CABINET

COLONIAL IMMIGRANTS

SUPPLEMENTARY REPORT OF THE COMMITTEE OF MINISTERS

As requested by the Cabinet on 11th July (C.M. (56) 48th Conclusions, Minute 10) the Committee of Ministers under my Chairmanship have examined (i) the justification for excluding citizens of the Irish Republic from any control which might eventually be imposed on immigration into the United Kingdom from Commonwealth countries; and (ii) the justification for continuing in any event to extend the United Kingdom franchise to Irish Republican citizens who are resident here. The Committee have also taken the opportunity to review (iii) the continuing trend of coloured immigration during the current year.

Conclusions

2. Our conclusions are as follows:

(i) Immigration Control.—We are satisfied that there are sound and convincing practical reasons for continuing to exclude citizens of the Irish Republic from immigration control, even if it is eventually decided to regulate the entry of Commonwealth citizens. (Paragraphs 3-7.)

(ii) Franchise.—It seems anomalous that the franchise should be extended to Irish Republican citizens resident here, and it would be difficult to justify giving them the vote if they did not have it already. But to take the franchise away from them now would involve a departure from the views expressed by members of the Government when in opposition; it could not be done without fresh and controversial legislation, and there would be troublesome administrative difficulties to be surmounted. We formed the view that, unless some entirely new development should force the reconsideration of the matter, it would scarcely be practicable in the absence of any new factor to seek to reverse a decision which had already been taken and which has been in effect for several years. (Paragraphs 8-13.)

(iii) Our examination of the trend of coloured immigration during the current year, and of the incidence of unemployment among coloured people, has disclosed nothing which would suggest that the problem has become markedly more urgent than it was when last reviewed in July. (Paragraphs 14-16.)

Immigration Control

3. Control over the movement of people between what is now the Irish Republic and the United Kingdom, or Great Britain, has never been enforced, except for security reasons during the war years when it was imposed upon movement between the whole of Ireland and Great Britain. The policy of continuing to extend to citizens of the Irish Republic the same privileges and status in this country as they had previously enjoyed, despite the Irish Republic ceasing to be part of Her Majesty's dominions, was the result of very careful consideration in 1949, a result accepted at that time by members of the Government when in
Opposition. A selection of statements made then is set out in Annex "A." Among the considerations leading to the so-called "non foreign" policy were a desire not to prejudice either the position of the many British subjects resident in the Republic who were proud of their associations and wished to retain British nationality, or equally that of Southern Irishmen in Crown service; the desire on both sides to continue preferential tariff arrangements; the reluctance of other Commonwealth countries, particularly those with large Irish populations, such as Australia, to see the Irish Republic become a foreign country and treated as such. This policy embodied in the Ireland Act, 1949, made it possible to continue to treat the British Isles for purposes of immigration control as a geographical unit comprising Great Britain, Ireland, Isle of Man and the Channel Islands, citizens of the Irish Republic being as free as British subjects to enter the United Kingdom.

4. There are the following practical arguments for continuing this state of affairs:

(a) Passenger traffic between Ireland and Great Britain is very heavy—estimated at 1 million passengers annually in each direction.

(b) Control over such a large volume of traffic would lead to delay at the ports and consequent annoyance to our own travellers, both business and private. Even during the war control was felt by many to be intolerable.

(c) As it would be very difficult indeed effectively to supervise movement across the land border between the Irish Republic and Northern Ireland, the control of sea traffic would have to extend in practice to movement to and from Ireland as a whole. This would be offensive to the sentiments of the patriotic and loyalist majority of the population of Northern Ireland, who would have to be required to carry documents of identity.

(d) Any form of control must be expected to have some hampering effect on the ready flow of Irish labour (both from the Republic and from Northern Ireland) which has long been a valuable source of manpower to industries and services in Great Britain and is likely to remain so as long as our demands for manpower remain so high as they are at present.

(e) Additional staff, estimated at thirty Immigration Officers at a salary cost of £25,000 a year, would be required at the ports, and correspondingly more staff in the Home Office.

(f) It would, of course, be necessary to seek legislative powers (by revising appropriately the Bill at present in draft) if it were decided to bring residents in the Irish Republic within the scope of any control which might be imposed over the entry of Commonwealth citizens into this country; and it is a matter of political judgment whether, given the special circumstances of the Irish Republic, the scope of possible controversy over the Bill would be widened or reduced by such a decision.

5. It is also to be noted that the presence in the United Kingdom of comparatively large numbers of Irish Republican citizens does not give rise to the same kind of problems or forebodings as the presence here of similar numbers of coloured people might be thought to justify.

6. There is, however, one further point that arises out of the freedom of movement now enjoyed by Irish Republican citizens in relation to the possible need to impose control over the entry of coloured people. There is a possibility that coloured immigrants might try to evade the control by travelling first to the Irish Republic in transit to this country. As regards alien immigration the Irish Republican authorities co-operate in advising us of aliens arriving in the Republic en route for the United Kingdom. Whether they would be willing to take the fresh powers that would undoubtedly be required to enable them to extend this collaboration to cover the cases of immigrants in transit from Commonwealth countries, is a matter of speculation. If only a few individual coloured immigrants gained access to the United Kingdom in this manner, the existence of this loophole could be neglected, since the primary object of the Bill which has been drafted is to restrict or prevent immigration in the mass. If, however, this loophole were to be used to evade the control on a large scale preventive action would need to be
taken. The arguments against imposing full control over Irish traffic have already been pointed out in paragraph 4 above, and it would therefore be necessary to consider putting on at the ports of entry from Ireland an immigration control applied solely to coloured people.

7. There remains the question whether the system of preferences, under which our trade with the Irish Republic is still carried on, would be jeopardised in any way simply by the decision to include citizens of the Irish Republic in any control which might be imposed to regulate the entry into this country of Commonwealth citizens generally. We have been ready, if a foreign country with “most-favoured-nation” rights claims the benefit of the same treatment, to plead the special geographical, historical and economic connections which we have with the Irish Republic; but these arguments are of doubtful validity in international law and the continuance of the preferential system really rests on the fact that it has not been seriously challenged. In bringing citizens of the Irish Republic within the scope of any control which might be imposed on Commonwealth citizens generally, we should not be giving greater emphasis than now to the alien status of the Irish Republic—indeed, rather the reverse—and it seems unlikely that such a step would in itself encourage foreign countries to put forward claims for “most-favoured-nation” treatment which might jeopardise the future of the preferences system in trade with Ireland.

The Franchise

8. The Committee felt that it was certainly anomalous in principle that Irishmen who owe allegiance to the Republic should nonetheless enjoy the United Kingdom franchise. The right is not reciprocal, and citizens of the United Kingdom and colonies resident in the Irish Republic are not entitled to vote there unless they are also citizens of the Republic and so declare themselves.

9. But the enjoyment of the franchise by citizens of the Republic follows automatically from Parliament’s decision in connection with the Ireland Act, 1949, that such citizens who are not British subjects should continue to have in the United Kingdom the same rights as British subjects. Section 3 (2) of the British Nationality Act, 1948,* provided that any law in force in any part of the United Kingdom on 1st January, 1949, should, until provision be made to the contrary, “continue to have effect in relation to citizens of Eire who are not British subjects, in like manner as it has effect in relation to British subjects.” This provision was explicitly preserved by Section 3 (1) of the Ireland Act, 1949.* Section 1 (1) of the Representation of the People Act, 1949,* a consolidation measure enacted later the same year, specifically provided that citizens of the Irish Republic were entitled to vote, subject only to the same conditions as British subjects.

10. Many citizens of the Irish Republic are also British subjects. The householder who provides the information on which the electoral registration officer must in practice depend in compiling the register has for the purpose of completing the form usually to rely on statements made to him by those in his household. But many Irish people in this country may not be sure of their own status. If a person, though of Irish ancestry, claims to be a British subject, the householder will no doubt enter him on the form as such. On the other hand, if a member of the household does not know whether he is British and does not claim to be, the householder would probably not enter him on the form.

It is therefore possible that the electoral register might include the names of some persons who thought they were British but were not so in fact, and exclude the names of some who were in fact British, though they did not think they were. It may be felt that this would not matter very much: on the one hand there can really be little objection to allowing an Irishman who regards himself as a British subject and in allegiance to the Crown to vote; and on the other hand, it is regarded by some people as objectionable to allow a person who regards himself as a citizen of the Irish Republic and not as a British subject the right to vote for the election of a Member of Parliament in a country to which he has no loyalty.

But the electoral register should contain the names of all persons entitled by law to vote and of them only, and from this point of view anything that is likely to diminish the accuracy of the register is to be deprecated. While we would certainly not regard this as an argument of first importance against the disfranchisement of Irish citizens if this were thought desirable on wider grounds of policy, we feel bound to mention that such disfranchisement would tend to have this result.

* These legal provisions are set out in extenso in Annex B.
11. Although the point about reciprocity was put, without satisfaction, during the debates on the Ireland Bill in 1949, the Conservative Party then in opposition accepted the fact that the rights and privileges which Irish Republican citizens would continue to enjoy here would include the franchise. This decision having been taken, and given statutory authority, it cannot now be modified without fresh legislation. No doubt the opportunity could be taken in some future Representation of the People Bill—there is none in prospect at present—to withdraw the franchise from Irish Republicans; but, now that the franchise has been granted for several years, this could not be done without some element of controversy and some impairment of our relations with the Republic.

12. As regards numbers, statistics are not available to show how many Irish Republican citizens are entitled to vote in United Kingdom elections. At the 1951 census about 235,000 persons in Great Britain who were over twenty-one and had been born outside the United Kingdom gave their nationality as Irish, but this is not a reliable figure because some of them probably had British nationality as well as Irish citizenship, and others may have wrongly described themselves as British. Since then there has been a substantial increase in the number of Irish in Great Britain. Whatever the total, not all Irish citizens are entitled to vote here, for no one can get on the electoral register until he has resided in this country for a period varying between four and sixteen months depending on the time of year of his arrival. Many Irish citizens come here for short visits, and the electoral register which is based on the date 10th October cannot for instance include seasonal workers who come for the summer only.

13. In view of all these considerations the Committee felt that while circumstances and relations with the Irish Republic remain much as they are at present it would scarcely be feasible to take steps to withdraw the franchise.

Coloured Immigration—Current Developments

14. There have been no very remarkable new developments in regard to coloured immigration during the current year. About 23,000 West Indians arrived in the first eight months of 1956 compared with 26,000 in the whole of 1955. After making some allowance for a seasonal lull as winter approaches the total number arriving this year is likely to exceed last year's figure, but not greatly so. In any event, it seems that the rate of immigration of West Indians has steadied somewhat and is not proceeding along the geometrical progression of recent years. The numbers of coloured immigrants from other parts of the Commonwealth seem likely to be slightly less this year.

15. In the three months since the Committee and the Cabinet last examined the matter, nearly 9,000 West Indians have arrived here. As during this period the number of unemployed coloured workers rose by only 1,500 it is evident that most of them are able to find employment, and that saturation point in the demand for coloured workers has not yet been reached. The total number of coloured people at present unemployed is rather less than 7,000. Though in proportionate terms this total is three or four times the national average, the figure is thought to be attributable partly to the fact that the immigrants take a little time to settle in employment and move initially from job to job, and partly to the fact that they have tended to settle to a considerable extent in Midland towns affected by recession in the motor-car industry and, being relative newcomers, have been among the first to become redundant under the "last in—first out" principle. Only about half of the unemployed coloured workers have needed to have recourse to public funds, whether unemployment benefit or national assistance.

16. Although the tide of immigration is still running at an uncomfortably high rate, matters have not taken a further turn for the worse this year. And there is some reason to believe that the reports which the immigrants send home on conditions here, and which hitherto have stimulated their families and friends to make the journey, are now somewhat less glowing than they were at an earlier stage. The situation does not therefore appear to be developing in such a way as to give the Committee grounds for modifying the conclusions on the general problem of coloured immigration which they submitted to the Cabinet in July.

K.
(on behalf of the Committee)

House of Lords, S.W. 1,
12th November, 1956.
ANNEX A

Extracts from Debates on the Ireland Bill


Mr. Eden: "The Prime Minister argued to-day—and I cannot dispute it—that the special relationship existing between our two countries and the constant coming and going of citizens between Ireland and the United Kingdom would make it ridiculous for either country to treat the people of the other as aliens, if by any reasonable means that can be avoided. From that view I do not dissent and we on these benches, for this and other stronger reasons, to which I shall refer in a moment, give our broad support to the Bill."

Col. 1871.

Mr. Eden: "In one of its Clauses (the Bill) declares that the operation of the British Nationality Act is not affected by the secession, and so we are invited to note that a citizen of the Republic of Ireland remains entitled to the rights of a British subject. That is not an insignificant privilege which we are conferring upon these men and women. It includes the right to vote in our elections, to be a member of this House, to hold a position in the Civil Service and to be sworn of Her Majesty's Privy Council—these and many other important and responsible rights. And with rights go duties. In particular, while there is conscription in this country there is the duty of military service. . . .

"I have no desire to argue the relative merits of reciprocal benefits as between this country and the new Republic, though there might be quite a lot which could be said on that topic. None the less, at least the appearance of reciprocity should be there. I hope that the Lord President of the Council will, when he replies to-night, be able to tell us a little more about that than the Prime Minister was able to do in his opening speech."

(The Lord President, in replying to the Debate, did not deal with this point.)

Col. 1951.

Sir David Maxwell Fyfe: "We are recognising the facts of association between the two countries. We are recognising that citizens of the Republic are to be found as valuable members of society in all walks of life, including the Service of the Crown, and that it would be unreasonable to embark on the upheaval which would be necessary to ensure that they all opted to be British or registered as aliens, in the latter case losing jobs which they are doing well. Thirdly, in my view, to turn into aliens the citizens of the Republic who are travelling to and fro and living here would be an unreasonable course."


Sir David Maxwell Fyfe: "... at a time in the development of our Commonwealth when there are many difficult problems arising, for this country to have said 'We will not trouble about the repercussions of these problems; we shall, although you have left us, treat your citizens as if you had not,' is something which will be remembered amongst the generous gestures in the history of the world."

ANNEX B

Extracts from Statutes

British Nationality Act, 1948—Section 3, Sub-Section (2)

(2) Subject to the provisions of this section, any law in force in any part of the United Kingdom and Colonies or in any protectorate or United Kingdom trust territory at the date of the commencement of this Act,* whether by virtue of a

* i.e., 1st January, 1949.
rule of law or of an Act of Parliament or any other enactment or instrument whatsoever, and any law which by virtue of any Act of Parliament passed before that date comes into force in any such place as aforesaid on or after that date, shall, until provision to the contrary is made by the authority having power to alter that law, continue to have effect in relation to citizens of Eire who are not British subjects in like manner as it has effect in relation to British subjects.

**Ireland Act, 1949—Section 3, Sub-Section (1)**

(1) It is hereby declared that—

(a) the operation of the following statutory provisions, that is to say—
(i) the British Nationality Act, 1948 (and in particular, and without prejudice to the generality of the preceding words, sections two, three and six thereof);

(ii)

(iii)

is not affected by the fact that the Republic of Ireland is not part of His Majesty’s dominions; and

(b)

**Representation of the People Act, 1949—Section 1, Sub-Section (1)**

(1) Subject to the provisions of Sub-Section (2) of this section, the persons entitled to vote as electors at a parliamentary election in any constituency shall be those resident there on the qualifying date who, on that date and on the date of the poll, are of full age and not subject to any legal incapacity to vote and either British subjects or citizens of the Republic of Ireland:

Provided that a person shall not be entitled to vote as an elector in any constituency unless registered there in the register of parliamentary electors to be used at the election nor, at a general election, to vote as an elector in more than one constituency.