

The Historical Roots of the Windrush Scandal

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About this Report

This report is in response to Wendy Williams' 'Windrush Lessons Learned Review', which was published on 19 March 2020. In particular, it addresses Williams' Recommendation 6, which states that the Home Office must ensure that 'all its existing and new staff learn about the history of the UK and its relationship with the rest of the world, including Britain's colonial history, the history of inward and outward migration and the history of black Britons'.

As such, this Report is intended primarily as a resource to improve understanding of the historical development of immigration policy at the Home Office, and how this history shaped, and was shaped by, the history of race in the British Empire. It is designed to be accessible and readable while at the same time providing useful and essential historical context to the work of the Home Office.

The Report was researched and written during a 10-month period and involved the consultation of hundreds of files at the National Archives, oral history interviews, and an extensive literature review of extant secondary source material. The Report is also informed by hundreds of conversations with Home Office staff; these are reflected in what follows.

This is a research report commissioned by the Home Office in response to a Windrush recommendation but does not represent government policy and the views included in it are those of the author.

This report is identical in content to the internal version made available to Home Office staff since 2022, except for the removal of the names of junior officials in the "Note on Contributors" page (page 3) and the contact details for an internal Home Office Employee Assistance Programme (which were on page 2).

Finally, it should be noted that this report contains references to racism and/or racist terminology. These are included for purposes of historical accuracy, but readers should read ahead at their own discretion.

Note on Contributors

VOLUNTARY RESEARCHERS

Objective 2.3 of the Home Office Race Action Plan promised to provide opportunities for Black, Asian and minority ethnic Home Office colleagues to contribute to this piece of research. Many have done so, particularly those involved with the Shadow Race Board, and special thanks are due to those who made invaluable contributions to the research process and who conducted outstanding research on the history of parliamentary debates on immigration.

ACKNOWLEDGEMENTS

The National Archives were immensely helpful in facilitating access to archival material, especially at a time when Covid-19 restrictions made this difficult, and thanks are due to their team. Home Office colleagues in the Knowledge and Information Management Unit (KIMU) provided essential advice and support.

Executive Summary: Learning Lessons from History

This report tells two stories alongside one another. The first story it tells is that of the administration of what might loosely be called 'immigration policy' in the United Kingdom, in which the movement of people across the borders of the British Isles was periodically restricted and controlled. The second story it tells is that of the history of black people and other ethnic minorities in Britain, whose lives were profoundly shaped by the politics of race in the British Empire and, latterly, the United Kingdom.

Gradually, the politics of race and immigration became intertwined with one another to the extent that during the period 1950-1981, every single piece of immigration or citizenship legislation was designed at least in part to reduce the number of people with black or brown skin who were permitted to live and work in the UK. The complex history of the British Empire explains why race and racism as political and social issues developed as they did in the UK; the actions of postwar governments explain the state of play in the twenty-first century – of which the deep-rooted racism of the Windrush Scandal is a symptom.

These are the general themes, but there are also more specific lessons to be learned from an investigation of the historical roots of the Windrush Scandal. These are as follows:

1. The Windrush Scandal was caused by a failure to recognise that changes in immigration and citizenship law in Britain since 1948 had affected black people in the UK differently than they had other racial and ethnic groups. As a result, the experiences of Britain's black communities of the Home Office, of the law, and of life in the UK have been fundamentally different from those of white communities.
2. Major immigration legislation in 1962, 1968 and 1971 was designed to reduce the proportion of people living in the United Kingdom who did not have white skin.
3. The relationship between the Home Office and organisations set up to deal with race relations was dysfunctional in the second half of the twentieth century. The work of various governmental bodies in combatting discrimination in the UK was separate from the task given to the Home Office to reduce immigration. This led to a paradoxical situation in which immigration policy assumed that too many immigrants from a minority ethnic background were bad for society, but race relations policy promoted the idea of racial equality.

This report does not make recommendations as such. It is intended as an accessible explainer on how race and immigration policy came to be so closely entwined in the political history of the UK.

Introduction

My personal feeling, as I have said before, is that people in the future are going to be astonished at the almost accidental way in which this country has acquired half a million coloured immigrants without giving thought to the implications of doing so, while, from the purely departmental viewpoint, I am sure that the Home Office is going to hear a great deal more of racial problems.¹

W.N. Hyde, Home Office official, writing to colleagues in 1963

This Report is intended to explain the historical causes of the series of events which came to be known as the ‘Windrush Scandal’.

The details of the scandal are well known: people who migrated to the UK between 1948 and 1973 and lived and worked there legally were wrongfully detained, denied rights, and threatened with deportation (or actually deported) by the Home Office.² Less well known is the historical background to the scandal: the long-term history of the Home Office and immigration to the UK from the British Empire, and the short-term history of immigration legislation and the experiences of the so-called ‘Windrush Generation’. This Report explains that historical background.

There is a paradox at the heart of the Windrush Scandal. While, on the one hand, Wendy Williams (the legal expert appointed to investigate the scandal) stated unambiguously that those affected were ‘a racial group ... who almost all are black’, she nonetheless was ‘unable to make a definitive finding of institutional racism’.³ How is it possible that a policy whose failure affected specifically black people was not the product of institutional racism?

The solution to this paradox lies in the complex, entangled history of race, immigration and the Home Office. The demographic makeup of the United Kingdom, the shape and content of immigration law, and the role and structure of the Home Office are all products of centuries of historical evolution. If we are to understand anything about Windrush and its implications for policymaking at the Home Office, an understanding of this history is essential.

This Report is a direct response to Wendy Williams’ assertion that history, and a lack of knowledge of history, was a ‘root cause’ of the Windrush Scandal.⁴ It aims not only to outline the relevant historical background to Windrush, but also to explain *how* and *why* this history matters.

What follows is split into six chapters. The first two chapters cover a vast period – from the mediaeval period, through the establishment of the Home Office in 1782, right up

¹ W.N. Hyde, HO Circular, HO 344/92, The National Archives, 8 February 1963

² For full details of the Windrush Scandal, see Wendy Williams, *Windrush Lessons Learned Review*, HC 96 (March 2020).

³ WLLR, 11, 7.

⁴ WLLR, 12.

until the twentieth century. The third chapter looks at the impact of the two world wars and the early pieces of immigration legislation that 'set the scene' for the twentieth century. The fourth, fifth and sixth chapters focus on the lives of the so-called Windrush Generation, following their journey as the rules and attitudes toward immigration changed around them.

1. The Constables of Dover (1066-1782)

Britain, a collection of islands off the coast of a major continental land mass, has always been defined in part by the relationship it has with the rest of the world. Other, comparable, European countries such as France and Spain border lots of other territories, and so are necessarily connected with the world in a way that Britain is not. Major events in British history – the Reformation, the rise and fall of the British Empire, the Second World War – have often been the result of changes in the way Britain engages with the rest of the world.

Nowhere does this rule hold truer than in the history of British immigration and emigration. Groups of people who come to settle in Britain have always had very clear motivations for doing so, whether that is as violent conquerors like the Romans and Normans, refugees from persecution like the Huguenots and Jews, or economic migrants like the Windrush Generation or those from the European Union. There has also, of course, always been political negotiation and debate about who is 'allowed' to stay, live and work in Britain, and who is not.

SETTLERS AND INVADERS

The earliest known settlers of the British Isles were a diverse ethnic mixture of tribes, the most well-known of which are the Celts and Picts. The oldest human remains discovered to date, however, are those of Cheddar Man who, according to mitochondrial DNA analysis, had black skin, brown hair and green eyes.

The demographic history of Britain changed profoundly with a series of military conquests. In 43 AD the Romans expanded their Empire to Britain, and with them brought not only technology, language and infrastructure, but also an exceedingly diverse assortment of peoples from around the world. Roman subjects from the Mediterranean, Africa, the Middle East and all over Europe settled in Britain.

As the Roman Empire crumbled, so Britain was invaded by new tribes: the Jutes, Angles, Saxons and Vikings colonised different regions, adding new languages, cultures and ethnicities to those left by the Romans. Finally, there came the most famous invasion of them all: the Normans, victorious at the Battle of Hastings in 1066, installed William I as King of England, and once more the language, culture and demography of the British Isles began to change.

MEDIEVAL IMMIGRATION POLICY

William the Conqueror, as he became known, was the last person to lead a successful foreign invasion of the British Isles. He was also the first English ruler to set up a system of immigration control. A new government post was created, the Constable of Dover, whose job it was to monitor and vet travellers passing through the ports of the South East. The Constable of Dover was expected to keep out enemies of the monarch, marking the beginning of the long historical association between immigration law and security policy.

William also encouraged immigration when it suited him. He invited the first Jewish communities to settle in Britain for the economic role they could play, and invited other religious groups to settle a power struggle with the Archbishop of Canterbury. In doing so, he set the precedent for another familiar trope in the history of immigration policy: the invitation of immigrants deemed 'useful' to society.

By the end of William's reign, there was a clear sense that immigration control could be a potent political weapon, and his successors followed his lead in a variety of creative ways. Henry II ordered the Constable of Dover to keep Thomas Becket out of England in 1170, only for Becket to sneak in via Sandwich to Canterbury where he was tracked down and brutally murdered. Richard the Lionheart's brother, Geoffrey Plantagenet, similarly landed illegally, this time at Dover, whereupon he was literally dragged by his feet to the Constable of Dover and thrown into prison.

Immigration controls began to be applied to ethnic and religious groups as medieval monarchs exercised their power. Wine merchants from Cologne were given privileged permission to cross the Channel in 1204, and by the 14th century, Flemish migrants were being encouraged to settle in England for their weaving skill and to replace population lost during the Black Death. At the same time, those same Flemish immigrant communities were the first to be murdered by Wat Tyler's followers during the Peasants' Revolt of 1381. Medieval antisemitism, a phenomenon common throughout Europe at that time, was also present in England: Edward I decreed that Jewish people should have to wear a placard around their necks, and in 1290 expelled them altogether.

By the beginning of the 15th century, the politics associated with immigration were beginning to take shape. Various monarchs had used their power to dictate who could enter or leave the country, massaging the demographics of the kingdom to solve social or economic problems and using the ports to prevent individuals or information that might be a threat to the king.

This dynamic became more formally entrenched as the apparatus of the English state grew in size and sophistication. Immigration policy became a tap to be turned on or off by monarchs, depending on the diplomatic or economic demands of the time. Richard III, for example, who reigned from 1483-1485, notoriously placed strict restrictions on the issue of licenses or "passports" to prevent his enemies from leaving or entering the country, but by 1496 a "Great Treaty" was signed to protect in law the free movement of Flemish merchants. Indeed, the use of laws rather than monarchical decrees became increasingly common as the 16th century wore on.

THE TUDOR STATE

As is the case in so many areas of English, and indeed British, history, immigration was profoundly affected by the Reformation, and in particular Henry VIII's decision to split from the Catholic Church and proclaim himself Head of the Church of England in

1534. England became, from then on, a destination for victims of religious persecution on the continent: following the St. Bartholemew's Day Massacre in 1572, for example, Huguenots from France began to take refuge in England – 70,000 initially making the journey and beginning a tradition which would last for centuries.

This worked both ways, of course: Elizabeth I used her powers to deport suspected Catholic agents on a number of occasions, and the threat of invasion from Catholic Spain led to ever tighter restrictions at ports. In the seventeenth century, port security was formalised and consolidated into a new government body called the Clerks of the Passage, and Samuel Pepys served as Clerk of the Acts of Admiralty – essentially the head of immigration enforcement – in 1672.

What, then, does this tell us about the historical roots of the Windrush Scandal? Clearly, long before the Home Office was created, a number of traditions and assumptions had been established when it came to immigration. Economically, immigration policy could be used to import skills or to bolster the labour force; politically, immigration policy could be used to alter the demographics of the population by creating a haven for refugees or banishing a particular social group; and in terms of security, immigration policy could be used to prevent people or information deemed to be a threat from entering the kingdom. These precedents were all significant in shaping the evolution of the Home Office after its establishment, as we shall see in the next two chapters.

In short, the flow of people in and out of the kingdom was a recognised “issue” that successive monarchs and their governments had acknowledged as important enough to make policy for and to try to control. By the second half of the twentieth century, immigration would be well established as an avenue through which governments could try to solve social and economic problems – as the Windrush Generation would discover.

2. Civis Britannicus Sum (1782-1880)

If immigration policy before the Home Office was focused on establishing control of borders and ports, then immigration policy in the 19th century was focused on working out 'why' and 'how' those borders would be controlled.

During the Victorian period, governments began to develop the practical tools with which Britain's borders would be policed, but, more importantly, the 'rules' which would govern immigration policy throughout the 20th century. This happened in two important ways.

One, the Home Office was established, and shortly thereafter the Aliens Department, responsible for immigration. The purpose of immigration control was, from the outset, to keep out people who were considered a threat to the political stability of the nation. The job of the Aliens Department in the early Home Office was not concerned with protecting jobs nor citizenship, but protecting security.

Two, the Victorian period was the time when ideas about race, nationality and citizenship developed into theories of government – in other words, it was when Britain and other imperial countries began to assume that white Europeans were racially and ethnically superior to the indigenous peoples of the countries they had colonised, and that this superiority had to be defined, preserved and exported.

ENTER THE HOME OFFICE

On 14 September 1792, the Foreign Secretary Lord Grenville received a letter from one of his officials about the 40,000 refugees who had fled France to escape the violence of the French Revolution:

By what I learn, the majority of these people are of a suspicious description and very likely either to do mischief of their own accord or to be fit tools of those who may be desirous of creating confusion.⁵

Three months later, Grenville announced to Parliament that a new piece of legislation had been prepared by his civil servants to deal with these troublesome foreigners, and on 7 January 1793, the Aliens Act became law – the first piece of immigration legislation in British history.

The Foreign Office itself had been created as a result of a different revolution: the American War of Independence, during which Britain had, of course, lost one of its key colonies. It was decided in 1782 that the existing governmental machinery, which was then divided into the 'Northern' and 'Southern' Departments, should be reorganised into a 'Foreign' and a 'Home' Office in an attempt to improve efficiency.

⁵ Quoted in J.R. Dinwiddy, 'The Use of the Crown's Power of Deportation Under the Aliens Act, 1793–1826', *Bulletin of the Institute of Historical Research*, 41 (1968), 193-211.

Although the Foreign Office had drafted the Aliens Act, it was left to its sister department to carry out the new legislation. A new 'Aliens Office' was created as a sub-department of the Home Office, with a man named William Huskisson at its head.

The Aliens Office was, technically, the first incarnation of today's Immigration Enforcement Directorate, but it is better imagined as a very early prototype for the Security Services. Its staff were codebreakers, spies and other agents, and its currency was intelligence. It relied heavily on contact with the police, building networks of surveillance to track foreign visitors whose explanations for being in the country were not, in the view of the Aliens Office, satisfactory. Controversially, in a foreshadow of future debates about the legal status of the Security Services, the Aliens Act and Aliens Office were criticised by MPs for the potential threat both posed to Habeas Corpus.

The 1793 Aliens Act, though, never developed into an immigration 'system'. It was clear that the provisions of the Act were tailored to the specific circumstances of the French Revolution – the *Times* dubbed it 'The French Immigration Bill' – the threat of which receded after the defeat of Napoleon in 1815. The Aliens Office faded into obsolescence: a new Act in 1836 removed much of its purpose, leaving just one clerk in the entire Home Office with responsibility for aliens. In 1842, just one foreign-born passenger of the 704 who landed at Hull bothered to register with the Home Office.

Elsewhere in Europe, states such as France and (what was to become) Germany took a much stricter stance on immigration than did Britain. As early as the 1790s, France pioneered forms of the modern passport, and Germany, like other European countries, established a sophisticated bureaucracy to help police its borders. Such measures were anathema to British policymakers: when in 1858 the Prime Minister tried to introduce a counter-terror Bill to Parliament with stricter controls on immigration, he was voted down and forced to resign.

In fact, from at least the 1820s up until 1905, Britain had effectively no controls on immigration. A new Aliens Act in 1836 was much more lenient than its predecessor and relieved the Home Office of much of its responsibility; rather, it was the Metropolitan Police who saw their powers increased with each new piece of legislation. Whenever there were attempts to limit or reduce the presence of groups of people, the Home Office was an afterthought. In 1847, when a Bill was rushed through Parliament to deport Irish migrants back to Ireland during the potato famine, the police were the main recipients of the powers it created; in 1848, the 'Year of Revolutions', 100,000 special constables were created to combat domestic unrest, but the Aliens Office remained obsolete.

The Home Office had been drawn in to the politics of the French Revolution within a decade of its establishment, but by the end of the 19th century its role in immigration control had all but disappeared.

THE MOTHER COUNTRY

The legislation of the nineteenth century gave the Home Office a short-lived role in immigration control. What was still to be decided, however, was the rules which would

determine who was entitled to live in Britain and who was not. Temporary crises like the French Revolution were one thing, but deciding who could call themselves 'British' in peacetime was another matter.

In 1850, Lord Palmerston, the Victorian politician who served as Home Secretary, Foreign Secretary, and (twice) Prime Minister, famously said of the British Empire that

as the Roman, in days of old, held himself free from indignity, when he could say *Civis Romanus sum* [I am a Roman citizen]; so also a British subject, in whatever land he may be, shall feel confident that the watchful eye and the strong arm of England, will protect him against injustice and wrong.⁶

Palmerston's expression was remarkably enduring. 104 years later, a junior Colonial Office Minister called Henry Hopkinson paraphrased Palmerston in the House of Commons, declaring that 'we still take pride in the fact that a man can say *Civis Britannicus sum* whatever his colour may be, and we take pride in the fact that he wants and can come to the Mother country.'⁷

'*Civis Britannicus sum*' meant, as it had in the Roman Empire, that any person born on British territory could claim to be a British citizen and be entitled to all of the rights which that entailed. This was the philosophy which glued together the British Empire, as its language, culture, education, sport, technology and models of government were exported to its colonies across the globe.

In reality, of course, there were hierarchies inscribed into this theory of imperial citizenship which meant that, to paraphrase George Orwell, some could say '*Civis Britannicus sum*' with more confidence than others.

For the Home Office, the crucial dilemma throughout the 19th century was how it discriminated between those who could lay claim to Palmerston's grandiose notion of vaguely 'belonging' to the British Empire and those who were entitled to a more formal set of rights. While there was no such thing, technically, as British citizenship until the British Nationality Act 1981, there *were* distinctions between different groups of people and to what they were entitled.

There had been disputes about the rights of 'foreigners' before the 19th century, such as when Henry VIII was urged in 1523 to impose restrictions on the lands and possessions of aliens, or when Sir Walter Raleigh petitioned Queen Elizabeth to prohibit aliens from trading in England. In 1707, when the Acts of Union merged England with Scotland, Scottish, English and Welsh people had property rights which remained denied to the Irish and other nationalities.

These basic distinctions became more entrenched in the 19th and early 20th centuries. While everyone born within the Empire was, in some senses, British, in reality there were legal distinctions: men (and only men) born on the UK mainland were considered to possess an 'indelible allegiance' to the Crown, and enjoyed special privileges in property, employment and other rights. This meant that there was a big incentive to

⁶ For full text of the speech, see <<http://www.historyhome.co.uk/polspeech/foreign.htm>>.

⁷ Henry Hopkinson, HC Deb, vol. 532 cc. 827, 05 November 1954.

apply for what was termed 'naturalisation' – an expensive legal process which required an Act of Parliament, but one which would enable the 'naturalised' to claim virtually the same privileges as those born on UK soil.

Gradually, these distinctions were underpinned by legislation. In 1844, Parliament gave responsibility for issuing certificates of naturalisation to the Home Office, whose officials had to assess applicants according to their 'character' and 'respectability'. Predictably, this process was inconsistent, often unfair, and the source of much dispute. A new Naturalisation Act in 1870 tried to shore up what exactly was meant by 'indelible allegiance', providing the opportunity for anyone to renounce their existing citizenship and requiring five years' residence in the UK even to apply for naturalisation.

The rules on nationality and citizenship within the 'mother country' were much less strict, however, than the rules governing citizenship elsewhere in the British Empire. Despite notions of 'Britishness' stretching across the globe, the rules were different depending on where people had been born and where they lived. Those who had been legally 'naturalised', for example, were deemed aliens once again if they travelled to the colonies, whereas people born in the UK remained UK nationals wherever they were.

The most dramatic distinctions were those made between racial and ethnic groups. Even in the early 1800s, Britain's share of the global slave trade was still over half – an indication of the extent to which racialised enslavement was central to the economic and political life of the British Empire. This system was, naturally, justified and underpinned by the development of new forms of crude skin racism, which became central pillars of the Victorian worldview.

The emergence of racism as an ideology in Britain dates back to the 18th century, and is indeed directly linked to attempts to justify the institution of slavery. Influential philosophers such as John Locke and David Hume wrote about the 'natural inferiority' of black people to whites, and Locke in fact served as a senior administrator of slave-owning colonies in North America and Australasia, helping to draft official justifications for the continued enslavement of Africans.

These philosophical proclamations evolved into 'scientific' theories of race. A white planter in Jamaica called Edward Long wrote a famous and highly influential book, *The History of Jamaica*, which was published in 1774 and served as a cornerstone of racial ideology well into the 20th century.

The Victorians developed various theories of racialised science or politics. Some, like Thomas Carlyle (a famous liberal historian) or Anthony Trollope (a novelist), believed black people had been put on the earth specifically to work for white people. Others, such as Francis Galton (the father of eugenics) or Edward Eyre (a Governor of Jamaica), believed that black people were inferior to whites as apes were to humans and should be treated accordingly. There were also those like Thomas Arnold (the founder of Rugby school) and Cecil Rhodes (an imperial industrialist) who believed white people had been entrusted by God to 'civilise' the child-like natives of Africa, India and other peoples. At the very time Britain was colonising and governing much

of the known world, its political, industrial and intellectual leaders were competing to explain why white people were superior to black people.

Inevitably, the extent to which racist ideology had spread broadly and deeply throughout the British Empire meant that even when slavery was finally abolished in 1833, the belief that black people were either not entitled to or else incapable of equal status with white people within the British Empire remained intact.

On the British Isles, the foreign-born population in the 19th century was almost all white: less than one per cent of the population was of African or South Asian descent, and the vast majority of the foreign-born population was from Germany, France and the United States. The racial dynamics of the Empire were, for the Victorians, something that happened 'over there', not at home, and the practical applications of racist ideology were felt mostly by people who never saw Britain.

After slavery had been abolished and outlawed in the British Empire, corporations like the East India Company continued to use indentured labourers from India and China, and throughout Britain's colonies there remained tight restrictions on the property rights of anyone not from England, Scotland or Wales. Political rebellion in nonwhite colonies, like that of the Indian Sepoy Mutiny of 1857 or the Jamaican Morant Bay Rebellion of 1865, was brutally suppressed, while at the same time white settler colonies such as Australia or Canada gradually acquired more autonomy. Essentially, a racialised divergence between white and non-white countries began to emerge throughout the 19th century, which would be extremely significant when the Empire was broken up from the 1940s onwards.

The idea that different racial groups ought to be kept apart to make governance easier began to manifest in legislation which applied not on the British mainland, but in the colonies. In 1838, Parliament passed the first laws restricting the movement of colonial subjects within British territories, and by the end of the 19th century such legislation was commonplace. The Immigration Restriction Act in the colony of Natal, passed in 1897, is a useful illustration: it required anyone wishing to move through the territory to be in possession of £25 (about £3,000 today) and to have detailed knowledge of a European country and language. Around the same time, the infamous 'White Australia' policy, forbidding people of non-European descent from immigrating to Australia, was implemented in 1901.

Meanwhile, the minority of black people who did see Britain were, for the most part, ostracised. The black population of the British Isles dwindled during and after the abolition of slavery, as people of African descent were 'resettled' or denied entry. A government scheme in 1786 aimed to deport destitute black people from London to and send them to Sierra Leone, a scheme which resulted in the deaths of many of the deportees and led to the resignation of the only black civil servant at the time, Olaudah Equiano.

The ideologies developed within the old colonial system found their way back to the 'mother country'. Take this school textbook, published in 1911, for example, describing the typical black inhabitant of the West Indies as

lazy, vicious and incapable of any serious improvement, or of work except under compulsion. In such a climate a few bananas will sustain the life of a negro quite sufficiently; why should he work to get more than this? He is quite happy and quite useless, and spends any extra wages which he may earn upon finery.⁸

Consider also this 1905 resolution of the Governor General in Council in India, which stated clearly that only Englishmen possessed

partly by heredity, partly by up-bringing, and partly by education, the knowledge of the principles of Government, the habits of mind, and the vigour of character, which are essential for the task ... The rule of India being a British rule, and any other rule being in the circumstances of the case impossible, the tone and standard should be set by those who have created and are responsible for it.⁹

Most succinctly of all, perhaps, was the Liberal Prime Minister Lord Rosebery's question in 1900: 'What is Empire, but the predominance of race?'

The point here is this: the British Empire depended on racist ideology in order to function, which in turn produced legislation aimed at keeping racial and ethnic groups apart, and these ideas were, by the end of the 19th century, beginning to find their way back to the British mainland. Understanding of the experiences of the Windrush Generation is impossible without first understanding that this was the foundation on which immigration policy in the 20th century was built.

The Victorians, then, established two important legacies as far as the Home Office was concerned. First, they cemented the link between security and immigration, and from the late nineteenth century onwards, neither subject could be discussed without consideration for the other.

Second, the Victorians were the instigators of an idea that would become a truism when it came to the work of the Home Office throughout the 20th century. They believed that the British Empire consisted of a range of diverse, diffuse but fundamentally *different* and *unequal* cultures and ethnicities, and that it was the role of government to ensure too much 'mixing' of different cultures and ethnicities did not lead to societal instability or political unrest.

As we shall see, during the 20th century these two ideas began to combine, so that race, security and immigration were interlinked irrevocably at the very moment when 'Civis Britannicus Sum' would be tested to its limit.

⁸ CRL Fletcher and Rudyard Kipling, *School History of England* (1911).

⁹ Quoted in Anthony Kirk-Greene, *Britain's Imperial Administrators, 1858-1960* (Basingstoke, 2000), 247.

3. The Empire Comes Home (1880-1945)

The 19th century had been a period in which the notion of 'Civis Britannicus sum' was relatively easy to maintain: Black people were no longer enslaved, but nor had British policymakers been forced to confront the realities of racial inequality within the Empire directly. Race was still something that existed 'out there' in the colonies.

All that was to change in the early decades of the 20th century. Economic and infrastructural developments brought Britain's imperial subjects from all over the world to the shores of the British Isles, and the twin histories of race and immigration collided, with far-reaching consequences for the country in general and the Home Office in particular.

THE 1905 ALIENS ACT

For most of the 19th century, the choice destination for economic migrants was not Britain, but the United States. The rapidly growing economy of that young country was still recruiting its working class, and refugees and ethnic minorities from older European states frequently travelled, usually through economic necessity, across the Atlantic.

By the 1880s, though, Britain began to be confronted by the political issue of refugees. In 1881, Tsar Alexander II of Russia was assassinated, and his namesake successor introduced what became known as the 'May Laws', a set of measures designed to persecute Jewish communities within the Russian Empire. These in turn provoked violent pogroms from which Jewish people tried to escape. Between 1880 and 1920, around two million Jews left the Russian Empire, mostly settling in the United States and South America.

Some, however, came to Britain. Their arrival forced the government to confront long-held assumptions about security and the mixing of different ethnic groups, but it also seemed to generate many of the hallmarks of immigration policy throughout the 20th century.

First, there were economic concerns. Unemployment in the 1880s was high, and Jewish refugees were forced to make a living working in sweatshops, primarily in the East End of London. This caused localised resentment, and a Sweating Committee and a Parliamentary Aliens Committee were established in the late 1880s. Although neither found evidence that migrant labour was integral to local industries, nor that Jewish migrants were a drain on welfare provisions, the link between poverty, unemployment and the Jewish communities in London was firmly established.

Second, there was the issue of security. At a time when anarchist terror was the primary security concern for the Home Office, the notion of the 'criminal alien' became a focal point for controversy, even though there was no evidence to suggest that immigrants were more prone to criminality, nor more likely to be in prison, than the rest of the general population. The so-called 'Khaki Election' of 1900, which followed

the Boer War, had encouraged the notion that 'foreigners' were to be mistrusted and feared, and this was reflected in public opinion towards Jewish refugees.

Finally, there was opposition in the form of political activism. On the left, the Trade Union Congress in 1892 demanded restrictions on immigration to protect jobs; on the right, the ultra-nationalist William Evans-Gordon, Conservative MP for Stepney, founded the British Brothers' League to defend what he and his allies saw as the ethnic purity of the British Isles. From the early 1880s, both the Tories and Liberals repeatedly attempted to get Bills through parliament, vying with each other to prove to voters that theirs was the party 'toughest' on immigration.

In 1902, a Royal Commission on Alien Immigration was appointed to make recommendations on the issue. The Commission's members were chosen because of their proclivity to oppose immigration (Evans-Gordon was one of them), and duly delivered a verdict recommending both legislation and also the creation of a new 'Department of Immigration'. Tellingly, the Permanent Secretary of the Home Office, Kenelm Digby, published a minority referendum with the Board of Deputies of British Jews in which the Commission's findings were criticised as bearing no relation to the evidence it had considered, and which outlined why any form of immigration control would be unworkable. Nonetheless, drafting for what would become the 1905 Aliens Act proceeded, which Home Secretary Aretas Akers-Douglas laid before parliament on 29 March 1904.

Digby was vindicated in the end; the 1905 Aliens Act was both politically and logistically untenable. An intervening general election in 1906 meant that while the Conservatives proposed the legislation on the basis of the findings of the 1902 Commission, it was left to the Liberals, who had opposed the Act, to enforce it – which they did unenthusiastically and reluctantly.

The Home Office, meanwhile, resented the responsibility that the Act foisted upon it. The Act provided for the appointment of a raft of new immigration officers, who were hurriedly brought in from H.M. Customs and the Board of Trade. At their head was appointed a 'H.M. Inspector under the Aliens Act', a man named William Haldane Porter, who would go on to be the first Chief Inspector of the Immigration Branch of the Home Office. Administering the 1905 Act alone cost the Home Office more than 5 per cent of its annual budget.

The Home Office fell under political pressure from Jewish organizations about its criteria for what constituted a 'desirable' immigrant. The 1905 Act was means tested: those in possession of £5 plus another £2 for each dependant were deemed eligible to enter, and those who convinced officers that their claim to asylum was genuine were also allowed in. Sensitivities multiplied quickly about inhumane testing and unjust distinction between 'desirables' and 'undesirables', making deportation and refusal increasingly untenable for a government of Liberal politicians, some of the most senior of which were Jewish. This, combined with the Liberal government's reluctance to disrupt the shipping trade by ordering too many ships be stopped for inspection, meant that the Act did little to reduce Jewish immigration.

What it did do, however, was lay the infrastructural groundwork for immigration control. There were limits to its capability: some ideas, like that in 1910 floated by the then

Home Secretary, Winston Churchill, of a miniature offshore Ellis Island facility where refugee claims could be processed, were dismissed as unworkable. But there was nevertheless a network of immigration officials on which a system of control could be built; Haldane Porter had 5 superintending Alien Officers, 54 Alien Officers and many more Customs Officers at his disposal, and forged good links with MI5 and other intelligence networks. Unlike in the case of the 1793 Aliens Act, the burst of activity surrounding the 1905 Aliens Act was to be sustained and evolve into a permanent department of the Home Office.

THE WORLD AT WAR

Two things happened to immigration in Britain during the period 1914-1945, in which the British Empire twice engaged in global conflict (1914-18 and 1939-1945). First, the exigencies of wartime changed the paradigm of Home Office work, as domestic security became a priority as never before. The powers and instruments at its disposal increased substantially, particularly in the period between the two world wars, and – unlike a century earlier – this time the Home Office would retain and build upon its new status.

Second, the demands of trade and warfare meant that inhabitants of the British Empire who did not have white skin, and who until now had existed only as distant subjects, increasingly found themselves in Britain, and increasingly wished to make their home in Britain. The British leant on their empire during the First and Second World Wars, recruiting servicemen from across the globe and forging new cultural and social connections.

These two developments were inextricably linked with one another: the disruption and turmoil of the first half of the 20th century displaced people all over the world, but also forced policymakers to envision increasingly ambitious ways of policing Britain's borders. In short, immigration developed from an occasional policy headache to a deep-rooted feature of British political life.

Debate about the Aliens Act 1905 rattled on into the 1910s, and in 1911 a Private Members Bill proposing to tighten the rules was debated in the Commons. Soon, however, it became apparent that diplomatic efforts to avoid conflict in Europe were faltering, and that the British Empire may soon have to go to war. The Home Office was reorganised in preparation for a wartime lockdown, bolstering the Aliens Department with more staff and discussing controls on what remained a relatively unknown situation. Winston Churchill, the Home Secretary, had set up a committee in 1910 to register aliens who were known to the police, which by 1913 contained almost 30,000 names.

When war had been declared, it took just one afternoon on the 5th August 1914 to push a new piece of emergency legislation through Parliament. The 1914 Aliens Restriction Act was a legislative explosion, prepared so rapidly that MPs did not see copies of the Bill until it was read aloud by the Home Secretary in Parliament. With negligible time for debate, it passed into law and remained on the statute books until 1973.

The new Act required aliens over the age of 16 to register with the police, and they faced new restrictions on their activities, as well as being liable to be deported if the Home Secretary thought it conducive to the public good. It removed the right to appeal such decisions to the Immigration Board – a right not reinstated until 1969 – and introduced visas for the first time. Most importantly of all, it granted powers to create new rules via Order in Council, meaning immigration control could now be modified without the consent of Parliament.

It was accompanied by the 1914 British Nationality and Status of Aliens Act, which required aliens to carry registration cards and stipulated that British women who married foreign men would lose their citizenship. As the conflict wore on, further restrictions were added: the 1914 Defence of the Realm Act and various Orders in Council gave immigration officers unprecedented powers and responsibilities, and restricted the movement and activity of ‘foreigners’ as never before.

If the intense political concern about Jewish migration in the early 1900s had appeared to foreshadow a new era of immigration control, then the sudden burst of legislation at the beginning of the First World War confirmed that the new era had begun.

There is much of significance in the First World War about which it is not possible to explain in this Report – particularly concerning policies towards Belgian refugees and German nationals. Here, however, our concern is explaining the historical roots of the Windrush Scandal, so our focus must be on what happened to the interconnected histories of race and immigration during this time.

While it is important to remember that the declaration of war in 1914 meant that the entire British Empire was at war, and that therefore literally millions of soldiers were recruited from India, Africa and the Caribbean, the pertinent developments in terms of later immigration policy happened *after* the Armistice in 1918.

On 31 March 1919, a new Aliens Restriction Bill was announced, which would amend and tighten the provisions of the 1914 Act. Contained within this Bill were statutory instruments which permitted the advent of the 1920 Aliens Order, which itself may be considered, without exaggeration, as the founding document of the modern immigration system. It stipulated that anyone who wished to enter the country could only do so at designated ports and with the leave of an immigration officer, who had a long list of criteria at their disposal to justify refusal of entry. In essence, the 1920 Aliens Order built a bureaucratic wall around the British Isles which has never since been removed – though, as we shall see, it has been modified in various ways.

The new powers accrued by the Home Office became entwined with the history of race in Britain when in 1925 the government announced the creation of the Special Restriction (Coloured Alien Seamen) Order. Between 1900 and 1940, around one third of the labour force on British merchant ships was Black, and, owing to the principle of freedom of movement within the British Empire, these men were entitled to land in the UK and settle in port cities such as Liverpool or Glasgow and seek work on other ships or elsewhere. They were paid at roughly 20-30 per cent of the wages of British seamen, and were required to sign Asiatic Articles of Employment which exempted employers from having to pay for their unemployment insurance and pension

contributions. After the First World War, however, economic strife provoked sporadic racially-motivated violence in Britain's port cities, followed by mounting pressure from trade unions and the Board of Trade, as white workers demanded that jobs be protected for them and not given to their Black counterparts from the Empire. In response, on 18 March 1925 the Home Secretary William Joynson-Hicks invoked the 1920 Aliens Order to impose a new rule requiring all 'coloured' seamen who lacked documentary proof of British nationality to register with the police as aliens. For various reasons, this 'documentary proof' would be impossible to provide for the vast majority of those of whom it was required.

The significance of the 1925 Coloured Seamen Order lies in its introduction of an economic hierarchy predicated on race within the British Empire. Black people (who for the purposes of the Order were all those who were not white – not merely people from Africa or the Caribbean) had always been part of the economic ecosystem of the British Empire, but before the 19th century their role had been as enslaved people or indentured servants. Now, a system of free trade and competitive wages meant that Black people had a real stake in the imperial economy, earning a living and negotiating higher wages by threatening to jump ship, quite literally, to companies in other European countries. The introduction of the Coloured Seamen Order put an end to this notional parity.

Less than a decade before, of course, the 'coloured seamen' had been not enemy aliens but subjects of the British Empire, fighting alongside their white counterparts for the British Army. A letter sent by Black Bristol workers protesting the Coloured Seamen Order to the Colonial Office encapsulated this sudden change in status:

If we are classed as aliens our brothers who have made the supreme sacrifice on various battle fields of the Great War for the preservation, flag, prestige, honour and future welfare of the British Empire can be termed mercenaries.¹⁰

Unlike the 1905 Aliens Act, which had been a reactive piece of legislation drafted to combat a specifically 'new' problem, the 1925 Coloured Seamen Order was designed to reinstate a racialised economic hierarchy within an imperial system which no longer needed its Black subjects as soldiers, and now did not want them as workers.

The Home Office endeavoured to ensure the racial intentions of the Order, which were not guaranteed by its content, manifested in reality. By late 1925 it was already operating a policy whereby registration of 'coloured' workers was deferred so that applicants for the necessary documentation would, it was hoped, be forced to request repatriation before they could prove their right to work in British ports. For the cases where applications were impossible to resist, the Home Office developed a Special Certificate of Nationality and Identity, which functioned as an alternative, inferior form of passport, the holders of which were strictly limited in their movements and employment.

¹⁰ Quoted in Laura Tabili, 'The Construction of Racial Difference in Twentieth-Century Britain: The Special Restriction (Coloured Alien Seamen) Order 1925', *Journal of British Studies*, 33 (1994), 88.

Indeed, the 1925 Coloured Seamen Order gave purpose to the Home Office's newest department: the Aliens Branch. On 8th January 1920, William Haldane Porter – who was at that point still the most senior immigration official in the country, and would remain so until his retirement in 1929 – issued a statement informing his staff that the Treasury had granted him permission to set up a new department consisting of 10 Chief Immigration Officers, 100 Immigration Officers and 50 Assistant Immigration Officers. Haldane Porter worked tirelessly to establish his new department, from strategic manoeuvring like strengthening the networks he had already built with the police and intelligence services, to attending to smaller details like sending out a monthly message to departmental staff, which he wrote himself. The 1925 Order gave the Aliens Branch an opportunity to flex its muscles and claim ownership of new policy areas, and it took the opportunity enthusiastically.

The Coloured Seamen Order was renewed in 1938 and again in 1942, but by this time the UK government badly needed Black imperial subjects to play another role, as soldiers in the fight against the Axis powers in the Second World War. Soon after it had been renewed for a second time, the Order was quietly dropped in order to make Black people in the Empire eligible for conscription. The precedent it set, however, by drawing a theoretical dividing line between white British people and Black imperial subjects, would reappear periodically throughout the 20th century.

The return of global conflict in 1939 changed the state of race relations in Britain in many more ways than the abolition of the Coloured Seaman order, however. For the immigration service, the declaration of war on Nazi Germany meant the reintroduction of the provisions of the 1914 Aliens Restriction Act and a new Order in Council bolstering border controls. The war, though, introduced a new kind of immigrant to the British Isles: 1.5 million American soldiers, 130,000 of whom were Black.

What makes this period in British history so unique is that for a short time, large numbers of Black men were living in Britain whose citizenship did not depend on the British Empire, but who were coming from a country in which the rights and freedoms of Black people were much more restricted than in the UK. Furthermore, the Black American GIs were living alongside white British people whose experience of ethnic groups other than their own was often negligible or non-existent. This period serves, therefore, in some senses, as a useful thought experiment about the nature of race relations in the 1940s without the interference of government policies, nor the economic rivalries often associated with waves of immigration.

A book about the history of immigration in Britain compiled an overview of various anecdotes and reports from the time about the reactions to Black GIs in Britain, and the results present an interesting dichotomy in reactions.¹¹ Favourable responses were refreshingly commonplace among white Britons: the Belfast bus conductor who confronted white American soldiers trying to throw Black troops off the vehicle, shouting 'No colour bar here, mate'; the pub landlord who differentiated the courteous Black soldiers from their sneering white counterparts; the Wiltshire woman who claimed that 'everyone here loves the Negro troops; and the West Country farmer who said simply that 'I love the Americans, but I don't like those white ones they've brought with them'.

¹¹ See Robert Winder, *Bloody Foreigners: The Story of Immigration to Britain* (London, 2004), 252-3.

Conversely, many political figures reacted in quite the opposite way: the MP Maurice Petherick told the Foreign Secretary to send the Black troops to Europe to 'go and fertilise the Italians', while the future US President, Dwight Eisenhower, then the Supreme Allied Commander of American forces in Europe, was shocked by what he witnessed:

The small-town British girl would go to a movie with a Negro soldier quite as readily as she would go with anyone else, a practice that some of our white troops could not understand. Brawls often resulted, and our white soldiers were further bewildered when they found that the British press took a firm stand on the side of the Negro.¹²

These contradictory viewpoints are by no means comprehensively representative, and Black American GIs encountered much racism and ill-treatment. It is worth reflecting, though, on the relationship between different social contexts and the way they influence the responses of ordinary people to race and immigration.

By the end of the Second World War, then, British public and politicians alike had recalibrated their relationship with racial 'others'. For the first time, policy had been made on an explicitly racialised basis to try to keep 'coloured' people out of Britain, and, also for the first time, white people in Britain had lived among and interacted with Black people who were not imperial subjects but (theoretically) social equals.

From the 1920s onwards, though, the development of transport technology meant that people from across the globe were able to travel to Britain *en masse*: in 1937, 37,348 immigrants arrived at British airports and 498,326 arrived by sea. When the horrors of the Second World War were over, immigration policy would have to be made on a scale unprecedented in British history – the first harbinger of which was the arrival of a ship named *Empire Windrush*.

¹² Dwight D. Eisenhower, quoted in *ibid*.

4. London is the Place for Me (1945-1962)

Yes, I cannot complain of the time I have spent
I mean my life in London is really magnificent
I have every comfort and every sport
And my residence is Hampton Court
So London, that's the place for me

Aldwyn Roberts (Lord Kitchener), 'London is the Place for Me'¹³

Few events in British history are surrounded by so much myth and folklore as is the arrival of the *Empire Windrush* at Tilbury Docks in Essex on 21 June 1948. Every aspect of the story has at some time or other been misrepresented or simply fabricated: passenger numbers; the motivations of those on board; the price of tickets; the attitude of the British government; the meaning of the 1948 Nationality Act; and the experiences of black people in Britain before and after the ship's arrival.

For the Home Office, understanding the real relevance of the arrival of the *Windrush* is imperative. Almost every piece of immigration legislation administered by the Home Office from the 1940s to the 1990s was directly connected with Britain's relationship with its former colonies, of which *Windrush* is deeply symbolic. This section explores the historical context to the *Empire Windrush*, and explains why, despite its arriving more than seventy years ago, it remains relevant to policymaking today.

BRITAIN IN THE CARIBBEAN

It seems farfetched to claim that people who boarded a ship from Jamaica to Britain in 1948 did so because of a treaty signed in 1670, but it is nonetheless true. The Madrid Treaty, signed in that year, acknowledged that the English, who had before the middle of the seventeenth century shown little interest in the region, had trading rights in the so-called West Indies. Oliver Cromwell, the victorious general who ruled England after the English Civil War, had shown interest in the region and the Spanish did not want to take any chances.

From that point onward, England (and later Britain) took advantage of its status in the Caribbean, exploiting the climate and geography of the region to promote the production of sugar, an increasingly valuable commodity. The British Caribbean became a key part of what was known as the triangular trade: the transport of enslaved people from Africa across the Atlantic to plantations where the goods they produced were then shipped back across the Atlantic to Europe. By the beginning of the 19th century, Britain controlled over half of the global slave trade, and, in contrast to the

¹³ Lord Kitchener's calypso song 'London is the Place for Me', of which he famously performed two verses for the press as the *Empire Windrush* docked, was later modified by Kitchener, who added the verse quoted here in order to satirize the fact that life in London had not provided 'every comfort' and a glamorous residence, but rather the opposite.

steadily increasing independence and autonomy of many of its white settler colonies, Britain retained a tight, repressive grip on its possessions in the Caribbean.

On 1 August 1834, the Slavery Abolition Act 1833 came into force, and people of African descent living in the British Caribbean went, overnight, from being the dehumanised property of slaveowners to being British subjects with the same rights to live and work anywhere in the Empire as a person born in Birmingham or Bradford. All that was needed was a passport and a ticket to sail to the UK.

Of course, such an extreme transformation in status did not happen as smoothly in reality as it did in theory. The 19th century saw little change in the economic relationships in places such as Jamaica, where former slaveowners were replaced by oligarchic plantation owners. The British did invest a great deal in improving the infrastructure and technology in its Caribbean colonies, but the fact remained that well into the 20th century, the descendants of former slaves were trapped in poverty and saw their attempts at demanding more political rights, such as the Morant Bay Rebellion in 1865, brutally suppressed.

THE BRITISH NATIONALITY ACT 1948

One of the most common misconceptions about the British Nationality Act 1948 (BNA 1948) is that it marked the beginning of an age of migration from the Black Commonwealth to the British Isles. The Act, so the story goes, enshrined in law freedom of movement within the British Empire, so that as soon as it was passed, Commonwealth subjects began planning their journeys to the 'mother country' – on invitation from the UK government to help fill gaps in the postwar labour market.

This is a grossly inaccurate reading of history, but its inaccuracies also hold special relevance for the Home Office's attempts to 'learn the lessons' from the Windrush Scandal. A series of events in which the governments of the late 1940s and 1950s 'allowed' freedom of movement within the British Empire and Commonwealth, and then 'encouraged' migration from British colonies to help fill gaps in the labour market, before being 'forced' to cap that migration, ignores crucial details about the nature of postwar migration and the experience of the Windrush Generation from which the Home Office can learn.

There are three principal 'myths' about the beginning of postwar Commonwealth migration to the UK: the circumstances of the passage of the BNA 1948; the motivations of the Windrush Generation in moving to the British Isles; and the attitude and actions of the UK government in the late 1940s and 1950s.

First, the BNA 1948 did not change materially the rules on migration within the British Empire. As we have seen, British subjects were, in legal terms, 'Civis Britannicus', and were free to live and work in any part of the Empire they desired. Indeed, the principle remained that, whatever the local circumstances and politics, British subjects were loyal to the British monarch. Since the 17th century, right up until the First and Second World Wars, subjects of the British Empire had fought and died in military conflicts on exactly this basis.

In 1947, though, the Canadian government challenged this system. For decades, the white 'settler' colonies in the British Empire had been afforded greater degrees of independence and democratic representation, and in 1947 Canada took the next logical step in this process and introduced the Canadian Citizenship Act. Suddenly, Canadians would be entitled to Canadian citizenship alongside (and superseding) their British subjecthood. This, of course, presented a problem for the notion that loyalty to the British monarch was what united the Empire – loyalty to a different country, in this case Canada, would undermine this principle.

In response, Clement Attlee's Labour government introduced the BNA 1948. The Act was not intended to stop countries from creating their own nationality laws as Canada had done; this was happening anyway, and within a few years Australia, New Zealand and Southern Rhodesia had followed the Canadian example. Rather, the BNA 1948 was designed both as a safety net for those who had no claim to citizenship in their home territory, but also as an assertion of the Commonwealth as an international community with which citizens were encouraged to identify.

Crucially, however, the BNA 1948 introduced not one, but rather two new categories of citizenship: Citizen of the United Kingdom and Colonies (CUKC), and Citizen of Independent Commonwealth Countries (CICC). These two categories were theoretically equivalent, and at the time the BNA 1948 was passed, were identical in practice. The problem was, each category was tied to the relative independence of a particular country, so that CICC citizenship was almost exclusively accessible to those countries in the 'white' Commonwealth (and after 1948 India, Pakistan and other non-white Dominions), and that CUKC citizenship was given to citizens of the 'black' Commonwealth.

This did not mean that the legislation itself was necessarily racially discriminatory, but it did mean that it carried latent potential for racial discrimination: if one of the categories was modified or removed, it would have a disproportionate effect on members of a particular racial group simply because of the country in which they had happened to be born. As we shall see, when the 1981 British Nationality Act replaced its 1948 predecessor, this is precisely what happened.

If the BNA 1948 did not provoke migration from the British Caribbean to the UK mainland, though, what did? There are a number of related answers to this question.

Firstly, there were those former servicemen and other migrants discussed in the previous section, who wanted to settle in Britain, and who had established or were beginning to establish communities: by 1945, Britain's black population was somewhere between 10,000 and 30,000. Second, the shipping industry made it increasingly viable to travel from places like the British Caribbean across the Atlantic; tickets were never cheap, but they were (just) affordable.

Third, the state of economies in the British Caribbean was, by the middle of the 20th century, bleak. Taking Jamaica as an example, the plantation system – now in terminal decline – had left behind an economic and social structure wholly unable to support the population of the island. With a birth rate of 2-4 per cent, and an unemployment rate of 20-30 per cent, Jamaica was one of the poorest of all Britain's colonies, and

could not cope demographically. Moreover, a hurricane in 1944 devastated the region, leaving crops in Jamaica in particular destroyed.

Despite all of this, the UK was not originally the destination of choice for citizens of the British Caribbean. Although they had been schooled from an early age in a unique form of 'Britishness' and encouraged to see themselves as citizens of the 'mother country', Jamaicans and inhabitants of other comparable islands seeking employment were, for reasons of geographical proximity, much keener to travel to the southern United States for seasonal work, such as fruit picking, in order to find employment. But in 1952 the United States government, despite protests from the British Prime Minister Winston Churchill, passed the McCarran-Walter Act, which placed a cap on migrants travelling to the US for work. Suddenly, the only feasible alternative to seeking work in Europe had been closed.

There had been a small number of Caribbean men and women before either BNA 1949 or the McCarran-Walter Act who, after the Second World War, travelled to the UK for employment. The first ship carrying such passengers was the *Ormonde*, which arrived in Liverpool in March 1947, with 108 Jamaicans, Bermudans and Trinidadians on board. This was followed in December of the same year by the *Almanzora*, which arrived in Southampton carrying mainly ex-troops from the West Indies who had fought for Britain in the Second World War. These passengers were not afforded the same glamorous publicity and welcome as those on the *Windrush*, as Allan Wilmot, a former serviceman who arrived on the *Almanzora*, testified:

It wasn't like the *Windrush*: there was no publicity for us. It was a case of every man for himself. I never knew what it was like to be broke, hungry or homeless until I came to [Britain]. I couldn't even afford a cigarette.

Then, on 21 July 1948, the *Empire Windrush* docked at Tilbury in Essex. The *Windrush*, a former Nazi troop carrier which had been repurposed, sailed into Kingston Harbour in Jamaica in May 1948. There was, the captain noticed, spare capacity on board, so he arranged for half-price tickets to be advertised in Jamaican newspapers. At £28, these were equivalent to around six months' average wages in the Caribbean, but were nevertheless much cheaper than had previously been the case. 804 people (mostly Jamaicans) made the trip.

On the day the *Windrush* docked, eleven Labour MPs sent a letter to the then Prime Minister Clement Attlee proposing controls on Black immigration:

[Britain has been] blessed by the absence of a racial colour problem ... An influx of coloured people domiciled here is likely to impair the harmony, strength and cohesion of our people and social life and cause discord and unhappiness among all concerned.¹⁴

The news footage of the *Windrush* passengers awaiting disembarkation at Tilbury is surely some of the most iconic in modern history, and is often taken as evidence of the symbolic importance of the journey as the beginning of a new period of Commonwealth immigration to the UK. To some extent that is true: *Windrush* showed

¹⁴ J. Murray (et al) to Prime Minister, 22 June 1948, TNA, HO/213/244.

that journeys from the Caribbean were practically possible and desirable, for a multitude of reasons. It is nonetheless also true, though, that not only did *Windrush* represent continuity more than change as far as non-white immigration to Britain was concerned, but, more importantly, the burst of media attention afforded to the ship's arrival was far from representative of the reaction of government and public alike.

REBUILDING BRITAIN

Immediately following the Second World War, the Foreign Labour Committee was set up to investigate and fill the gaps in the UK labour market left behind by the conflict – a shortfall estimated at up to 1.3 million. Contrary to popular assumption, though, labour was not sought in any systematic way from British colonies; rather, European workers were brought in to rebuild Britain after 1945.

This is not to say, of course, that labour from the Commonwealth was not badly needed, nor, more importantly, that the Windrush Generation did not make a vital and immeasurable contribution to UK economic and social life in the second half of the 20th century. It is crucial nonetheless to recognise that postwar immigration policy did not represent a hiatus from what had preceded it: it was racially discriminatory before the war, and remained so afterwards.

From the outset, Home Secretary James Chuter-Ede expressed a preference for white European workers who were considered more compatible with social life in the UK, and his sentiments were matched by a Royal Commission on Population, which suggested that European refugees could help Britain's dwindling population to recover. By April 1947, the Ministry of Labour employed recruitment officers across Europe to source labour, and a new category of immigration status, 'European Voluntary Worker' (EVW), was introduced, essentially to circumvent existing immigration rules.

In total, 345,000 Europeans were recruited to work for Britain. These were mostly from United Nations refugee camps, and specific schemes such as 'Balt Cygnet' (the Baltic region) and 'Westward Ho!' (Ukraine, Bulgaria, Romania, Yugoslavia and Poland) targeted designated areas. The scheme was accompanied by a positive publicity campaign, English-language training, the provision of games facilities, and, for example, in the case of Italian bricklayers shipped in to Bedfordshire, four Italian chefs to combat homesickness.

This is in distinct contrast to the treatment of the Windrush Generation. Even before the *Windrush* docked, plans were being drawn up to redirect the ship to East Africa, where the passengers would be put to work on the 'groundnuts scheme'. Upon their arrival, the passengers were housed in an underground shelter in Clapham, classified as 'Jamaican unemployed', and essentially left to fend for themselves.

The Prime Minister, Clement Attlee, told his concerned MPs that no further Black migration was anticipated, while the Minister of Labour, George Isaacs, said simply that 'I hope no encouragement is given to others to follow their example'. Two letters from British officials in Jamaica sum up government attitudes:

I regret to inform you that more than 350 troop-deck passengers by *Empire Windrush* have been booked by men who hope to find employment in the United Kingdom and that it is likely that this number will be increased by another 100 before the vessel leaves. Most of them have no particular skill and few will have more than a few pounds on their arrival. Public announcements on the difficulty of obtaining work here have not discouraged these bookings.¹⁵

We are very sorry indeed that you and your staff will be put to all the trouble which the arrival of this large number, who are mostly unskilled and who will have little money with them, will involve. It is an appalling thing with which to be saddled, but, as you know it has been quite impossible to prevent their going, which is symptomatic of the conditions here. I hope that you will be able to cope with them without too much trouble.¹⁶

Meanwhile, a coordinated campaign was launched across the Civil Service to discourage a repeat of *Windrush*. The Colonial Office launched a publicity offensive to warn prospective migrants about the challenges they would face in the UK, and withheld passports from those deemed unlikely to have the financial resources for the journey; the Foreign Office and Commonwealth Office came to diplomatic agreements with non-white Dominions to limit migration to Britain; and the Home Office instructed immigration officers to refuse permission to land to anyone without evidence of British subjecthood. The cost of a ticket to Britain from the Caribbean was also increased to £75.

The *Windrush* was followed by the *Orbita* in October 1948, the *Reina del Pacifico* in January 1949, and the *Georgic* in the summer of that year, carrying 180, 39, and 253 passengers respectively. This reduction in numbers was a clear sign that the campaign to discourage those travelling from the British Caribbean was working, but, as we shall see, the story would not end there.

A narrative has grown up around the arrival of *Empire Windrush* in which the ship was the first of many bringing workers from the British Caribbean to the 'mother country' to assist with the rebuilding of a war-torn United Kingdom. This is true inasmuch as the people who came to Britain did help to rebuild the country and played an irreplaceable role in 20th century British life. What is not true, however, is that the UK government, or the Home Office, wanted them to do so.

¹⁵ Acting Governor in Jamaica to Secretary of State for Colonies, 11 May 1948.

¹⁶ Colonial Office official in Jamaica to Colonial Office in London.

5. Closing the Borders (1962-1971)

In 1950, less than two years after the arrival of the *Empire Windrush*, the then Labour government launched a review 'to consider what further means might be adopted to control the immigration into this country of coloured people from the colonies'. After a cross-government investigation, it found that the costs to pursuing any form of immigration control would be too high. 'Legislation would be required', it concluded, and claimed that the Colonial Office and Commonwealth Relations Office would, for diplomatic reasons, oppose any form of control 'on grounds of policy'.¹⁷

Ministers reflecting on the report conceded that '[u]nemployment and destitution among these coloured people is not so widespread as to have any noticeable effect on our economy'.¹⁸ Their motivation behind commissioning the report in the first place, however, was revealed by a letter from the Aliens Office to the Home Office submitted as evidence to the report:

... if a person of British appearance were to apply for assistance we might never find out that he had originally come from the Falkland Islands; equally if a man spoke English well enough we might never find out that he was a Dutchman. We could, of course, enquire into these things in every case if it were thought to be necessary, but at present we do not, and anyway it looks as though Ministers are at present concerned only with people who are coloured.¹⁹

From the beginning, concern about Commonwealth immigration was about skin colour. Later complaints about supposed criminality or economic problems were secondary to the basic assumption that 'coloured immigrants', as they were referred to, were not good for British society.

As we shall see, this assumption found its most blatant expression in the 1962 and 1968 Commonwealth Immigrants Acts. These two pieces of legislation introduced a voucher system, whereby only a limited number of migrants from the Commonwealth were permitted to enter the UK. Preparation for both, however, had been underway for more than a decade before either was drafted.

'COLOURED MIGRATION'

As outlined in the previous chapter, it was not the 1948 British Nationality Act which prompted the majority of migration from the British Caribbean to the UK, but rather the 1952 McCarran-Walter Act. Immigration from UK colonies jumped from 2,000 in 1953 to 10,000 in 1954 on the basis that people from the British Caribbean could no longer go to the United States for seasonal work.

¹⁷ 'Immigration of British Subjects into the United Kingdom – Memorandum for Ministers', 1950, TNA, HO 344/11.

¹⁸ 'Immigration of British Subjects into the United Kingdom – Report by a Council of Ministers', 1950, TNA, HO 344/11.

¹⁹ M Williams (Aliens Office) to RL Jones (Home Office), 1 July 1950, TNA, HO 344/11.

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1 July, 1950

Dear Jones,

Atkinson of the Cabinet Offices has asked me in a letter received on Friday morning to send you a paragraph for inclusion in a memorandum you are preparing about the possibility of controlling immigration into this country from the Colonies.

It is a bit difficult to draft a paragraph for a memorandum which one has not seen, but if I give you the facts they will enable you to say whatever is necessary.

In the ordinary way we don't delve into the origins of people seeking assistance. Thus if a person of British appearance were to apply for assistance we might never find out that he had originally come from the Falkland Islands; equally if a man spoke English well enough we might never find out that he was a Dutchman. We could, of course, enquire into these things in every case if it were thought to be necessary, but at present we do not, and anyway it looks as though Ministers are at present concerned only with people who are coloured. These should be easily recognizable, and there would be no difficulty in reporting to the Home Office, with such particulars as are desired, any case where a coloured person has been drawing assistance more or less continuously for a specified period. It is possible that a person might escape the net by constantly moving his

/residence

R.L. Jones, Esq.,
Home Office,
Princeton House, High Holborn, W.C.1.

residence and giving a lying answer to the question asked in connexion with every fresh application "Have you previously received assistance from the Board?", but he would find it rather troublesome, and if any of our officers suspected what was happening he would notify Headquarters, who would thereupon circulate particulars to every office of the Board throughout the country. It should not therefore be necessary to say anything in your memorandum about evasion.

I take it that you are not expecting us to comment on policy, but I ought perhaps to mention that any proposal to deport persons from the Colonies because they become chargeable to assistance will raise obvious questions about policy in relation to (a) persons from the Dominions and (b) foreigners who become chargeable. In this connexion enclosed is a draft of part of the Board's Annual Report for 1949 which we were hoping to send to printers within a few weeks. It would be as well to shew the draft to Murrie and I should be glad if you would do so. Apart from the possibility that it may contain information of which he would wish to be reminded when settling your Cabinet memorandum, we should like to know if he should think there is anything in it which it would be injudicious to publish when these matters are under Cabinet consideration.

Yours sincerely,

M Williams

Long before the passage of the McCarran-Walter Act, however, the Home Office had been concerned about the impact of so-called 'coloured migration'. By December 1953, there had been five internal Home Office reports into colonial migration, each of which had drawn associations between the supposed laziness, ill-discipline and low intellect of 'coloured workers'.²⁰

²⁰ These reports are summarized well in Kathleen Paul, 'Keeping Britain White', in *Whitewashing Britain* (Cornell, 1997).

Ministerial opinion remained divided on the issue; the Colonial Secretary in particular was opposed to any form of immigration control. In October 1954, however, Home Secretary David Maxwell-Fyfe was replaced by Gwilym Lloyd George, whose opinions on immigration were more virulently restrictionist than his predecessor, and who wanted to stop the 'flow of immigrants into the United Kingdom of a kind which does not readily assimilate itself to the native population of this country' and to 'focus public opinion on this question ... to gain public support for legislation to deal with it'.²¹

The issue was studiously avoided by both major parties at the 1955 general election, but privately the Home Office was drafting a Bill which, if passed, would place restrictions on Commonwealth immigration. It unveiled the Bill in October, and a Ministerial Committee was set up shortly thereafter to investigate the issue. When the Committee reported, it expressed frustration at wanting to introduce restrictive legislation, but being forbidden from doing so:

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 ...

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 ...

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

The first part of this argument seems strange given that the 'open door' principle had been enshrined into law only eight years earlier (and indeed had been the basis of Victorian immigration policy). Following this assertion, the report clearly states that it was not the overcrowding of a 'densely populated island' that mattered per se, but rather the mixing of a 'different racial strain' with the white majority.

²¹ As reported by AW Snelling, Dominions Office Minute, 19 September 1958, TNA, DO 35/7986.

²² 'Colonial Immigrants: Report of the Committee of Ministers', 22 June 1956, TNA CAB/129/81, 6.

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.

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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

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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.

As the 1950s wore on, the Home Office settled on a position whereby immigration controls would be introduced as soon as possible, but only if there were no adverse effects on diplomatic relations with other countries, nor on social relations within the UK. When, for example, an organisation called Racial Unity were agitating for the Home Secretary to launch committees, inquiries and reports into the state of race relations in the country, a Home Office letter to the Colonial Office in 1956 summed up its attitude:

So far as the Home Office is concerned an inquiry into racial friction in the United Kingdom appears to be quite unnecessary; and, since it will be bound to embarrass the Government in their review in the spring of the question whether legislation should be introduced to enable the immigration of British subjects into this country to be controlled, undesirable.²³

That was clear enough, then: there would be no investigation into the prevalence and effects of racism in British society, lest it jeopardise the attempt to pass legislation restricting immigration.

Home Office speculation and circumspection was brought to a dramatic stop in the summer of 1958. It is a curious legacy of Britain's unwillingness to discuss racism that we still refer to the 'Notting Hill Riots' or the 'race riots', suggesting ambiguity or ambivalence about who were the perpetrators and whom the victims. The fact of the matter is that in the Notting Hill area of West London, where there lived a large black community, incitement by white neo-nazi groups like Oswald Mosley's Union Movement and Colin Jordan's White Defence League provoked more than 400 white people to attack local black people and their property and homes. Violence broke out on August 20th, escalated dramatically on August 24th, and full-scale rioting broke out on August 30th. After three days, black West Londoners had begun to arm themselves in order to fight back, and after four the police eventually restored order.

These events certainly gave race a newly prominent place in British social and political life. Journalists and academics began to produce copious reflections on the 'colour problem', and calls for a solution from every imaginable part of the political spectrum increased in frequency and urgency. The murder of Antigua-born Kelso Cochrane, after which local police downplayed the blatant racial motivation of the killers in an attempt to preserve community harmony, only compounded the seriousness of the situation.

Official attitudes were resolutely equanimous throughout. An internal report at the Home Office discussed policy solutions including an idea 'to disperse immigrants more widely' and to use the idea that 'schools could play a useful part in preventing the growth of colour consciousness'.²⁴ Once again, though, official cautiousness and an unwillingness to address the problem directly won through, as a statement from the Home Office Public Relations Officer made clear:

My impression is that immediate interest in the subject has subsided in the country generally; it certainly has in the Press ... even in Notting Hill the

²³ Home Office to Colonial Office, undated (1956), TNA, HO 344/18.

²⁴ 'Home Office Memorandum: Situation in Notting Hill', 3 November 1959, TNA, HO 344/44.

tension following the murder of Cochrane has relaxed very considerably. It seems to me that it would appear odd for the S. of S., out of the blue, to make a broadcast specially to condemn racial intolerance at this time ... While I would strongly recommend against a broadcast now explicitly to condemn racial intolerance, I would not preclude the possibility of the Home Secretary dealing with the subject in the course of speeches or broadcasts on some other subjects. It might be well worth doing, as the present lull is, of course, only a lull and a small incident could stir things up again.²⁵

It was indeed only a lull. The question was: in what form would the issue flare up in future? Between 1950 and 1961, Cabinet discussed 'coloured immigration' on 37 separate occasions, during which time half a million people from non-white territories of the British Empire made their home in the UK.

THE 1962 AND 1968 COMMONWEALTH IMMIGRANTS ACTS

In a House of Commons Debate on 31 October 1961, Prime Minister Harold Macmillan said of his government that '[we] estimate that ... the rate of immigration [is] running at about 4,000 a week', a rate which, he said, 'can hardly continue uncontrolled, with all the best will in the world, even with all the money spent, if proper housing and social conditions are to be maintained'. He added that he was not ready to 'contemplate a total ban on immigration or anything like it, but we have a scheme in mind under which there would be a limit placed only on the number of immigrants coming here for work who have not offers of employment in advance or have no special skill.' The opposition voiced strong objections, but Macmillan went on to outline caveats and qualifications:

I want to make it quite clear that there will not be anything like a total ban on immigration. I repeat that there would be a scheme under which a limit is placed, not on those who come here with a job, not on those who come with special talent, but on those who come without any previous job arranged for them. That is the method by which we shall try to operate.²⁶

Those who have ever followed political debates about immigration in Britain will notice that here, in the early 1960s, is an early example of a familiar pattern: a case is made for restriction on a particular group of migrants, there is virulent disagreement in principle, and then the restrictionist case is qualified with an explanation that only economically or socially undesirable migrants will be debarred from entering the country.

Macmillan was referring to the inclusion in the Queen's Speech of a new piece of legislation: the 1962 Commonwealth Immigrants Act (the 1962 CIA). Throughout 1961 and early 1962, Home Office officials had worked intensively to devise a Bill which would solve the alleged race relations problem without leaving the government vulnerable to accusations of race discrimination. Now, fourteen years after the docking of the *Empire Windrush*, a solution had been reached, and free movement within the British Empire was to be curtailed. The Immigration Service recruited 100 new officers

²⁵ HO Public Relations Officer to Austin Strutt, 17 June 1959, TNA, HO 344/44.

²⁶ HC Deb., 31 October 1961, c. 43.

in preparation, a 25 per cent increase in its staff, and in May 1962 a Special Inspectors' Conference was held to discuss the implications of the new Bill.

Patrick Gordon Walker, a future Cabinet Minister, challenged the Home Secretary on the content of the Bill as it was making its way through the House of Commons:

The right hon. Gentleman very properly gave us an account, in a sort of formal sense, of how the Bill will work, but what will happen in actual fact is this. Australians, Canadians and New Zealanders will encounter for the first time difficulties in coming here – the formalities of getting vouchers and all sorts of new conditions which will take away from them rights as old as the Commonwealth. But Australians, Canadians and New Zealanders will overwhelmingly fall into the acceptable categories. Some coloured immigrants will come in because they have jobs and vouchers.

Then we have this quota – first come, first served. It sounds as if there will be no racial discrimination, but everyone knows that the overwhelming majority of those trying to get in on the open quota will be coloured people. The net effect of the Bill is that a negligible number of white people will be kept out and almost all those kept out by the Bill will be coloured people. That is why I say that this is a hypothetical Bill, because that is the intention of it. The exclusion of the Irish makes all this blatant, obvious and undeniable.²⁷

Gordon Walker recognised the fact that while the letter of the Bill was strictly race-blind, the spirit of the Bill was blatantly discriminatory. This assessment was not an unusual one; the day after the Bill's second reading in parliament, the Prime Minister of the Federation of the West Indies, Sir Grantley Adams, wrote to the UK Prime Minister Harold Macmillan in the strongest terms:

West Indians are firmly convinced that by this action Britain has begun to take steps which are no different in kind to the basis on which the system of apartheid in South Africa is based ... it is inconceivable that West Indians who form less than one half of one per cent of the population of Great Britain can constitute any threat to Britain's economy or health. There has been no evidence to indicate that West Indians are less law-abiding or moral than the people of Britain whose beliefs in law, freedom and justice they share ...²⁸

Despite diplomatic and political opposition, the 1962 CIA became law on 18 April 1962. Just as has been the case with the 1905 Aliens Restriction Act, the 1962 CIA had formulated a question in relation to a particular ethnic group: how many should be let in, and by what means should their entry be controlled?

What the 1962 CIA did, of course, was 'outsource' immigration control to employers who were willing to recognise skills and qualifications and offer jobs. Although there

²⁷ HC Deb, 16 November 1961, vol. 649, cc. 687-819.

²⁸ Quoted in James Hampshire, *Citizenship and Belonging: Immigration and the Politics of Demographic Governance in Postwar Britain* (2005), 70.

were no formal ‘colour bars’ in Britain, *informal* ‘colour bars’ were commonplace across British industry, and there were no anti-discrimination laws to which employers were subject until 1968.

For several reasons, though, the 1962 CIA did not reduce Commonwealth immigration to the satisfaction of policymakers. One frustration stemmed from the Category C vouchers (for unskilled migrants), which were responsible for around 70 per cent of applications, but just over 10 per cent of issued vouchers. What this revealed, of course, was that the majority of Commonwealth migrants had been, by the Act’s definition, unemployable, and that the voucher scheme was above all else designed to change the character of immigration.

Voucher Category	Applications	Issued
A	20,000	9,000
B	9,000	8,001
C	69,000	2,221
<i>Voucher applications under Commonwealth Immigrants Act, 29 December 1963 – 25 December 1964²⁹</i>		

The government (after October 1964 a Labour administration) responded quickly to the early ineffectiveness of the 1962 Act, abolishing Category C vouchers in September 1964 and drastically reducing the number of vouchers in total from 20,800 per year to 8,500 per year in 1965.³⁰

But it was still not enough for those who wanted to restrict immigration. The problem with operating an informal colour bar by the proxy of employment in the 1960s was that only male immigrants could realistically be controlled; their wives and children could not be expected to apply for vouchers in the same way. It was decided at the time that dependants would not be subject to immigration control, meaning that one voucher usually meant entry for two, three or more people. This meant in practice that in the years 1962 to 1965, more than 90 per cent of Commonwealth immigrants were dependants. Commonwealth immigration continued at a rate of around 30,000–50,000 per year.

In effect, the 1962 CIA opened, rather than closed, a political conversation. Once the government had confirmed through the introduction of legislation that immigration was, quite literally, a legitimate problem, public opinion rapidly turned. Following the 1958 Notting Hill Riots, polling showed that just 16 per cent of those surveyed supported restrictions on ‘coloured immigration’; seven years later, in 1965, more than half of the population believed immigration had ‘harmed’ Britain.

The Home Office, whose responsibilities had mushroomed since the Second World War,³¹ found that, as in the 1920s and 1930s, immigration legislation added to its administrative burden exponentially. By 1963, staff numbers had reached 19,000 following the absorption of the Prison Commission, and an entire new division (what is today known as a ‘directorates’) was set up to handle the administrative

²⁹ HL Deb, 10 March 1965, vol. 264, cc. 61-73.

³⁰ HL Deb, 2 August 1965, vol. 269, cc. 23-24.

³¹ In just one year, 1948, for example, the British Nationality Act, Civil Defence Act, Children Act, Criminal Justice Act and Representation of the People Act all became law and fell within the Home Office’s purview.

consequences of the 1962 CIA. From 1962 onwards, the Home Office assumed its place at the institutional epicentre of citizenship and immigration control – the prominent place it retains to this day.

With this status there emerged a corollary: the Home Office quickly became a bogeyman for those who opposed immigration controls. The 1962 CIA created a new body, the Commonwealth Immigrants Advisory Council, ‘to give advice and assistance to the Home Secretary [and his Ministers] ... in connection with any duties which they may have in relation to the welfare and well-being of Commonwealth immigrants into this country’.³² This was the first of a number of organisations, including the Race Relations Board and the Commission for Race Equality, which would be set up to promote racial equality at the same time as the Home Office was administering the controls on Commonwealth immigration. This made the Home Office responsible for the ‘negative’ check on immigration, and not the ‘positive’ integrationist policy connected with race relations from the 1960s onwards.

An internal memorandum written for the Home Secretary in 1965 demonstrates that officials were concerned about the new role the Home Office would have to play:

I am, of course, aware of your misgivings about how far we should involve ourselves in this subject but I think it would be as well for us to begin considerations of the problems which are likely to face us when the sub-committee on the Integration of Commonwealth Immigrants begins its work.³³

The official went on:

... we should confine any Departmental intervention in the Committee to matters which do directly concern us – which, in essence, lies in the operation of the controls at the ports. But it would be unhelpful to adopt too narrowly a Departmental view. We more than any other Department have acquired ... an expertise and body of knowledge on the behaviour of immigrants which will clearly have a bearing on the discussions in the Committee.³⁴

In essence, the official recognised that although the Home Office had not been given any *formal* responsibility for race relations, by the nature of its other duties it was inextricably involved with the general business of race relations.

This is a point worth emphasising. Since the 1960s, every immigration policy the Home Office has administered has had implications for the experiences of Britain’s black and minority ethnic communities, but the Home Office itself has never directly administered the bodies designed to improve those experiences. This three-way relationship, between governments, the Home Office, and race relations bodies, remained perpetually dysfunctional throughout the remainder of the twentieth century, and arguably, as the Windrush Scandal demonstrated, continues to be so to this day.

³² HC Deb, 13 February 1962, vol. 653 cc. 1201-13.

³³ ‘Integration’, HO Memorandum, 11 March 1965, TNA, HO 344/181.

³⁴ *Ibid.*

As the 1960s wore on, the Home Office's responsibilities only increased, in line with a gradual tightening of immigration control. Although the 1962 CIA had been an historic turning point, it was in fact a relatively lax piece of legislation, and contained several loopholes which were closed by Harold Wilson's governments. We have already seen that the Category C vouchers for unskilled workers were abolished in 1964, and that a year later the total vouchers available for immigrants were reduced to less than half their original number. Wilson also tightened immigration controls in other ways, including narrowing the rules by which 'dependants' could be let in. Despite this, by late 1967 public opinion polls were returning figures as high as 70 per cent in favour of further, tougher, legislation.

Finally, in early 1968, the Labour government decided to replace the 1962 CIA wholesale with a new Act. In Kenya, President Jomo Kenyatta had implemented a policy called 'Africanisation', which excluded Kenya's Asian population from employment and certain rights. The Kenyan Asians had arrived in Kenya during the colonial era, and when Kenya won its independence in 1963, opted to retain their CUKC citizenship in line with the provisions of the 1948 BNA. As a result, a persecuted ethnic minority in a former British colony, whose UK-issued passports gave them the legal right to enter Britain freely, and who numbered up to 200,000, became the focus of frantic political debate in Westminster. 80,000 Kenyan Asians had already made their way to Britain by early 1968; the Home Secretary, Jim Callaghan, decided this was enough.

Unlike its namesake predecessor, which had been through years of drafting and preparation, the 1968 Commonwealth Immigrants Act (1968 CIA) was rushed through Parliament at breakneck speed – introduced on 22 February and receiving Royal Assent by 1 March. It dealt with the Kenyan Asian issue by removing the exemption from immigration control for those with passports issued by the UK government. At a stroke, more than one million individuals worldwide were deprived of their right to enter Britain, including those from the Caribbean, Malaysia and Singapore, many of whom held only British passports and were thus rendered effectively stateless.

The 1968 CIA held deeper significance than the stripping of rights for the Kenyan Asians, however. It altered the rules on who could apply for employment vouchers, dividing applicants into 'belonging' and 'non-belonging' citizens. To qualify as 'belonging', an individual had to prove connection to the UK through a parents or a grandparent – in other words, 'belonging' was a euphemism for 'white'. Whereas the 1962 CIA had, ostensibly, relied on an *economic* voucher system, the 1968 CIA was openly devised to discriminate on the basis of ethnic and racial ancestry.

The racially discriminatory basis of the Act did not go unnoticed – in fact, it split both major British political parties. The Labour Commonwealth Secretary, George Thomson, vehemently opposed the government for which he was a Minister, publicly decrying the impact of the legislation:

To pass such legislation would be wrong in principle, clearly discrimination on the grounds of colour, and contrary to everything we stand for ... [It]

creates a second-class category of citizens of this country who have no right of entry into any part of it.³⁵

The issue went to the European Court of Human Rights; in the years 1970 to 1972 more than 200 East African Asians lodged complaints. The UK government was found to be in breach of Article 3 of the Convention, and the ECHR judged that the 1968 CIA was racially motivated and affected a specific racial group. Several Labour backbenchers spoke out alongside Conservative and Liberal MPs in protest at the Bill.

Nonetheless, the CIA 1968 survived its critics and made it onto the statute books, providing the Home Office with another set of rules to process, learn and administer. The Home Secretary described his ambition for immigration policy thus:

Our best hope of developing in these Islands a multi-racial society free of strife lies in striking the right balance between the number of Commonwealth citizens we can allow in and our ability to ensure them, once here, a fair deal not only in tangible matters like jobs, housing and other social services but, more intangibly, against racial prejudice.³⁶

In the space of 20 years, Britain had moved from a definition of citizenship which relied on the concept of 'Civis Britannicus sum', whereby any inhabitant of the British Empire could claim citizenship of the 'mother country', to a definition of citizenship whereby only those whose immediate ancestors had been born on the British Isles could qualify.

What did this mean for the Windrush generation? The machinations of immigration law since the Second World War meant that there now lived in Britain groups of people with ancestry across the British Empire (not just the Caribbean) who had entered and settled in the UK according to a set of rules which no longer existed.

³⁵ George Thomson to Cabinet, 15 February 1968.

³⁶ 'Immigration Legislation: Memorandum by the Secretary of State for the Home Department', 12 February 1968, TNA, CAB 129/135.

6. Drifting Apart (1971-1981)

For the Home Office, the key lesson of the 1960s is that legislation and rules changes were tactical rather than strategic: they were designed to react to a specific, though ill-defined, problem of race relations. Without a coherent, holistic approach to immigration policy, there would be knock-on effects – some expected, others unexpected – with which any government would have to contend.

In this final chapter, we will explore the background to two pieces of legislation: the 1971 Immigration Act and the 1981 British Nationality Act. These two pieces of legislation were the last to make major alterations to the citizenship status of Britain's former imperial subjects. The policies which led to the Windrush Scandal in the 2010s only had the effect that they did because of the legislative conditions created by these two Acts.

THE RACE RELATIONS ACTS

After the 1962 Commonwealth Immigrants Act, the Labour party won the 1964 general election and proceeded to govern for 13 of the next 20 years. At the same time, the two most significant pieces of legislation concerning race and immigration in this period were enacted by Conservative governments. Both parties' different approaches in fact helped to create the political conditions which led to the Windrush Scandal; both are therefore worthy of further investigation.

The Labour position in these years boiled down to a twin strategy of reducing the number of immigrants and encouraging better integration of immigrant communities with the majority population. This approach was expressed most famously by Roy Hattersley MP, who would go on to be the deputy leader of the party, in a 1965 parliamentary debate:

We ... believe integration to be the justification for a policy which temporarily limits the numbers of immigrants ... integration without limitation is impossible; equally, I believe that limitation without integration is indefensible.³⁷

The combination of limitation and integration would define the approaches of Harold Wilson's and Jim Callaghan's governments to immigration in ways that were, importantly, very specific to the politics of the 1960s and 1970s. When Labour returned to power in 1997 under Tony Blair, this strategy was definitively abandoned and replaced by attempts to promote the economic benefits of immigration, and a 'multiculturalist' approach to integration which encouraged the celebration and protection of minority cultures.

The Conservative position, meanwhile, was symbolised by the political worldview of one man: John Enoch Powell. Although he is best known for his 'Rivers of Blood'

³⁷ HC Deb., vol. 721, c 357, 23 November 1965.

speech in 1968, which dramatically decried the effects of Commonwealth immigration, Powell's standpoint is expressed much more accurately and precisely in an interview he gave to American television in 1971:

You've got to go back to the fact that, alone of all the countries of the world, we never had a definition of ourselves. There was never such a thing as "a United Kingdom Citizen" ... we were British *subjects* ... Consequently ... hundreds of millions of human beings were all British subjects, and in the law of this country there was never any distinction between one British subject and another. There was no way of labelling the British subject who, if I may use the word, "belonged" to this country.³⁸

Although his stance on immigration was popular among voters, Powell never led his party and only ever reached Cabinet level as Minister of Health in the early 1960s, during which time he was ironically involved in recruiting nurses from the Caribbean. Yet his assessment – that white Britons lacked an identity and that Commonwealth immigration threatened or even precluded their ability to develop one – was the basic assumption that underpinned both the 1971 and 1981 Acts that the Conservative governments of Edward Heath and Margaret Thatcher respectively were to introduce.

It is not, though, either main party's approach alone that is relevant to the historical roots of the Windrush scandal: it is the combination of the two. As we saw in the previous chapter, both parties enacted legislation to limit immigration, but the Commonwealth Immigrants Acts were concerned mainly with controlling who could cross the physical borders of the British Isles to live and work. From the mid-1960s to the 1980s, however, Labour and Conservative governments also addressed the status of immigrants within the UK itself.

Labour governments under Harold Wilson passed three 'Race Relations Acts' (RRAs) in 1965, 1968 and 1976 respectively. These were designed to address the 'integration' side of immigration policy, attempting to ensure that those migrants who did make it through the increasingly stringent border controls were not excluded from jobs and communities in the way that had been the case with members of the Windrush Generation.

The Acts established a legislative framework for combatting racial discrimination. Unlike in the United States, where 'Affirmative Action' programmes positively discriminated in favour of Black citizens, the RRAs in the UK tried to create a 'colour blind' society by making it illegal to discriminate on grounds of skin colour: at first vaguely in 1965, but gradually more specifically, with the 1968 Act outlawing discrimination in employment and housing and the 1976 Act expanding both the grounds for discrimination and the situations in which it was proscribed. Restrict immigration and police individuals' behaviour towards ethnic minority immigrant communities, Labour supposed, and the race relations problem would be solved.

The problem was, while the RRAs may have been strict in their provisions, in their enforcement they were not. The 1965 and 1968 iterations, dealing as they did with the effects of immigration and requiring close cooperation with the police, should self-

³⁸ Enoch Powell, speaking on the Dick Cavett Show, ABC Television (14 May 1971).

evidently have fallen within the purview of the Home Office. Yet, although from 1966 race relations policy was *technically* the ministerial responsibility of the Home Office, the RRAs were in fact administered with little to no direction from any government department.

Nowhere was this more apparent than in the race relations bodies created by the RRAs. In a bid to create a source of independent scrutiny for government policy and the law, the 1965 RRA created the Race Relations Board, first chaired by Mark Bonham Carter whose job was to hear complaints under the new legislation. The 1976 RRA abolished the Race Relations Board and replaced it with the Commission for Racial Equality – a body with a wider remit not only to police race discrimination but also proactively to promote racial equality and harmony. Neither the Race Relations Board nor the Commission for Racial Equality had the weight of Whitehall behind them, their authority hampered by imprecise and inconsistent legal jurisdiction.

This lack of political clout did not go unnoticed at an official level. In 1975, the Select Committee on Race Relations and Immigration published a report which argued that more intervention from central government was imperative:

The Government accepts that the Home Office should retain central responsibility for race relations policy; and as the department with this responsibility it must be in a position to form an overall view of the race relations situation and to ensure that the departments with specific responsibilities are developing their own policies on a co-ordinated basis.³⁹

The Select Committee's recommendations to bolster the role of the Home Office in race relations were sidestepped by the 1976 RRA, which essentially operated on the same premise as its predecessors. Five years later, in his report into race riots in Brixton in 1981, Lord Scarman concluded that existing legislation was increasingly failing to make a difference to the prevalence of racism and a racial tension in British communities.⁴⁰ Their legacy is open to debate, but one thing we know for certain is that the RRAs did not resolve the immigration issue in the UK.

THE 1971 IMMIGRATION ACT

If Labour's starting point in government had been to encourage an organic social and cultural convergence on a shared "British" identity between white and non-white communities, then the Conservatives' starting point was to set out to define what "British" meant in the first place. When Edward Heath moved in to Downing Street following the 1970 general election, he had already kicked Enoch Powell out of his Shadow Cabinet. But Powell's ideas about the inherent incompatibility of racial groups to share a society, which he laid out in inflammatory speeches from the late 1960s onwards, were popular among policymakers and voters who saw his theories as an accurate assessment of Britain's relationship with its Commonwealth immigrant communities.

³⁹ 'The Organisation of Race Relations Administration', Cmnd. 6603 (HMSO, September 1976).

⁴⁰ Lord J. Scarman, 'The Brixton Disorders, 10–12th April', (HMSO, 1981).

Whether he agreed with Powell or not (and the two famously did not get along with one another on a personal level), Heath's 1970 manifesto included a promise to 'establish a new single system of control over all immigration from overseas', adding that the 'Home Secretary of the day will have complete control, subject to the machinery for appeal, over the entry of individuals into Britain'.⁴¹ Immigration control had been a key political issue in the eighteen months before the election, and Heath capitalised on public demands for tighter restrictions.

When it came to delivering his election promises through legislation, however, Heath went much further than simply handing more authority to the Home Office to clamp down on immigration. The 1971 Immigration Act (1971 IA) put a definitive stop to the right of any citizens of former British colonies to enter, live and work in Britain. Gone were the caveats of employment vouchers and dependants: Commonwealth immigrants would now have to join the queue with Russian, American and Japanese people wishing to enter Britain. Heath's personal political goal, of course, was to secure access for Britain into the European Economic Community, and the 1971 IA prepared the ground for that eventuality by making clear the rights of Commonwealth citizens from 1 January 1973, from which date EEC citizens would be given legally-enshrined priority to live and work in the UK.

The 1971 IA also set about defining 'Britishness' as it related to those already living in Britain. The Home Secretary at the time, Reginald Maudling, introduced a new term, 'patrial', to describe those to whom immigration controls would not apply. A 'patrial' was defined as an individual who had a grandparent born in the UK, or a parent born or naturalised in the UK. In legal terms, this changed the definition of citizenship from one reliant on *ius soli* (where you were born) to one of *ius sanguinis* (your parents' citizenship). In practice, this meant that white citizens of former colonies, such as those from Canada, Australia and other 'settler colonies' were the beneficiaries of positive discrimination in that they were far more likely than their counterparts from places like Jamaica to have had UK-born ancestors. Heath wanted to restrict immigration in order to make room for the increased rights EEC citizens would have from the UK's accession in 1973, but he did not want to sour relations with the 'old Commonwealth' countries at the same time – this was an acceptable compromise.

What the 1971 IA did, in fact, was to change the law to say that not only were the Windrush Generation no longer British, but also that they *had never been* British. Anyone who came to the UK on CUKC citizenship had lived and worked in Britain on equal terms with anyone born in England, Scotland or Wales, but the 1971 IA denied them the right to 'Britishness' on this basis. They instead became a separate class of citizens, whose claim to live and work in Britain would, from this point forward, be predicated not on their having been born in the British Empire, but on their having lived and worked in the UK during a designated period of time. Those CUKC citizens who had lived in the UK for five years or more were granted 'right of abode', exempting them from deportation.

Heath's attempt to reduce immigration failed: an average of 200,000 per year continued to come to the UK throughout the 1970s, mainly from South Asia. The 1971

⁴¹ See 'A Better Tomorrow', Conservative Party (1970), <<http://www.conservativemanifesto.com/1970/1970-conservative-manifesto.shtml>>.

IA did not include provisions to prevent family reunification, and it was this above all else that drove the persistent immigration. Isolated events, such as the admission to Britain of 20,000 Ugandan Asians, fleeing Idi Amin's persecution, drew renewed attention to the issue in the press. In turn, the anti-immigrant sentiment incited and cultivated by Enoch Powell continued unabated: an NOP poll in 1978 reported that 66 per cent of Britons were in favour of even stricter immigration controls, while less than half of that number wanted the government to focus on improving race relations.

From the point of view of the Windrush Generation, the 1971 IA represented the worst of both worlds: their citizenship status had fallen under attack and they remained in the UK only on a technicality, yet at the same time the untidiness and incompleteness of the 1971 IA meant that the desire to restrict immigration among public and politicians alike remained as strong as ever.

THE 1981 BRITISH NATIONALITY ACT

The 1971 Immigration Act not only created more administrative work for the Home Office, but the Act's failings meant that Home Office officials continued to work on modifying or reinterpreting immigration law throughout the 1970s to meet the demands of officials.

Harold Wilson returned to Downing Street in 1974 intending to repeal the immigration policies of Heath, his great rival, but Labour quickly decided in the face of continued anti-immigration sentiment among the electorate to avoid the issue altogether. The Home Office was asked to draft a new Green Paper, portrayed by Ministers as a reflection on nationality law and designed to stimulate debate, but which appeared to raise more questions than it answered.⁴² It was clear from the Green Paper and subsequent parliamentary discussion that Labour (who from 1976 replaced Wilson with Jim Callaghan as Prime Minister) were unlikely to pursue nationality legislation with any zeal, but it was also clear that a repeal of the 1971 IA was off the table.

What the 1977 Green Paper also confirmed, however, was that the consensus that Commonwealth immigration was harmful to the UK, which had existed since the 1940s, would be maintained. The Home Office's mandate since 1962 had been to reduce immigration from non-white countries, and it saw its powers over the lives of migrant communities gradually extended through the courts during the 1960s and 1970s as a result. The Green Paper was symbolic of the masses of administrative work undertaken by officials in the years following the 1971 IA in an attempt to present politicians and the public with a terminal solution to the increasingly fractious debate about who qualified as 'British' in a postcolonial world.

Around the time the Green Paper was being drafted, the Conservative Party elected a new leader: Margaret Thatcher. As Prime Minister (from 1979), Thatcher would go on to dissolve much of the consensus that had existed since the Second World War in areas such as industrial strategy and monetary policy, but she would also resolve the deadlock around British nationality that had been probed to no avail by the Home Office.

⁴² 'British Nationality Law: Discussion of Possible Changes', Cmnd. 6795 (1977).

Thatcher's views on immigration and nationality are best expressed by a now famous interview she gave to Granada's *World in Action* in 1978, in which she argued that

if we went on as we are then by the end of the century there would be four million people of the new Commonwealth or Pakistan here. Now, that is an awful lot and I think it means that people are really rather afraid that this country might be rather swamped by people with a different culture and ... the British character has done so much for democracy, for law and done so much throughout the world that if there is any fear that it might be swamped people are going to react and be rather hostile to those coming in.⁴³

The legacy of Enoch Powell's contention that immigration policy was essentially a matter of identity, rather than economics, is palpable in this excerpt (and indeed throughout Thatcher's interview). Less than a year after Thatcher and the Conservatives won the 1979 general election, the Home Office was instructed to produce a follow-up to the 1977 Green Paper, and officials duly drafted a White Paper proposing changes to nationality law in the UK.

The White Paper formed the basis of the 1981 British Nationality Act (1981 BNA), which received Royal Assent on 30 October 1981, and which would come into force from 1 January 1983. The 1981 BNA abolished and replaced the 1948 BNA, and was unopposed by the Labour Party; as such, it may be considered the beginning of a new consensus on nationality policy in the UK. Indeed, the only complaints about the 1981 BNA came from the Home Office itself, which claimed that its proposals had been misinterpreted and its evidence misused.

As far as the historical roots of the Windrush Scandal are concerned, the 1981 BNA is both the beginning and the end of the story. It is the beginning in the sense that the Act's provisions left members of the Windrush Generation vulnerable to future legal developments, beginning a period in which their citizenship status was unclear and precarious – even if it did take until the late 2010s for this state of affairs to become apparent to officials. But it is also, in a sense, the end of their citizenship journey: from British subjects freely able to move throughout the Empire, to Commonwealth citizens living in Britain with special permission from the government, to their final destination as relics of a bygone age of immigration policy who, by the new definitions of the 1980s, had never been 'British' at all.

How did this work in practice? There are three salient points to bear in mind about the 1981 BNA:

Firstly, its definitions of nationality reflected distinctions made in the 1971 IA, but instead of informing immigration rules, these definitions instead became the basis of citizenship law itself. The transition from *ius soli* to *ius sanguinis* was completed: now, the only way to acquire citizenship at birth was through a parent who was either a UK citizen or 'settled' in the UK. The only other way to acquire citizenship was by living

⁴³ *World in Action*, Granada Television, broadcast 30 January 1978. For a transcript, see <<https://www.margaretthatcher.org/document/103485>>.

and working in Britain and applying for 'naturalisation' – routes to citizenship through marriage were abolished.

Secondly, the 1981 BNA repealed the 1948 BNA and abolished all previous categories of citizenship, including the CUKC kind on which the rights of the Windrush Generation were dependent. Those affected were given a five-year amnesty (until 31 December 1987) within which to register as 'Commonwealth citizens': after this period, they would lose their right to UK citizenship and their continued presence in the UK would be dependent on documentation they did not possess.

Thirdly, not only did the 1981 BNA all but end Commonwealth immigration, but it also necessarily did not legislate for citizens of the EEC, whose rights to enter Britain derived not from Westminster but from Brussels. From this point forward, immigration to Britain would be a question not of skin colour, but of how many white people from Europe would be allowed in. The era of so-called 'coloured immigration' was over; now, race policy would be a matter of integration and equality, not of numbers.

At first glance, the gravity of the 1981 BNA for the fate of the Windrush Generation is apparent. There is one outstanding, unavoidable question, though: why did so many fail to register during the amnesty period, thus rendering themselves vulnerable to any future clampdown on citizenship status, as was the case when the so-called 'hostile/compliant environment' policies were instituted in the 2010s?

There is both a short answer and a long answer to this question. The short answer is that the Home Office, whose relationship with Britain's minority ethnic communities was at an historic low following the race riots of the early 1980s and all their associated tensions, spent too little time and money informing the people affected by the abolition of CUKC citizenship about what this would mean for their citizenship status: they would henceforth be left without documentary proof of their 'right to abode'. When in 2010 the Home Office defended its decision to destroy the registration slips or 'landing cards' of immigrants, its defence was that these documents were not used as reliable evidence of immigration status, and that utility bills and other personal documents were used instead; this may have absolved blame for the destruction of the registration slips, but it only served to illustrate that the Home Office did not keep its own records of those with a right of abode.

More dangerously, when advice was provided to erstwhile CUKC citizens, it was misleading and inaccurate. A leaflet from 1987, reproduced below, exemplifies the problem.

BRITISH CITIZENSHIP

A REMINDER

Some people who were born outside the United Kingdom have the right to register as British citizens.

They include:

- Many Commonwealth and Irish citizens who have lived in the United Kingdom since before 1 January 1973.
- Many women who were married before 1 January 1983 and whose husbands became British citizens on that date.

If you have this right and you want to apply for British citizenship, you must do so by 31 December 1987. If you apply, do not send us your passport—we will ask for it if we need it.

WHAT HAPPENS IF I DON'T APPLY FOR BRITISH CITIZENSHIP?

If you have the right to register but you do not want to, you do not have to. Your other rights in the United Kingdom will not change IN ANY WAY.

- You will not lose your entitlements to social benefits, such as health services, housing, welfare and pension rights, by not registering. Nor will you lose the right to vote if you are a Commonwealth or Irish citizen.
- Your position under the immigration laws is not changed.

- You can still apply for British citizenship at a later date if you want to. You can do this by applying to be naturalised. This is not an automatic right. The Home Secretary will decide whether or not to grant an application for naturalisation, but on average less than one application in ten is refused.

FURTHER INFORMATION

- If you want to know more about the right to register ask your local advice centre, such as the Citizens Advice Bureau or Community Relations Council or the Home Office (at the address below) for the leaflet *Your Right to British Citizenship*, or an application form. If you want to apply, this form must be completed and returned by 31 December 1987.

- If you want to know more about naturalisation, ask the Nationality Division of the Home Office (at the address below) for the leaflet BN7.

The Home Office
Room 1337
Lunar House
40 Wellesley Road
CROYDON
CR9 2BY
(Telephone: 01-686 3441)

This leaflet has no legal authority as an interpretation of the British Nationality Act 1981 or of the regulations made under it. It is intended as a general guide.



41116

Prepared by the Home Office and the Central Office of Information.
Printed in the UK for HMSO. 1987. Dd. 8949857 HOME J0754NJ.

As is clear, the leaflet suggests that CUKC citizens would not be affected by the 1981 BNA in any significant way. The message is one of stasis; the claim that rights will not change is even capitalised to emphasise the point. As we have seen, of course, this is far from accurate: the Home Office assumed that because the Windrush Generation were still entitled to live and work in Britain, nothing had changed, but in fact the framework within which this entitlement was contained *had* changed, and registration was required to acknowledge that fact.

In a sense, though, this specific failure (though significant) is only a minor aspect of the longer story that this report has told. Such breakdowns in communication are the result of decades, even centuries, of dysfunctional relationships between Britain's institutions and Black and minority ethnic people. The politics of Britain's borders, which have been administered for more than a century by the Home Office, are now inextricably connected with race and with Britain's colonial history. Different governments will interpret this narrative in different ways, but all must acknowledge that it cannot be ignored.

What this history tells us, above all, is that individual episodes or events do not happen in chronological isolation. Government departments operate in societies with long and complex histories which affect both the formulation and also the effects of policy. In the case of the Windrush Scandal, the 'hostile environment' policies implemented in the 2010s did not consider properly the people whose lives and heritage have been defined by the events described in this report.

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