law into the hands of those Commonwealth territories who would be most directly concerned to influence it. Moreover, there is a great number of different systems of control in operation in Commonwealth territories, and it would be administratively impracticable for the United Kingdom, under a reciprocal system, to attempt to apply them all.

How could such control be justified to Parliament and the Public, and to the Commonwealth Countries concerned?

19. There is no doubt that even though a Bill on the lines of that annexed to C.P. (55) 166 would, in form, be non-discriminatory, it would nevertheless be clear against whom the Bill was really directed. We came to the conclusion that the introduction of control might be justified on the following grounds:

(a) It could be justified in relation to housing conditions.
(b) It could be stated that there must obviously be some limit to the numbers of immigrants which we could be expected to admit to this small and already densely populated island.
(c) Even though it would no doubt be necessary to recognise the real object of the legislation, it should be stressed that the Government were taking general powers applicable to citizens of all members of the Commonwealth, analogous to the powers already possessed by most of these countries.
(d) The broader grounds on which legislation of this kind could be justified would be that the United Kingdom, normally an emigrant country, has for the second time this century been faced with a sudden and spontaneous influx of immigrants on a substantial scale. The problem could be said to be very broadly similar to that presented in the early years of the present century by the influx of aliens from Eastern Europe which led to the passing of the first Aliens Act, of 1905. Against this historical background it should be possible to show that any further restrictive legislation which might now have to be applied to British subjects had the same broad objects as, and was justifiable on similar grounds to, the first of the Aliens Acts passed half a century ago.
The Urgency of the Problem

20. Our terms of reference do not expressly invite us to say whether, in the light of our examination of this problem, we think that the time has come to introduce legislation to control coloured immigration. We feel, however, that our report will be incomplete and less helpful to the Cabinet if we do not set out the arguments and our conclusions on this major question.

The Case for Early Legislation

21. The principle that the United Kingdom should maintain an open door for British subjects grew up tacitly at a time when the coloured races of the Commonwealth were at a more primitive stage of development than now. There was no danger then of a coloured invasion of this country. In the meantime circumstances have changed. Coloured people are better educated, they can find the passage money, and transport facilities are better developed. There is now not merely the prospect that immigration from the West Indies might accelerate, but that it might be supplemented by immigration from Nigeria, the Gold Coast and other coloured areas. The emigration of coloured workers in search of the benefits which the United Kingdom can offer is likely to be facilitated rather than retarded both by economic development and by constitutional advance in the coloured areas of the Commonwealth. We clearly cannot undertake to absorb in such a densely-populated island inhabited by a different racial strain all the coloured immigrants who may wish to come here. It therefore seems inevitable that a time will come when this immigration will give rise to problems which outweigh the difficulties of, and objections to, enacting legislation to control it. There is a danger that we may be faced with the need for urgent action when it has already become too late. The ideal time for legislation cannot be defined by reference to any precise criteria; and the prudent course would therefore be to legislate without delay. Such legislation would cause no surprise in the white parts of the Commonwealth, though if it covered immigrants from the old Dominions, the legislation would need very full and careful handling to explain it to public opinion in those countries.

22. This argument can to some extent be supported by reference to the interests of the West Indies themselves. Their population is increasing at the rate of 2 per cent. a year, and there is already considerable unemployment. Eventually this growth in population will have to be brought under control or some permanent outlet will have to be found for the excess numbers. So long as this country continues to act as a safety valve the West Indian Governments will have no incentive to look for alternative outlets for their surplus population.

The Case Against Early Legislation

23. From the economic point of view the nation has benefited up to the present from the arrival of coloured workers. Moreover, the problem is to some extent self-regulating: the immigrants will not come here if there is no work. Control which might amount to virtual prohibition of immigration might impose severe difficulties on the authorities in the West Indies at a time when the Caribbean Federation would be struggling to get on its feet. In the field of thought, a decision to impose control would come as a shock to liberal opinion. However disguised, it would be represented as discrimination on grounds of race and colour. Although the absence of any general public demand for action is not in itself a sound argument for refraining from legislation if that would be the right course, it is nevertheless true that in a controversial matter of this kind the Government would wish to be able to count on a satisfactory volume of public support for any step which they decide to take. It is doubtful whether this support would be forthcoming at present. Nor can it be developed, e.g., from the Trade Union movement, unless serious unemployment develops.

Recommendations

24. We all agree that coloured immigration has become an ominous problem which cannot now be ignored. The majority of the Committee, while taking the view that some form of control over coloured immigration will eventually be inescapable, consider that the balance of advantage lies against taking steps to
impose that control at the present time. They think that the situation should be kept under regular review and should be remitted for further examination in perhaps a year’s time. Indeed, in view of current trends in the employment situation it may well prove necessary to review the possibility of controlling coloured immigration at an earlier date than a year from now.

The Lord President dissents from the view that the balance of advantage is against taking action now. He considers that, as the arguments advanced in the Report itself seem conclusive in favour of action at some point, the longer we delay the worse the position is bound to become. Nor does he accept the assumption (in paragraph 23) that the Government would not have a strong body of public opinion behind them if they acted now. He would therefore favour action being put in hand forthwith.

Summary of Conclusions

25. Our conclusions may be summarised as follows:—

(i) In the short-term the present uncontrolled immigration will have progressively serious implications on housing in the areas principally affected, and the problem may reach embarrassing proportions in particular localities (paragraphs 6 and 8).

(ii) While coloured workers have recently made a useful contribution to the labour force the employment situation is clearly hardening somewhat. An actual trade recession might well involve unfortunate incidents where coloured men were either thrown out of work or deprived white men of jobs (paragraphs 7 and 8).

(iii) In the long term, problems relating to housing and employment will become cumulative in direct proportion to the numbers of immigrants, and may be complicated by the emergence of broader problems of social assimilation. The longer-term consequences are therefore at present incalculable (paragraph 9).

(iv) While public interest in this subject is not at present very active, we think there is always a real risk that, as the numbers of immigrants increase, and particularly if there were an unfortunate incident, opinion may become violent (paragraph 10).

(v) We recommend that, if the Cabinet decide to introduce legislation on this subject, the legislation should be on the lines of the draft Bill annexed to C.P. (55) 166. The effectiveness of this would depend not on the criterion of a job to go to (which would be capable of evasion) but on the requirement of housing accommodation (paragraphs 12 to 14).

(vi) Any legislation should contain power to deport immigrants to be exercised on the same basis as the comparable powers to deport aliens (paragraph 14).

(vii) It might be necessary to take a reserve power, which would be exercised by statutory instrument subject to affirmative resolutions, to impose a quota on the total number of immigrants, say in one year. But this would raise far-reaching issues, both in Commonwealth relations and in immigration policy, and will need further examination before any decision to do so can be taken (paragraph 16).

(viii) Such legislation should apply in form to the whole British Commonwealth and Empire, and not to the West Indies alone. It should not apply to citizens of the Irish Republic (paragraph 17).

(ix) Control of immigration from the Commonwealth could be justified in relation to housing conditions, the already densely populated character of this country, the comprehensive nature of the legislation, and by reference to the historical perspective in which action of this kind should be judged (paragraph 19).

(x) The majority of the Committee think that control over coloured immigration will eventually be inescapable, but that balance of advantage lies against imposing it now. The situation should be re-examined in about a year’s time unless, because of further
deterioration in the employment situation for coloured workers, it becomes necessary to review it earlier.

The Lord President considers that the balance of advantage would lie in taking action forthwith and that the arguments support this view (paragraph 24).

K.
(on behalf of the Committee):

House of Lords, S.W. 1,
20th June, 1956.